

By: Duncan S.B. No. 616
(In the Senate - Filed February 13, 2007; February 27, 2007,
read first time and referred to Committee on Natural Resources;
April 2, 2007, reported favorably by the following vote: Yeas 10,
Nays 0; April 2, 2007, sent to printer.)

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
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 amount of
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 a goal or mission of the board; and

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

(5) enforce rules adopted to implement this section.

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

* * * * *