

1-1 By: Armbrister S.B. No. 349
1-2 (In the Senate - Filed February 3, 2003; February 11, 2003,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 12, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; March 12, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 349 By: Armbrister

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the intellectual property rights of the Department of
1-11 Information Resources and certain other state agency intellectual
1-12 property matters.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 2054.052, Government Code, is amended by
1-15 adding Subsections (e) and (f) to read as follows:

1-16 (e) The department may:

1-17 (1) acquire, apply for, register, secure, hold,
1-18 protect, and renew under the laws of the State of Texas, the United
1-19 States, any state in the United States, or any nation:

1-20 (A) a patent for the invention, discovery, or
1-21 improvement of any new and useful process, machine, manufacture,
1-22 composition of matter, art, or method, including any new use of a
1-23 known process, machine, manufacture, composition of matter, art, or
1-24 method;

1-25 (B) a copyright for an original work of
1-26 authorship fixed in any tangible medium of expression, now known or
1-27 later developed, from which it can be perceived, reproduced, or
1-28 otherwise communicated, either directly or with the aid of a
1-29 machine or device;

1-30 (C) a trademark, service mark, collective mark,
1-31 or certification mark for a word, name, symbol, device, or slogan
1-32 that the department uses to identify and distinguish its goods and
1-33 services from other goods and services; or

1-34 (D) other evidence of protection or exclusivity
1-35 issued for intellectual property;

1-36 (2) contract with a person or entity for the
1-37 reproduction, distribution, public performance, display,
1-38 advertising, marketing, lease, licensing, sale, use, or other
1-39 distribution of the department's intellectual property;

1-40 (3) obtain under a contract described in Subdivision
1-41 (2) a royalty, license right, or other appropriate means of
1-42 securing reasonable compensation for the exercise of rights with
1-43 respect to the department's intellectual property; and

1-44 (4) waive, increase, or reduce the amount of
1-45 compensation secured by contract under Subdivision (3) if the
1-46 department determines that the waiver, increase, or reduction will:

1-47 (A) further a goal or mission of the department;
1-48 and

1-49 (B) result in a net benefit to the state.

1-50 (f) Except as provided by Section 2054.115(c), money paid to
1-51 the department under this section shall be deposited to the credit
1-52 of the general revenue fund.

1-53 SECTION 2. Section 2054.124, Government Code, is repealed.

1-54 SECTION 3. This Act takes effect September 1, 2003.

1-55 * * * * *