TO: Faculty, Staff and Student Employees

FROM: Carolyn Thoroughgood
Vice Provost for Research

Maxine Colm
Vice President for Administration

SUBJECT: Compliance with the Bayh-Dole Act

Under the terms of the Bayh-Dole Act, a federal statute, University employees who engage in federally funded research must disclose any patentable inventions that have been conceived in connection with their work at the University. This disclosure must be in writing so that the University can file patent applications on such inventions*. The University's intellectual property policy, Number 5-6, requires the cooperation of the inventors to define and establish rights to the invention and to make an assignment to the University of all inventions and discoveries which are and may be patentable. Most third party funding agreements also require written assignment agreements from individuals engaged in funded research.

The attached "Agreement to Assign" covers any patentable invention that is conceived or reduced to practice in sponsored project activities at the University. Sponsored projects are defined as research that is supported in whole or in part by the federal government or by any other internal or external funding source, or is conducted in University facilities. You are asked to sign the Agreement as a new employee. Included in this category are full-time faculty, full and part-time professional and salaried staff, postdoctoral and research fellows, graduate students who receive stipend and visiting researchers. Signed forms should be returned to Anna Bloch, Office of Human Resources, 413 Academy Street, Room 268. Should you have additional questions about the University's intellectual property policy or compliance with the Bayh-Dole Act, please contact Bruce Morrissey at 831-4230.

We appreciate your cooperation in assuring that the University of Delaware is in compliance with federal law and regulation.

*Bayh-Dole Act codified at 37 CFR 401.14
AGREEMENT TO ASSIGN

As a condition of my appointment/employment or continued appointment/employment by the University of Delaware (“University”), I agree to report promptly to the University Office of the Vice Provost for Research any discovery, invention or algorithm that is or may be patentable, that I may conceive of or first reduce to practice in the course of sponsored projects at the University (“Invention”).

Sponsored projects are defined as research that is supported in whole or in part by the federal government or by any other internal or external funding source, or is conducted without such funding in University facilities. I further agree to assign to the University all my rights, title, and interest in any Invention and to render such assistance as the University reasonably requests to enable the University to obtain patents and develop the commercial value of such Inventions.

I understand that I will share in any revenues from such Inventions in accordance with the University’s Policy on Inventions, Discoveries and Patents, as it may be amended from time to time.

Very truly yours,

___________________________________
Signature

______________________________
Date

Name (Print):
Employee ID:
Department: