

# Intellectual Property

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## Policy

Business Policy Manual: [BPM-203](#), Facilities and Administration Cost Recovery (Grants & Contracts)

## Forms

[Intellectual Property Waiver](#)  
[Industry-Sponsored Project Agreement](#)

## Overview

The University of Missouri-Columbia (MU) position regarding intellectual property is determined by the source of funding. Any waiver of intellectual property rights must be approved at the MU campus and University of Missouri System levels.

## Federal

Almost all federal grants and contracts are subject to the terms and conditions of the Bayh-Dole Act (37 CFR 401). Under these terms, the University may elect to retain title to all inventions conceived or reduced to practice in the performance of the project (37 CFR 401.14(B)). If the University elects to retain title, the federal government shall have a nonexclusive, non-transferrable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States any such invention throughout the world. The University reserves the right to negotiate additional licenses to commercial partners.

## Federal Flow-through

The Bayh-Dole Act applies to federal funds even when such funds are flowed through a third party. If a company or state agency is flowing federal funds to the University, the company or state agency "will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's subject inventions" (37 CFR 401.14(G)(1)).

## Industry Funds

As a practice, the University will not insist on retaining ownership of intellectual property resulting from industry-sponsored projects. Under special circumstances, however, University researchers may seek an exception to the practice if they have a compelling reason to do so.

The University of Missouri-Columbia (MU) policy, in compliance with BPM-203, requires facilities and administrative (F&A) costs to be charged at the applicable negotiated rate plus five (5) percent when a commercial or industrial firm requires rights in data to the exclusion of the University and/or claims ownership rights to intellectual property developed by the University under a project. Exceptions to this policy must be approved by the Senior Vice Chancellor for Research and Graduate Studies.

## Other

The University receives awards from many other sponsors, including foundations, local governments, and foreign entities. The Office of Sponsored Programs Administration can provide guidance regarding the appropriate intellectual property clauses for a particular agreement.

## Need Help?

Contact OSPA at [muresearchospa@missouri.edu](mailto:muresearchospa@missouri.edu) or (573)-882-7560.

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