MONASH UNIVERSITY

STATEMENT ON PATENT REVENUE DISTRIBUTION

Revenue received by the University from the exploitation of patents will be distributed in accordance with the following guidelines, provided that any individual contractual arrangements will prevail over the general provisions. In negotiating arrangements for the commercial exploitation of a patented invention, the University shall give due consideration to the inventor being paid in reasonable time.

"Revenue" means the sum of any lump sum, royalty or other payments received within each calendar year as a result of the commercial exploitation of a patented invention.

"Net Revenue" means Revenue less all external costs to the University directly attributable to the patenting and defence of patents, and charges authorised by the Intellectual Property Committee in the exploitation of the invention within a calendar year: in determining net revenue, the University may carry forward net losses from one calendar year into the next, but in making such determination, the University shall have regard to the interests of the inventor.

1. The inventor shall receive 30% of Net Revenue

   Where there is more than one inventor, the share of revenue shall be apportioned equitably between them by the Intellectual Property Committee after hearing any representations that the inventor and any other interested party may wish to make. The share of Net Revenue shall be paid in such installments and at such intervals as the Vice-Chancellor deems appropriate.

2. The share to be distributed to the inventor's department or centre (or faculty in the case of a non-departmental faculty) shall be not less than 33 1/3 % of the Net Revenue received. The exact share shall be determined by the Intellectual Property Committee after hearing submissions from the Dean and Head of the Department or Centre and the inventor taking into account:

   a) any costs, whether indirect funding, use of staff, etc., attributable to the invention which might be additional to normal running costs of the department or centre;

   b) the need for the department or centre to cover the cost of future related patenting programs; and

   c) the requirements of developments within the broad field of study from whence the invention arose.

3. The Vice-Chancellor's Fund shall receive a distribution of 15% of the Net Revenue in each calendar year as a general contribution to University funds and towards the University's costs of administering the patent and negotiating any licences from which royalties were received.

4. The balance (if any) of the Net Revenue shall go to University as a whole, and whenever the Intellectual Property Committee considers the revenue to the
University to be substantial, the Intellectual Property Committee shall recommend to the Vice-Chancellor an appropriate allocation to the University Research and Development Fund.

5. This statement was approved by Council on 27 June 1994 with effect until amended or revoked.

Note: The statement incorporates amendments requested by Council on 27 June 1994 and substitution of the Intellectual Property Committee for the Patents Committee in accordance with the Intellectual Property Statute made by Council on that date.