

BILL ANALYSIS

S.B. 616
By: Duncan
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Water Development Board (TWDB) does not currently have the power to acquire intellectual property rights, such as the right to trademark, copyright, or patent. Other state agencies (Department of Information Resources, Comptroller of Public Accounts, Department of Health, Texas Department of Transportation, etc.) and institutions of higher education have the power to obtain intellectual property rights.

The TWDB is celebrating its 50th anniversary in 2007 and could pursue an intellectual property right, such as a copyright or trademarks for items associated with anniversary events, such as publications, logos and slogans. In addition, the TWDB undertakes scientific research, geospatial data collection and dissemination, marketing of financial assistance programs and public education and outreach efforts on water conservation that may benefit from an intellectual property right. S.B. 616 would give the TWDB the power to acquire intellectual property rights, such as the right to trademark, copyright, or patent.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Water Development Board in SECTION 1 of this bill.

ANALYSIS

SECTION 1. Amends Subchapter F, Chapter 6, Water Code by adding Sec. 6.197, as follows:

Sec. 6.197 INTELLECTUAL PROPERTY OF BOARD. Authorizes the Executive Administrator of the Texas Water Development Board, with the board's approval, and on the board's behalf, to:

- (1) acquire, apply for, register, secure, hold, protect, and renew under the laws of this state, another state, the United States or any other nation:
 - (A) a patent for the invention or discovery of any new and useful process, machine, manufacture, composition of matter, art or method; any new use of a known process, machine, manufacture, composition of matter, art, or method; or any new and useful improvement on a known process, machine, manufacture, composition of matter, art, or method;
 - (B) a copyright for an original work of authorship fixed in any tangible medium of expression, now known or later developed, from which the work may be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device;
 - (C) a trademark, service mark, collective mark, or certification mark for a word, name, symbol, device, or slogan that the board uses to identify and distinguish the board's goods and 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, public performance, display, advertising, marketing, lease, licensing, sale, use, or other distribution of the board's intellectual property;
- (3) obtain under a contract described by Subdivision (2) a royalty, license right, or other appropriate means of securing reasonable compensation or thing of nonmonetary value for the exercise of rights with respect to the board's intellectual property;
- (4) waive, increase or reduce the compensation or thing of nonmonetary value secured by a contract under Subdivision (3) if the executive administrator, with the approval of the

board, determines that the waiver, increase, or reduction will: (A) further the goal or mission of the board; and (B) result in a net benefit to the state; and
(5) enforce rules adopted by the board to implement the section.

Section 2. Effective Date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007