

By: Pitts

H.B. No. 739

A BILL TO BE ENTITLED

AN ACT

relating to the protection and use of intellectual property by the Department of Information Resources.

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

SECTION 1. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.064 to read as follows:

Sec. 2054.064. PROTECTION AND USE OF INTELLECTUAL PROPERTY.

(a) The department may:

(1) apply for, register, secure, hold, and protect under any law in any jurisdiction:

(A) a patent for the 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 that the department uses to identify or distinguish goods or services from other goods and services; or

(D) other evidence of protection or exclusivity issued for intellectual property;

(2) contract with a person for the reproduction,

1 distribution, public performance, display, advertising, sale,  
2 lease, marketing, licensing, or other distribution of intellectual  
3 property of the department;

4 (3) obtain under a contract described by Subdivision  
5 (2) a royalty, license right, or other appropriate means of  
6 securing appropriate compensation for the exercise of an  
7 intellectual property right of the department; and

8 (4) waive or reduce the amount of compensation secured  
9 by contract under Subdivision (3) if the department determines that  
10 the waiver or reduction will:

11 (A) further a goal or mission of the department;  
12 and

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

14 (b) Money paid to the department under this section shall be  
15 deposited to the credit of the general revenue fund except as  
16 otherwise provided by Section 2054.115.

17 SECTION 2. This Act takes effect September 1, 2003.