§20-3-2

Procedures and timing of action

(a) All persons employed by the university shall submit their ideas for patentable inventions through their immediate supervisor to a university patent and copyright committee. In submitting a patentable invention to a superior, the originator shall attach thereto a written
statement or justification stating whether the
patentable invention was the result of personal or
private research, or research supported by State funds,
or research supported by an outside agency. Such
statement shall be reviewed by the immediate supervisor,
who shall attach thereto a written opinion stating:

(1) Whether the patentable invention was the
result of personal or private research, or
research supported by state funds, or research
supported by an outside agency; and

(2) The reasons for his judgment.

Such statements by the supervisor, together with the
statement of the inventor, shall be submitted within
thirty days after receipt by the supervisor to the
patent and copyright committee. The committee, within
ninety days after such submission, shall notify the
president, the person submitting the invention and the
immediate supervisor of its decision as to whether such
patentable invention was the result of personal or
private research, or research supported by State funds,
or research supported by an outside agency. The
president may overrule, in writing, the decision of the
patent and copyright committee. If the decision of the
committee is not overruled within thirty days after
submission to the president, the decision of the patent
and copyright committee shall be binding on all parties,
unless appealed.

(b) Within one hundred and fifty days after the
submission of the invention by the inventor to the
immediate supervisor, the university shall notify the
inventor of its final decision on whether it deems the
invention to be the result of personal or private
research, or of research supported by State funds, or of
research supported by outside agencies.

(c) The university shall relinquish all of its
rights to the inventor in the following cases:

(1) If the invention is judged by the patent and
copyright committee to be the result of
personal or private research; or

(2) If the university decides not to secure a
patent for an invention which is a result of
personal or private research but has been
submitted to the patent and copyright
committee voluntarily by the inventor for
possible development and patent under
university auspices as hereafter noted.

(d) In all cases of waiver of rights, the
university shall relinquish its rights to the inventor
by written waiver signed by the president of the
university or by a designated agent. If the final
unappealed decision of the committee is that such
invention was the result of personal or private
research, such decision may be used by the inventor as
evidence in establishing the priority of the invention. Any person aggrieved by the decision of the patent and copyright committee, within thirty days after receipt of the ruling of the committee, may appeal to the president of the university. The decision by the president shall be final within the university administrative framework. [Eff. JUN 22 1981 (Auth: HRS §304-4) (Imp: HRS §304-4)]

§20-3-3 Inventions resulting from personal or private research. The university shall have no vested interest in inventions clearly resulting from personal or private research and developed by an inventor on personal time, without cost or expense to the university. Such inventions may be voluntarily offered by the faculty member to the patent and copyright committee for the possible securing of a patent and for subsequent developing, processing and exploitation under university aegis. If such offer is accepted by the patent and copyright committee, the inventor shall assign his rights to the University of Hawaii research corporation and shall thereafter receive seventy-five per cent of the net profits if any (amount received by the corporation, less costs) derived from any exploitation of the patent. [Eff. JUN 22 1981 (Auth: HRS §304-4) (Imp: HRS §304-4)]

§20-3-4 Inventions resulting from research supported by State funds. Inventions resulting from research wholly supported by State funds shall become the property of the University of Hawaii. Staff members shall assign their rights to the University of Hawaii research corporation and shall be entitled to receive fifty per cent of the net profits (amount received by the corporation, less costs) derived from any exploitation of the patent. [Eff. JUN 22 1981 (Auth: HRS §304-4) (Imp: HRS §304-4)]

§20-3-5 Inventions resulting from research supported by an outside agency. Inventions resulting from research supported by an outside agency, either wholly or in part, shall be governed by the provisions of the agreement covering the work. In the absence of such provisions, the invention shall be regarded as deriving from the category of State or university supported research. [Eff. JUN 22 1981 (Auth: HRS §304-4) (Imp: HRS §304-4)]

§20-3-6 Copyrights. This policy is designed to
cover copyright of books or other similar materials, and
of materials in all forms copyrightable under the laws
of the United States or international copyright
agreements.

Except for works produced or written for hire, any
publishable material produced by a member of the faculty
or staff of the university shall be the exclusive
literary property of the author. The author may obtain
copyright or dedicate his work to the public as he
chooses, subject to any restrictions imposed by
sponsoring or funding agencies not under university
control.

Works produced or written "for hire" are defined as
manuscripts or materials produced by persons who are
engaged by the university specifically to produce such
manuscripts or works, or released from other work to
produce such materials. The university shall be the
sole proprietor of any work done "for hire," and may
make such disposition of resultant manuscripts as it may
choose. Borderline determinations should be documented,
when desired, in accordance with the foregoing patent
policy. Should any controversy concerning this policy
arise, it will be referred to the patent and copyright
committee of the university which will make a
recommendation for action to the president.
[Eff. JUN 22 1981 (Auth: HRS §304-4) (Imp: HRS §304-4)]

§20-3-7 Financial agreements. The president,
after consulting with the patent and copyright
committee, may enter into such financial agreements as
the president deems equitable whenever a staff member at
personal expense desires to patent an invention or
copyright written works which resulted from research
supported by State funds or works produced or written
"for hire" by the university, only in instances when the
committee disclaims interest in patenting or
copyrighting the work produced by the staff member.
[Eff. JUN 22 1981 (Auth: HRS §304-4) (Imp: HRS §304-4)]