



Texas Tech University

Publication Date: June 22, 2004

Tech, OSU in talks about copyright violation

by Sally Gunter
June 22, 2004

Texas Tech administrators were not the only things leaving West Texas throughout the last year to go north to Oklahoma State University.

OSU used three of Tech's trademarked computer software programs for several months without prior consent from Tech officials. The Web software included a security, architectural design and calendar programs.

Michael Phillips, chief information officer for the Texas Tech University System, said Tech became aware of the usage about six weeks ago when someone within the OSU system notified Tech of the illegal usage of copyrighted programs.

Since that date, Phillips said he has been working with Tech's general counsel office to resolve the matter.

"We are working on a licensing agreement with OSU to give them permission to use the university property," said Pat Campbell, general counsel for Tech. As part of the agreement, OSU will pay Tech a "reasonable fee," Campbell said.

The two Big 12 universities could finalize the agreement within seven to 10 days, Phillips said.

OSU has been very cooperative during the discussions, and Campbell said he is pleased with the progress of the conversations between the universities. "I think it is too bad it happened," Campbell said. "It is a shame the university property was taken."

Tech developed and copyrighted the programs two or three years ago, Phillips said.

OSU may have acquired a copy of the programs from a former Tech employee that transferred to work at the university, he said.

While OSU vice president of information technology and OSU chief information officer Gary Wiggins did not return phone calls, according to The Daily O'Collegian, Wiggins said during a faculty council meeting on June 8 that he was not aware of any illegal actions on behalf of OSU employees. Wiggins left Tech in spring 2003 along with Michael Heintze, vice president of enrollment management, for OSU, several months after then-President David Schmidly accepted a position as president and CEO of the OSU System. Other Tech officials have left Tech for OSU since.

Spokesman for OSU Nestor Gonzales said a statement has not been released by the university because of an ongoing internal review into how the material was obtained and why it was used without permission.

Schmidly referred all questions and comments to Gonzales.

The licensing agreement could open the door for other universities to negotiate with Tech for use of the software as well, but both Phillips and Campbell said they have not been contacted by anyone.

The actions of OSU are upsetting to Phillips because Tech is interested in protecting its intellectual property.

"We find the whole thing disappointing," he said. "We will protect Tech's interest in the matter and move forward."
