UNIVERSITY OF WEST FLORIDA

**Research Administration and Engagement**
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INTELLECTUAL PROPERTY

# Frequently Asked Questions

Inventions, ownership, disclosure, courseware, royalties and outside agreements at UWF

IN THIS FAQ

01 What is an invention, and when is it eligible for patent protection?
02 Who is an inventor, and who owns the invention?
03 Who owns scholarly books, chapters, and articles?
04 What is the formal disclosure requirement?
05 How quickly will RAE decide?
06 Why disclose before presenting or publishing?
07 Who owns online courses and digital materials?
08 How are licensing revenues distributed?
09 May I assign IP rights to an outside company?
10 What if UWF waives its rights back to me?

## Inventions, Inventors & Ownership

### 01 What Is an Invention, and When Is It Eligible for Patent Protection?

An invention includes any discovery, new and useful process, composition of matter, article of manufacture, know-how, design, model, technological development, biological material, strain, variety, culture of any organism, or any portion, modification, translation, or extension of these items. In some cases, inventions may also include certain computer programs, designs, and other technical developments.

An invention may be eligible for patent protection if it is new, useful, and non-obvious:

**New or Novel**
The invention must be sufficiently different from what is already publicly known, used, or described in prior publications or patents.

**Non-Obvious**
The invention must not be an evident or routine extension of existing knowledge to a person skilled in the relevant field.

**Useful**
The invention must have a practical use or application.

Together, these criteria help ensure that patent protection is reserved for genuine advances rather than ordinary modifications or abstract concepts.

## 02 Who Is an Inventor, and Who Owns the Invention?

Inventorship and ownership are related, but they are not the same.

**Inventorship**

Determines who must be named as an inventor on a patent. It is based on who contributed to the conception of the invention claimed in the patent.

**Ownership**

Determines who holds or controls the legal rights to the invention. Ownership may depend on employment responsibilities, use of University resources, sponsored research obligations, external agreements, assignments, and UWF policy.

As a result, an individual may be named as an inventor on a patent while the legal rights to the invention are owned by, assigned to, or managed by the University. For specific ownership rules, creators should review the official UWF Intellectual Property Policy or contact the appropriate University office for guidance.

## 03 Who Owns Scholarly Books, Textbook Chapters, and Peer-Reviewed Articles?

Faculty generally own traditional scholarly works they create independently, including scholarly books, textbook chapters, peer-reviewed articles, and similar academic publications, unless the work is a University-assigned deliverable, a work made for hire, or developed with appreciable University support.

**GOOD TO KNOW**

UWF personnel must promptly disclose inventions and University-supported works, including instructional works. Faculty should contact RAE if the work involves University support, sponsored funding, University personnel, instructional materials, or uncertainty about ownership.

# Disclosure & Review

## 04 What Is the Formal Disclosure Requirement, and Which Form Should I Use?

All University personnel are required to disclose any invention or University-supported work discovered or developed while affiliated with UWF. Disclosures must be submitted to the Office of Research Administration and Engagement (RAE) using the designated forms:

**APPENDIX I**

### Invention Disclosure Form

For all potentially patentable discoveries, devices, chemical/biological substances, software inventions, and technical processes.

**APPENDIX II**

### Work Disclosure Form

For copyrightable materials and University-supported instructional or digital works.

Each disclosure must be signed by the creator(s), then reviewed and acknowledged by the respective Department Chair and College Dean.

## 05 How Quickly Will RAE Determine Whether UWF Will Assert or Waive Its Interest?

Once a complete and timely disclosure is received, RAE will evaluate technical merits, patentability, sponsorship terms, and commercial feasibility, and will deliver a formal decision within:

**120**
**CALENDAR DAYS**
for an Invention Disclosure

**60**
**CALENDAR DAYS**
for a University-Supported Work Disclosure

## 06 Why Must I Disclose an Invention Before Presenting at a Conference or Publishing an Abstract?

Public disclosure through publications, abstracts, presentations, posters, or other public communications may limit or eliminate future patent protection. Disclosing your invention to the University before any public release allows time to evaluate intellectual property protection, preserve patent rights, and assess commercialization opportunities. Early disclosure also helps ensure compliance with university policies and sponsor requirements.

> **Best practice:** Disclose first, publish second.

# Courseware, Revenue & Outside Agreements

## 07 Who Owns the Online Courses and Digital Instructional Materials I Develop?

Ownership depends on the level of University support involved:

**No Appreciable Support / Not on UWF Platforms** — FACULTY MEMBER

Retained solely by the faculty member.

**Limited Support Electronic Courseware** — FACULTY MEMBER, WITH LICENSE TO UWF

*Developed using ordinary resources but hosted on UWF's learning management system.* The faculty member retains copyright ownership. However, prior to institutional presentation, the faculty member grants UWF a non-exclusive, non-transferable, royalty-free license for educational and research continuity (typically for at least two years following its last active use).

**Appreciable Support / Standard Support Courseware, or Works Made for Hire** — UNIVERSITY

*Developed via explicit course development grants, reassigned time, or dedicated media personnel.* Owned by the University, subject to formal written agreements outlining quality control, derivative work rights, and proceeds allocation.

## 08 How Are Net Licensing Revenues and Royalties Distributed at UWF?

For any invention or work owned by UWF, Net Income (Gross Revenue minus direct development expenses such as patent filing, maintenance fees, and legal costs) is allocated as follows:

| 50% | 50% |
|---|---|
| to the creator(s) | to the University |

- Net income from University-owned intellectual property is shared equally: 50% goes to the creator(s), and 50% goes to the University.
- Distributions are made semi-annually, on or before **June 1** and **December 1**.
- If multiple inventors or authors are involved, the 50% creator share is divided equally among them unless an alternative written allocation agreement is provided to RAE at least one month prior to the first scheduled distribution.

## 09 May I Assign My IP Rights Directly to an Outside Company Through an Independent Consulting Agreement?

**No.** University personnel cannot sign consulting or commercial agreements that compromise or supersede UWF's legal rights or those of external research sponsors.

- All outside consulting must be pre-approved via the **Report of Outside Activities / Determination of Conflict of Interest** form.
- Faculty are prohibited from waiving IP rights to outside entities where consulting involves the reduction to practice of inventions conceived under University support or sponsored research.
- If a faculty member holds an equity or executive stake in an outside entity seeking to license UWF technology, formal exemption and approvals under Florida Statute § 112.313(12)(h) must be obtained through the UWF President and the Chair of the Board of Trustees.

## 10 If UWF Formally Waives Its Rights Back to Me, What Responsibilities Do I Have?

If RAE determines not to assert ownership and assigns the invention or work to you:

- ✓ UWF and the State of Florida retain a royalty-free, non-exclusive, irrevocable license to practice the technology for non-profit educational and research purposes.
- ✓ If federal funding supported the underlying research, assignment must comply with federal Bayh-Dole obligations and sponsor approval.
- ✓ You must formally disclose and manage any potential Conflict of Interest before conducting further research at UWF that could directly impact the financial value of your assigned property.

QUESTIONS?

### Contact Research Administration and Engagement

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