

**January 24, 2025**

**To:** Campus Chancellors, the Vice President, Agriculture and Natural Resources, Lawrence Berkeley National Laboratory Director, and their delegates

**Subject:** Exemptions to Signing the Patent/IP Acknowledgment

**Purpose:**

Under the [Policy on Inventions, Patents, and Innovation Transfer \(PDF\)](#) (“Policy”) Campus Chancellors, the Vice President, Agriculture and Natural Resources, Lawrence Berkeley National Laboratory Director, and their delegates may authorize exemptions for signing the [Patent/IP Acknowledgement \(PDF\)](#). This Guidance Memo provides information on categories of individuals UC Locations may consider exempting from the requirement to sign the Patent/IP Acknowledgment. The exemption categories originate from the rescinded [Business and Finance Bulletin G-40 \(PDF\)](#) (“G-40”) and add one new exemption category related to recharge facilities. This Guidance Memo does not address exceptions to the Policy because they are discussed on [RPAC's Intellectual Property website](#).

**Background**

President Drake issued the [Policy \(PDF\)](#) in February 2024 and it became effective on July 1, 2024. This Policy supersedes the 1997 Patent Policy. Originally issued on August 1, 1994, G-40 provided administrative procedures for the implementation of the 1997 Patent Policy. Among other administrative procedures, G-40 exempted four categories of individuals from the requirement to sign the [Patent/IP Acknowledgement \(PDF\)](#). G-40 was rescinded on December 13, 2024. This Guidance Memo serves as the new guidance to the [Policy \(PDF\)](#) and replaces the portion of G-40 relating to exemptions.

**Exemption Categories**

The [Policy \(PDF\)](#) states:

“all University employees must sign the Patent/IP Acknowledgment at the time of hiring. Only individuals who have signed the Patent/IP Acknowledgment may perform under University gifts, grants, or contracts. Individuals not employed by the University but who use University Research Facilities, or who perform under University gifts, grants, or contracts are also subject to this Policy and must sign the Patent/IP Acknowledgment prior to accessing such facilities or performing such work. All individuals subject to this Policy are responsible for ensuring that any employment/consulting agreements with third parties do not conflict with their

preexisting and ongoing obligations to the University.”

The [Policy \(PDF\)](#) further specifies that Campus Chancellors, the Vice President, Agriculture and Natural Resources, Lawrence Berkeley National Laboratory Director and their delegates may approve exemptions and exceptions from signing the [Patent/IP Acknowledgment \(PDF\)](#), provided that such exemptions or exceptions are consistent with other University policies, applicable laws, and third-party obligations.

RPAC recommends several categories of individuals be exempt from signing the [Patent/IP Acknowledgment \(PDF\)](#), as long as the individual does not use [University Research Facilities \(PDF\)](#) or gifts, grants, or contracts received by or through UC. Exemption categories 1, 2, and 3 below have been implemented for decades through G-40. Exemption category 4 is new, and is recommended based on RPAC’s review of recent policy exception requests related to recharge facilities. The four exemption categories are:

1. U.S. government employees on assignment at UC but who are not compensated by UC;
2. individuals on a short-term appointment (one year’s duration or less) teaching a class or course that does not involve student research or design;
3. clinical appointees who are not compensated by UC and not involved in UC clinical trials;  
and
4. individuals using an approved recharge facility/equipment on behalf of an external party who is/are paying an approved external user fee.

UC Locations may consider requests falling outside an exemption category on a case-by-case basis. UC Locations may also limit or expand upon the above recommended exemptions, for example, if it is repeatedly approving individual exceptions for the same reason. RPAC recommends tracking requests and approvals in writing for both record-keeping purposes and to identify trends.

## Contact

Please direct questions regarding this guidance to [Felice.Lu@ucop.edu](mailto:Felice.Lu@ucop.edu).

cc: Division Leaders  
Vice President Maldonado  
University Policy Office  
Chief Ethics and Compliance Officers  
Campus Policy Managers



Deborah Motton  
Executive Director  
Research Policy Analysis & Coordination