

SENATE BILL NO. 2091

Introduced by

Industry, Business and Labor Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act authorizing state agencies to secure patents, copyrights, or trademarks on
2 state inventions and publications; and to declare an emergency.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. Agencies authorized to secure patents, copyrights, and trademarks -**
5 **Licensing - Royalties - Contracts.** A state agency may secure, directly or by contract,
6 patents, copyrights, or trademarks for the benefit of the state on any invention or publication
7 developed for the agency in the course of performance of the agency's powers and duties. The
8 agency may license, lease, assign, sell, or otherwise give written consent to any person, firm, or
9 corporation for the manufacture or use of the patented, copyrighted, or trademarked material,
10 on a royalty basis or for any other consideration as the agency deems appropriate. The agency
11 may also take any needed action, including legal action, to protect the patented, copyrighted, or
12 trademarked material against improper or unlawful use or infringement and may collect and
13 enforce the collection of any sums due for the royalty or sale of any patented, copyrighted, or
14 trademarked material. The agency may enter into any necessary agreements and execute
15 instruments on behalf of the state to properly execute the powers and duties provided by this
16 section. Revenues received by any agency under this section must be deposited in the state
17 treasury to the credit of the fund from which the agency funded the creation of the patent,
18 copyright, or trademark. As used in this section "state agency" means an agency, board,
19 commission, bureau, office, or department of state government.

20 Disclosure under this section of computer software programs developed by or for the
21 state is not contrary to section 44-04-18.5.

22 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.