

DATE: March 27, 1981

TO : Patte Wood
Music Department

FROM : Phyllis Hughes, SPO
Patent and Copyright Affairs *P. Hughes*

SUBJECT: Execution of Patent Agreements by Visitors

At the SPO workshop March 18 I promised to send you some information about who should sign patent agreements, and the purpose of this memo is to fulfill that promise.

The question of who should sign and when is covered in our SPO manual, page 3.29 - 3.30, copy attached. As you can see, visitors who are not employees and who do not participate in externally sponsored research projects do not have to sign the SU-18. However, it is difficult to anticipate with certainty that someone will not become involved in some aspect of some grant or contract (and they all have different terms and conditions) at some time during a visit. If they have not signed and if they do participate and if there is an invention and if they will not then sign, we have a major problem with the sponsor, with the other inventors, with Stanford's rights, etc.

In the case of the Music Department, copyright as well as patent considerations are common, especially as computer software is protectible by copyright. Guide Memo 76, copy attached, says:

Where significant use of University facilities is to be made, the work is to be assigned to the University unless an exception has been granted. (4.d.(1)).

It also provides that an agreement to comply with this policy may be required, and we anticipate incorporating the copyright provision in a revised version of the SU-18. So even if you decide to not ask all visitors to sign the SU-18 at this time, having made the determination that it is not possible for them to become involved in any of your grants or contracts, you should bear in mind that when the SU-18 is revised, they will need to be asked to sign.

Individuals falling into any of the job classifications listed in the attached memo dated August 18, 1980, must sign.

Dr. Chowning presently has NEA and NSF support, and I have attached pertinent clauses on patents, copyright, and property from those agencies for your ready reference.

In a nutshell, I'd say it's far easier to have everyone sign as a condition of the privilege of the association. The agreement only comes into effect if necessary (as shown on page 3.30 of SPO Manual). Any other arrangement is an administrative nightmare.

Please let me know if I can give you further assistance, and call any time you have questions or concerns.