Selling University Developed Software as a Services

University Developed Software Technology and Services

1. Software Technology that is developed as a result of academic activity or project may be considered for commercialization.
2. The path of commercialization depends on the intent of the transaction and if the Intellectual Property (IP) rights will be transferred or licensed externally.
3. If the IP rights will not be transferred or licensed externally the activity is classified as an external sale and facilitated via the External Sales Office.
4. This type of activity is most commonly referred to as Software as a Service (SaaS), End User License Agreements (EULA) and Annual Support Agreements (ASA).
5. If IP rights will be transferred or licensed externally the activity must be classified as a Commercialization of Intellectual Property and facilitated via Office for Technology Commercialization.

Handling of Transaction

1. SaaS, EULA and ASA transactions treated as External Sales are considered high risk, therefore, the unit conducting the activity must follow the External Sales procedures;
2. During the approval process the unit must engage with the Office of Information Technology related to server, web hosting, data security and other impacted technology infrastructure capabilities.
3. *R*ates must fully recover all reoccurring and maintenance costs required to support the activity.
4. *U*se the specific standard contracts developed by the Office of General Council OGC SCXXX developed for SaaS, EULA and ASA activity.

Definitions

**Academic Work -** Scholarly, pedagogical, or creative work, such as an article, book, textbook, and novel, work of visual art, dramatic work, musical composition, course syllabus, test, or class notes.

**Annual Support Agreement (ASA) -** An agreement that defines the software support and maintenance services being provided by the university.

**End User License Agreement (EULA) -** A non-exclusive, end-user license to run computer software provided by the University. The software can be delivered via SaaS model or installed by a license on a customer owned computer.

**Software as a Service (SaaS) -** A software licensing end usage model that allows customers access to software and/or data that are housed on servers controlled by the university.  The data may be university, customer-provided or both. The customer is granted a license to use but not granted a license to distribute, modify or publicly display (e.g., post on an internet site) the software.

**Internal/External Sales Office**

Meet with units planning to sell and selling university developed technology and services to ensure the strategy is in the best interest of the university.