

## FAU WORKS DISCLOSURE INFORMATION and INSTRUCTIONS

### GENERAL INFORMATION

**Use of an FAU Works Disclosure Form:** This form is used to disclose a Work(s) which include copyrightable material, such as printed material, computer software or databases, audio and visual material, circuit diagrams, architectural and engineering drawings, lectures, musical or dramatic compositions, choreographic works, pictorial works, graphic works, etc. (section C.1.c.)

**The FAU Intellectual Property Policy (IPP) regarding Works:**

University Support means the use of University funds, personnel, facilities, equipment, materials, or technological information, including such support provided by other public or private organizations when it is arranged, administered, or controlled by the University. (section c.1.g.)

Appreciable University Support can include the use of special services, equipment, facilities, or technological information that go beyond what is traditionally provided to faculty members generally in the preparation of course materials and whether the Work in question was created as a specific requirement of employment or as an assigned instructional duty. (section c.1.k.)

University-Supported Work(s) are Works made using University Support, or for which the University is held responsible for any opinion expressed in the Work, or for which the ideas for the Work did not come from the Creator(s). (section c.1.i.)

Traditional Works Of Scholarship are Works such as theses, dissertations, books, articles, plays, poems, musical compositions, and similar works of scholarship or artistic imagination, to the extent these Works disseminate the results of academic research or scholarly study. Underlying University-Supported Works contained within Traditional Works of Scholarship may not themselves be Traditional Works Of Scholarship. The University will not assert rights to Traditional Works Of Scholarship. However, the University may assert rights to University-Supported Works contained within a Traditional Work Of Scholarship. (section C.1.j. and section C.4.a.)

Regular Instructional Work(s) are Works developed without the use of appreciable University Support and used solely for the purpose of assisting or enhancing the faculty member's instructional assignment. This type of Work must be disclosed to the University. Procedures for such disclosure should be determined by the head of the Creator's Center or Department/Division. Following an assessment that the Work is a Regular Instructional Work, the University will not assert rights to such Work. (section C.1.k. and section C.4.b.)

All other University-Supported Works: If, after a full disclosure of a Work and review in accordance with Section D of IPP policy, a Work is determined to be a University-Supported Work that is neither a Traditional Work Of Scholarship nor a Regular Instructional Work, OTT may, on behalf of the University: 1.) elect to acquire title to the Work by assignment; 2.) decide the Work disclosure is premature or incomplete; or 3.) elect to waive the University's rights to the Work. (section C.4.c.)

When to Disclose: University Personnel are required to disclose promptly University-Supported Works, including all Regular Instructional Works but excluding Traditional Works of Scholarship, even those believed by the Creator to be unrelated to his or her University duties and not involving the use of University Support. In order to protect Works and determine whether to pursue intellectual property, FAU needs the information requested in the Works Disclosure Form. (section D.2. paragraph 2.)

(For details please read the complete IPP at: [www.fau.edu/admin/research/OTT](http://www.fau.edu/admin/research/OTT))

## FAU WORKS DISCLOSURE PROCESS

1. Complete all sections and questions of the Disclosure Form
2. Hand-deliver the original and one copy to the FAU OTT, 3731 FAU Blvd., Research Park, Boca Raton Campus.
3. OTT will mark the Disclosure with the date it is received by the OTT and assign the Disclosure an FAU Case #.
4. OTT will review the Disclosure for completeness and accuracy and date the Disclosure with an official date of acceptance which starts the 60 day FAU ownership election period. Only if the Disclosure is properly completed will it be accepted. If incomplete, OTT will contact the Creator(s) about any necessary clarification or missing information. When all the information is completed, the Disclosure will receive a date of acceptance and OTT will:
  - a. send a memo to the Creator(s) with a cc: to the Creator's Chair and Dean as notification that the Work has been submitted to OTT and accepted by OTT. If the Chair(s) or Dean(s) contact the OTT with any objections regarding the Disclosure, the Disclosure will be returned to the Creator(s);
  - b. send a notification memo to the Creator(s) of acceptance of the Disclosure with a cc: to the Chair and Dean of the Creator(s), which will indicate the ending date of the 60 day election period, and invite the Creator's to attend the next meeting of the FAU Intellectual Property Advisory Committee (IPAC) to answer questions of the Committee concerning the Invention;
    - a. set up a meeting with the Creator(s) to better understand the Work and its commercial potential;
    - b. talk with the experts recommended by the Creator(s); and
    - c. conduct a preliminary non-confidential market survey for commercial potential of the Works.
5. OTT will present the Disclosure at the next regular monthly meeting of the FAU IPAC which will:
  - a. review the Disclosure and any additional information obtained by OTT;
  - b. ask questions of the Creator(s); and
  - c. make a recommendation to the V. P. for Research as to the FAU election of rights which can be: the Work is premature/incomplete; acquire title; or waive FAU's rights to the Creator(s).
6. OTT will send a memo to Creator(s), with copy to Chair and Dean of Creator(s), of the election decision:
  - a. If "premature/incomplete" the Creator(s) are asked to resubmit the Disclosure when additional information is obtained. The Disclosure is kept on file as a formal record that the Creator(s) have followed the IPC and submitted a Works Disclosure as required.
  - b. If "elect to acquire title", the Creator(s) will assign title in the Works to FAU. OTT will, in consultation with the Creator(s):
    - i. seek intellectual property protection, if appropriate;
    - ii. identify and pursue best method to commercialize the Work;
    - iii. negotiate a license agreement, once the best potential licensee has been selected. In some cases, OTT may elect to license the Work to a company owned by the Creator(s);
    - iv. manage the process of FAU assigning its rights in the Work to the Florida Atlantic University Research Corporation (FAURC), the legal entity by which FAU licenses technology to third parties;
    - v. monitor the licensee for compliance with the terms of the license agreement;
    - vi. monitor the on going status of any intellectual property protection; and
    - vii. on behalf of FARC collect and distribute any net income resulting from the commercialization of the Work.

## **INSTRUCTIONS FOR COMPLETING THE FAU WORKS DISCLOSURE FORM**

All questions are important. Please respond to each one even if the answer is "none" or "not applicable". If more space is needed, feel free to insert into the form or use additional sheets. The Disclosure Form is an important document which should be prepared carefully. The Disclosure will be treated confidentially. For any questions regarding this process or the form, please call the FAU Office of Technology Transfer on the Boca Raton Campus at 7-0202.

1. Give the full title of the Work
2. This is the name of the Creator with whom OTT should communicate.
3. The Work:
  - a. Give a brief description that OTT can use for marketing this Work.
  - b. If available provide a complete yet concise description including sketches, diagrams, photographs and any other data that would be sufficient to enable another person skilled in the field to understand the Work. If you have excessive amounts of data, such as software code, please submit a floppy disk or CD with that information.
  - c. Include literature or presentations of which you are aware that will describe the current state of the art related to this Work.
  - d. Describe what makes this Work different from other such Works.
  - e. Indicate if the Work needs more work and how much money and time it will take.
  - f. Give the date the Work was first conceived.
4. Please indicate if any third party material was used to develop this Work.
5. Please indicate all the sources of support that were used to develop this Invention. Be sure the total support equals 100%.
6. Publishing and applying for intellectual property protection are not mutually exclusive. OTT can help Creators manage this matter, if the Creator(s) submit the Disclosure well in advance of any publications or presentations. Complete all information that applies. All of these questions are very important and should be completed with care and accuracy. Under CDA (Confidentiality Agreement) mark "Y" for yes or "N" for no or "NA" if not applicable.
7. Include all FAU employees faculty, staff or students and any non-FAU persons that made an intellectual contribution to (authored) the Work. The contact information is important for distribution of income from the Work.
8. Check the commercialization method that Creator(s) think is the best way to serve the public interest with this Work.
9. Any additional information that is important to this matter.