

In the event the Originator does not receive the Originator's share, that share shall be distributed to the other parties in the proportions detailed above in III.K.

### **III.L. Interpretation, Decision, and Appeal**

Cases where the Originator and UGARF agree as to the classification and proposed mechanism of commercialization of the Intellectual Property will be processed by UGARF in accordance with this policy. All cases in which questions arise as to equities, rights, division of royalties, or any other Intellectual Property-related matter shall be referred to the Intellectual Property Committee for consideration, interpretation of policy, and decision. Appeal of an Intellectual Property Committee decision shall be to the Vice President for Research, then to the President, and finally to the Board of Regents. Appeals within the University must be made in writing within sixty (60) days of written notice of a final decision. Appeals to the Board of Regents shall be made in accordance with Article IX of the Bylaws of the Board, which requires that all appeals be filed within twenty (20) days of the final decision of the President of the University.

## **IV. PREVAILING POLICY AND HEIRS AND ASSIGNS**

### **IV.A. Prevailing Policy**

In the event of conflicts between the Intellectual Property Policy of the University of Georgia and the Intellectual Property Policy of the Board of Regents of the University System of Georgia, the Intellectual Property Policy of the Board of Regents shall prevail.

### **IV.B. Heirs and Assigns**

The provisions of this Policy shall inure to the benefit of and be binding upon the heirs and assigns of (a) all University Personnel and (2) all others who agree to be bound by it.

## **V. DEFINITIONS**

### **Intellectual Property**

"Intellectual Property" shall be deemed to refer to patentable materials, copyrighted materials, trademarks, software, and trade secrets, whether or not formal protection is sought.

### **Patentable Materials**

"Patentable Materials" shall be deemed to refer to items other than software which reasonably appear to qualify for protection under the patent laws of the United States (see 35 U.S.C. 101 et seq.) or other protective statutes, including Novel Plant Varieties and Patentable Plants, whether or not patentable thereunder.

### **Copyrighted Materials**

"Copyrighted Materials" shall include the following: (1) books, journal articles, texts, glossaries, bibliographies, study guides, laboratory manuals, syllabi, tests, and proposals; (2) lectures, musical or dramatic compositions, unpublished scripts; (3) films, filmstrips, charts, transparencies, and other visual aids; (4) video and audio tapes or cassettes; (5) live video and audio broadcasts; (6) programmed instructional materials; (7) mask works; (8) research notes, research data reports, and research notebooks; and (9) other materials or works other than software which qualify for protection under the copyright laws of the United States (see 17 U.S.C. 102 et seq.) or other protective statutes whether or not registered thereunder.

### **Software**

"Software" shall include one or more computer programs existing in any form, or any associated operational procedures, manuals or other documentation, whether or not protectable or protected by patent or copyright. The term "computer program" shall mean a set of instructions, statements, or related data that, in actual or modified form, is capable of causing a computer or computer