

Office/Contact: Office of Technology Transfer & Commercialization

Source: SDBOR Policies 4:34, 4:35, 4:32, 1:22

Link: <https://www.sdbor.edu/policy/documents/4-34.pdf>; <https://www.sdbor.edu/policy/documents/4-35.pdf>; <https://www.sdbor.edu/policy/documents/4-32.pdf>; <https://www.sdbor.edu/policy/documents/1-22.pdf>

Associated Forms: [Invention Disclosure Form](#)

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## SOUTH DAKOTA STATE UNIVERSITY Policy and Procedure Manual

SUBJECT: Intellectual Property Disclosure and Management

NUMBER: 9:2

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### 1. Purpose

This policy and its procedures set forth the provisions for faculty, staff, and students to follow for disclosure, protection, and commercialization of intellectual properties owned by the SDBOR.

### 2. Definitions

- a. Intellectual property is defined in SDBOR Policy 4:34(3)(H).
- b. SDBOR owned intellectual property is any intellectual property that is or may be owned by the SDBOR according to SDBOR Policy 4:34.

### 3. Policy

- a. Disclosure, protection, and commercialization of intellectual property and distribution of any related income generated from the commercialization of intellectual property will be in compliance with SDBOR Policy 4:34.
- b. All disclosure, protection, and commercialization of intellectual property and distribution of related income will be in compliance with University policies including conflict of interest and commitment policies and SDBOR Policies, including but not limited to, Conflict of Commitment 4:35, Investigator Financial Disclosure 4:32, and Self-Support Public Service Activities 1:22.

### 4. Procedures for inventions

- a. Disclosure of intellectual property will be in accordance with SDBOR Policy 4:34(6). The disclosure process will begin when an *Invention Disclosure Form* is submitted to the Office of Technology Transfer & Commercialization, or successor office, for review. After a patentability and marketing analysis are performed the creator will meet with the Office of Technology Transfer & Commercialization to determine a protection and commercialization strategy that best suits the technology disclosed. Copyrights will be handled according to SDBOR Policy 4:34(4)(B) and if owned by the SDBOR will be

protected and commercialized in accordance with SDBOR Policy 4:34 procedures and with consultation with the author(s).

- b. Protection and commercialization of intellectual property will be in accordance with SDBOR Policy 4:34(5) and (6).
  - c. Distribution of royalties will be in accordance with SDBOR Policy 4:34(11).
5. Procedures for sexually propagated plant varieties
- a. The Director of the South Dakota Agricultural Experiment Station (SDAES), after consultation with the Variety Review Committee and according to SDAES procedures, will make the decision to release a sexually propagated plant variety, file for protection under the Plant Variety Protection Act, and/or trademark a name for a variety.
  - b. When the Director of SDAES decides to release a plant variety, file for PVP protection, or increase an advanced/elite line with intent to release the variety the SDAES Director will inform the Office of Technology Transfer & Commercialization, or successor office, of the decision. The Office of Technology Transfer & Commercialization will provide proper documentation for Plant Invention Disclosure Forms and Royalty Distribution Forms. Additionally, the Office of Technology Transfer & Commercialization will review PVP applications to make sure they are in compliance with all SDBOR regulations 4:34(5) and (6) and will care for and house all issued PVP Certificates.
  - c. Distribution of royalties generated will be in accordance with SDBOR Policy 4:34(11).

6. Responsible Administrator

The Assistant Vice President for Technology Transfer & Commercialization, or successor, is responsible for receipt of disclosures and management of intellectual properties related to this policy and annual and ad hoc review of this policy and its procedures. The President is responsible for approval of this policy and its procedures.

SOURCE: Approved by President on 11/27/2013. Revised on 01/26/2015.