
SENATE BILL 6106

State of Washington

64th Legislature

2015 Regular Session

By Senator Chase

Read first time 04/16/15. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the assignment of employee's rights to
2 inventions; and amending RCW 49.44.140.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 49.44.140 and 1979 ex.s. c 177 s 2 are each amended
5 to read as follows:

6 (1) A provision in an employment agreement which provides that an
7 employee shall assign or offer to assign any of the employee's rights
8 in an invention to the employer does not apply to an invention for
9 which no equipment, supplies, facilities, or trade secret information
10 of the employer was used and which was developed entirely on the
11 employee's own time, unless (a) the invention relates (i) directly to
12 the business of the employer, or (ii) to the employer's actual or
13 demonstrably anticipated research or development, or (b) the
14 invention results from any work performed by the employee for the
15 employer. Any provision which purports to apply to such an invention
16 is to that extent against the public policy of this state and is to
17 that extent void and unenforceable.

18 (2) An employer shall not require a provision made void and
19 unenforceable by subsection (1) of this section as a condition of
20 employment or continuing employment.

1 (3) If an employment agreement entered into after September 1,
2 1979, contains a provision requiring the employee to assign any of
3 the employee's rights in any invention to the employer, the employer
4 must also, at the time the agreement is made, provide a written
5 notification to the employee that the agreement does not apply to an
6 invention for which no equipment, supplies, facility, or trade secret
7 information of the employer was used and which was developed entirely
8 on the employee's own time, unless (a) the invention relates (i)
9 directly to the business of the employer, or (ii) to the employer's
10 actual or demonstrably anticipated research or development, or (b)
11 the invention results from any work (~~performed~~—[performed])
12 performed by the employee for the employer.

13 (4) The following definitions apply throughout this section:

14 (a) "Directly to the business of the employer" means the supply
15 of resources to support research and instruction.

16 (b) "Employee's own time" means any time for which a faculty
17 member is not subject to the express direction and control of a
18 university administrative supervisor.

19 (c) "Employer's actual or demonstrably anticipated research or
20 development" does not include any research or development proposed or
21 undertaken by a faculty member unless expressly contracted by the
22 university in exchange for consideration to conduct such research or
23 development.

24 (d) "Equipment, supplies, facilities, or trade secret information
25 of the employer" means employer resources but excludes resources
26 provided to support extramural research, and also excludes any such
27 resources normally made available to faculty in the ordinary course
28 of their work without the need for a special request or
29 authorization.

30 (e) "Work performed by the employee for the employer" means
31 faculty work expressly subject to the direction, control, and
32 approval of university officials.

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