

By: Perry

S.B. No. 1132

A BILL TO BE ENTITLED

AN ACT

relating to the protection and use of certain products,
information, and technology of the Parks and Wildlife Department.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 11, Parks and Wildlife Code, is amended
by adding Subchapter M to read as follows:

SUBCHAPTER M. INTELLECTUAL PROPERTY

Sec. 11.351. PROTECTION AND USE OF INTELLECTUAL PROPERTY.

(a) The department may:

(1) apply for, register, secure, hold, and protect
under the laws of the United States, any state, or any nation:

(A) a patent for an invention or discovery of, or
improvement to, any process, machine, manufacture, or composition
of matter;

(B) a copyright for an original work of
authorship fixed in any tangible medium of expression now known or
later developed that can be perceived, reproduced, or otherwise
communicated;

(C) a trademark, service mark, collective mark,
or certification mark for a word, name, symbol, device, or slogan,
or any combination of those items, that has been adopted and used by
the department to identify goods or services and distinguish those
goods or services from other goods or services; or

(D) other evidence of protection or exclusivity

1 issued in or for intellectual property;

2 (2) enter into a contract with an individual or
3 company for the sale, lease, marketing, or other distribution of
4 intellectual property of the department;

5 (3) obtain under a contract entered into under
6 Subdivision (2) a royalty, license right, or other appropriate
7 means of securing appropriate compensation for the development or
8 purchase of intellectual property of the department; and

9 (4) waive or reduce the amount of a fee, royalty, or
10 other thing of monetary or nonmonetary value to be assessed by the
11 department if the department determines that the waiver will:

12 (A) further the goals and missions of the
13 department; and

14 (B) result in a net benefit to the state.

15 (b) Intellectual property for which the department has
16 applied for or received a patent, copyright, trademark, or other
17 evidence of protection or exclusivity is excepted from required
18 disclosure under Chapter 552, Government Code.

19 (c) Money paid to the department under this section shall be
20 deposited to the credit of the game, fish, and water safety account
21 or the state parks account, as appropriate.

22 (d) It is not a violation of Chapter 572, Government Code,
23 or another law of this state for an employee of the department who
24 conceives, creates, discovers, invents, or develops intellectual
25 property to own or to be awarded any amount of equity interest or
26 participation in the research, development, licensing, or
27 exploitation of that intellectual property with the approval of the

1 commission.

2 (e) The commission shall institute intellectual property
3 policies for the department that establish minimum standards for:

4 (1) the public disclosure or availability of products,
5 technology, and scientific information, including inventions,
6 discoveries, trade secrets, and computer software;

7 (2) review by the department of products, technology,
8 and scientific information, including consideration of ownership
9 and appropriate legal protection;

10 (3) the licensing of products, technology, and
11 scientific information;

12 (4) the identification of ownership and licensing
13 responsibilities for each class of intellectual property; and

14 (5) royalty participation by inventors and the
15 department.

16 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2015.