

SUBJECT: Protection of intellectual property rights of the Water Development Board

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 6 ayes — Puente, Hamilton, Gattis, Creighton, Gallego, Hilderbran

0 nays

3 absent — Guillen, Laubenberg, O'Day

WITNESSES: For — (*Registered, but did not testify*: Mike Mahoney, Evergreen Underground Water Conservation District; CE Williams, Panhandle Groundwater Cons District)

Against —None

On — Kevin J. Ward, Texas Water Development Board; (*Registered, but did not testify*: Wendall Braniff, Texas Water Development Board)

DIGEST: HB 1657 would amend the Water Code by adding sec. 6.197 to permit the executive administrator, with approval and on behalf of the Texas Water Development Board (TWDB), to:

- acquire, apply for, register, secure, hold, protect, and renew a patent, copyright, trademark, or any other protection issued for intellectual property;
- contract for the reproduction, public performance, display, advertising, marketing, lease, licensing, sale, use, or other distribution of TWDB's intellectual property;
- obtain under a contract a royalty, license right, or other appropriate means of securing reasonable compensation, monetary or otherwise, for the exercise of rights with respect to TWDB's intellectual property; and
- waive, increase, or reduce any compensation secured by a contract, if the executive administrator, with the approval of the board, determined the waiver, increase, or reduction would further a goal or mission of TWDB and result in a net benefit to the state.

The executive administrator would enforce rules adopted to implement the provisions of this bill.

The bill would take effect September 1, 2007.

**SUPPORTERS  
SAY:**

HB 1657 would protect the investment of state resources from being misused or plagiarized by private interests. Currently, the Texas Water Development Board does not have the authority to obtain intellectual property rights. Many agencies, including the Department of Information Resources, Comptroller of Public Accounts, the former Texas Department of Health, Texas Department of Transportation, and all institutions of higher learning have the authority to obtain intellectual property rights. TWDB undertakes scientific research, geospatial data collection and dissemination, marketing of financial assistance programs, and outreach efforts on water conservation that could benefit from an intellectual property right. Also, TWDB is celebrating its 50th anniversary this year and would like to the opportunity to pursue a copyright or trademark for publications, logos, and slogans related to anniversary events. Allowing TWDB to obtain intellectual property rights would not affect its responsibilities to the state.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

The companion bill, SB 616 by Duncan, passed the Senate on the Local and Uncontested Calendar on April 12 and has been referred to the Natural Resources Committee.

The Texas Water Development Board estimates the agency may require as much as \$15,000 annually to contract with an intellectual property attorney to handle the any intellectual property matters it may pursue. It is possible these costs could be absorbed within existing agency resources.