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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

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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.

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S.B. No. 616

David Swihurst
President of the Senate

Jim Caddick
Speaker of the House

I hereby certify that S.B. No. 616 passed the Senate on April 12, 2007, by the following vote: Yeas 31, Nays 0.

Letsy Law
Secretary of the Senate

I hereby certify that S.B. No. 616 passed the House on May 17, 2007, by the following vote: Yeas 143, Nays 0, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:

15 JUN 07
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3 PM O'CLOCK

JUN 15 2007

Roger Williams
Secretary of State