

By: Duncan

S.B. No. 616

A BILL TO BE ENTITLED

AN ACT

relating to the protection and use of intellectual property by the executive administrator of the Texas Water Development Board.

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

SECTION 1. Subchapter F, Chapter 6, Water Code, is amended by adding Section 6.197 to read as follows:

Sec. 6.197. INTELLECTUAL PROPERTY OF BOARD. The executive administrator, with the approval of the board and on the board's behalf, may:

(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:

(i) any new and useful process, machine, manufacture, composition of matter, art, or method;

(ii) any new use of a known process, machine, manufacture, composition of matter, art, or method; or

(iii) 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

1 machine or device;

2 (C) a trademark, service mark, collective mark,  
3 or certification mark for a word, name, symbol, device, or slogan  
4 that the board uses to identify and distinguish the board's goods  
5 and services from other goods and services; or

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

8 (2) contract with a person for the reproduction,  
9 public performance, display, advertising, marketing, lease,  
10 licensing, sale, use, or other distribution of the board's  
11 intellectual property;

12 (3) obtain under a contract described by Subdivision  
13 (2) a royalty, license right, or other appropriate means of  
14 securing reasonable compensation or thing of nonmonetary value for  
15 the exercise of rights with respect to the board's intellectual  
16 property;

17 (4) waive, increase, or reduce the amount of  
18 compensation or thing of nonmonetary value secured by a contract  
19 under Subdivision (3) if the executive administrator, with the  
20 approval of the board, determines that the waiver, increase, or  
21 reduction will:

22 (A) further a goal or mission of the board; and

23 (B) result in a net benefit to this state; and

24 (5) enforce rules adopted to implement this section.

25 SECTION 2. This Act takes effect September 1, 2007.