

~~ADMINISTRATIVE-INTERNAL USE ONLY~~

Date: 08/04/97 (Regulations may contain various dates)

Category: 7 - Management

OPR: OGC

Title: AR 7-16 EMPLOYEE INVENTIONS

*This regulation was written by the Office of General Counsel,  (secure).*

(b)(3)

**16. EMPLOYEE INVENTIONS**

**SYNOPSIS.** This regulation documents Agency policy, procedures, criteria, and reporting requirements for determining rights in and to inventions by an employee while under the administrative jurisdiction of the Agency. *(NOTE: Boldfaced text in the regulation indicates revisions.)*

**a. AUTHORITY.** Executive Order (E.O.) 10096, dated 23 January 1950, as amended, and implementing regulations issued by the U.S. Patent and Trademark Office at 37 CFR part 501, establish policies for determining the respective rights of the government and of employees in and to inventions devised during a period of government employment. This regulation prescribes procedures whereby Agency employees who devise inventions will have their rights in and to such inventions determined.

**b. DEFINITIONS**

(1) "Invention," as defined in E.O. 10096 and used in this regulation, includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant which is or may be patentable under the patent laws of the United States. Many new or innovative ideas, regardless of the subject, are potentially patentable. Consult with the Office of General Counsel (OGC) for further guidance.

(2) "Employee" means any government employee performing Agency functions.

**c. POLICY**

(1) Agency determinations concerning the inventions devised by individuals while employed by CIA are based on criteria established by E.O. 10096, as amended, and 37 CFR part 501, as described in paragraph d below, and are subject to review and decision by the Commissioner of Patents and Trademarks.

(2) The Logistics and Procurement Law Division (L&PLD), OGC, acts for the Director of Central Intelligence in determining the respective rights of the government and the inventor in and to any invention created by a government employee while under the

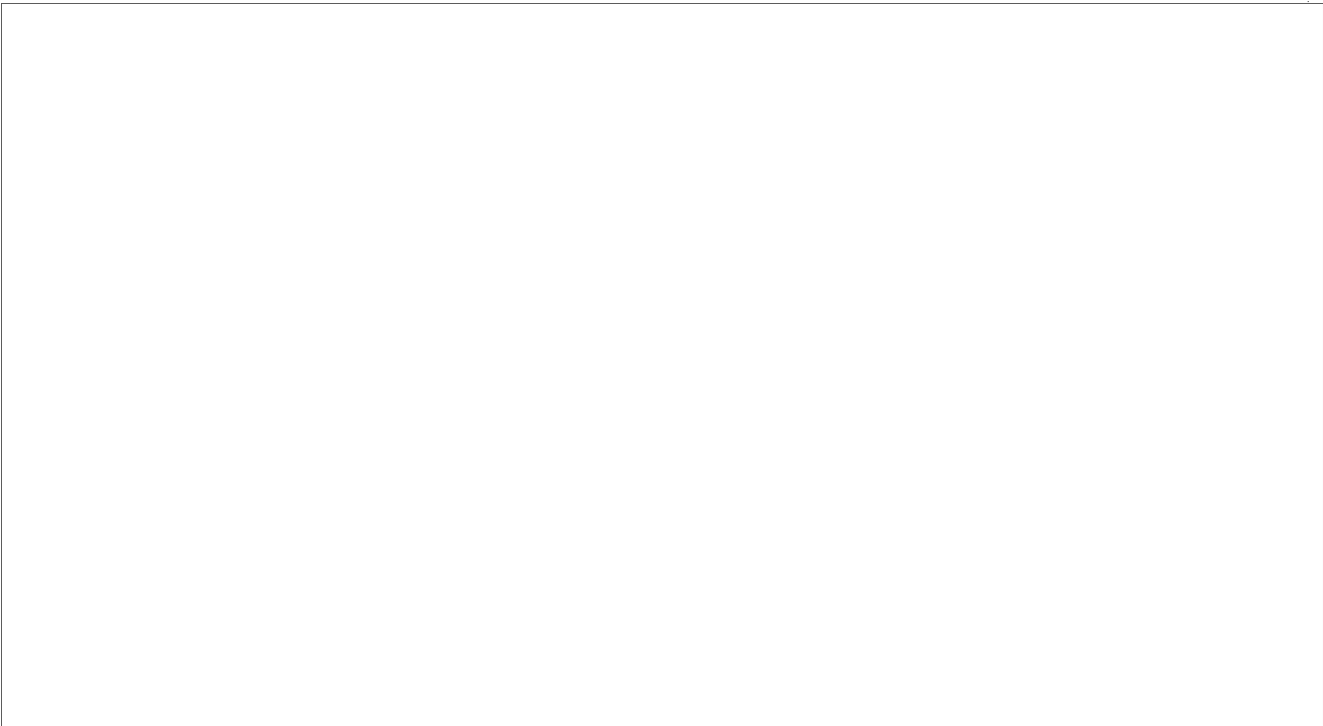
administrative jurisdiction of this Agency. OGC shall be supported by **each directorate's information resource officer** in determining such rights.

**d. CRITERIA FOR DETERMINING RIGHTS IN AND TO INVENTIONS.**

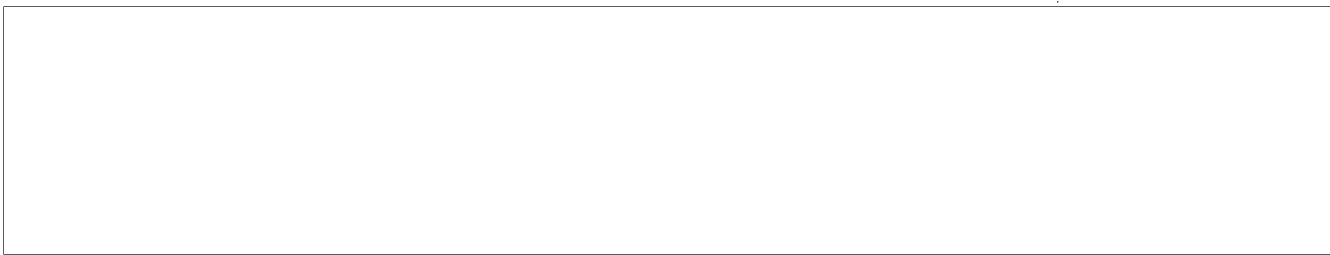
Determinations of the inventor's rights are based on the following criteria:

- (1) The government is entitled to the entire right, title, and interest in and to inventions created by Agency employees:
  - (a) During work hours, or
  - (b) With contributions by the government of facilities, equipment, materials, funds, or information, or of time or services of other government employees on official duties, or
  - (c) Which bear a direct relation to, or are made in consequence of, the official duties of the inventor.
- (2) If the contribution of the government is insufficient to justify the required assignment to the government or in any case where the government has insufficient interest in the invention to obtain ownership, the government will place title to the invention with the employee **but** will reserve to **the government** a nonexclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes. This reservation stated in the above terms must appear, where practicable, in any patent, domestic or foreign, that may be issued on such invention.
- (3) The inventor is entitled to the entire right, title, and interest in and to the invention if the contributions by the government are insufficient to justify the assignment of any rights to the government.

**e. ADMINISTRATION**



(b)(3)



(b)(3)