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DATE: September 17, 2001
TO: UNM Community
FROM: Robert E. Bienstock, Senior Associate University Counsel
RE: Regulation PAO-5 on Open Source Software

The Patent Administration Office ("PAO") Regulation PAO-5 covers open source software. This regulation is an official university rule, adopted pursuant to the UNM Intellectual Property Policy. It is published on the PAO website as regulation PAO-5, at <http://www.unm.edu/~counsel/pao/PAO-5.pdf>.

This rule makes clear that faculty members who write software may release that software to the public under an open source license. This means that they may post the software on the Internet, thereby making it available for download at no charge to the larger community. UNM retains the ultimate commercialization rights, if any, but the faculty creator controls the decision as to the free public release of the software. Only someone who actually authored or co-authored the code can make the decision to open source it.

The software must be released under a license, such as the General Public License, that prohibits people who download it from then selling it themselves. The GNU General Public License is available at <http://www.gnu.org/copyleft/gpl.html>.

Releasing software dramatically limits the ability to patent it. All foreign patent rights are destroyed immediately; US rights will disappear in one year.

Questions about this may be directed to patent@unm.edu.