

Technology Transfer and IP Policy

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IP and the Future

- IP is about respect for innovation
- IP works best between organizations
- IP is a means to manage relationship
- Technology transfer is about the potential for future relationships

Patent Rights

- Bayh-Dole Act allows universities to elect title in patent rights to inventions made with federal funding
- University technology transfer offices manage these rights
- University policies generally require assignment of patent rights



Industry Sponsored Research

- Technology transfer often controls IP provisions in ISRAs
 - Publication review
 - NERFs
 - Background rights
 - Rights to improvements
 - Interest extends to data



Commercialization

- First generation technology transfer
 - Assertable patent rights in technology
 - High value, often exclusive, licensing
 - Commercial value of products
- Second generation technology transfer
 - Distribution to appropriate audiences
 - Low overhead, often non-exclusive, licensing
 - Expansion of services to commercial value



Conflict of Interest

- Commercialization
 - Raises conflict of interest issues
 - Personal
 - Institutional
 - Flow of IP through private consulting
 - First order improvements and traversal of claims in outside work
 - IP as institutional assets held in public trust



Copyright Issues

- Copyright often seen as individual matter
 - Ownership of lecture materials
 - Academic freedom
 - Fair use for classroom instruction
 - Anti-piracy policies
- Increasingly copyright operates at scale
 - Freedom of inquiry
 - Institutional liability
 - Publication of group assets



Integrated IP Policy

- Technology transfer needs coherent IP policy to manage value and liability
 - Inventions
 - Copyright deliverables
 - Trademarks and domain names
 - Consulting with industry
 - Information policies



Conventional Policies

- Fair use
 - Personal: assert strong user rights
 - Transfer: clear rights for publication

In the context of technology transfer, strong user rights creates unpublishable materials that evidence developers' skills, may breach research contract



Conventional Policies

- Anti-Piracy
 - Personal: improper acquisition and distribution
 - Transfer: institutional liability if incorporated into managed and licensed IP assets

Technology transfer policy interest does not generally extend to DMCA take down notices or misuse of resources or private bad behavior unless involving managed IP



Work for Hire

- Personal: exemption for scholarly works
- Transfer: administrative control of staff work, commissioned work, and work prepared under contract

Institutional stewardship of data, work products to meet access, deposit, and regulatory requirements



Information Management Policies

- HIPAA
- FERPA
- ADA
- DMCA
- Export Control
- UCITA



Technology Transfer

- Controls patent policy
- Extends reach into grant work
- Manages copyright ownership
- Involved in conflict of interest review
- Involved in data management
- Affects fair use, anti-piracy, work for hire, self-publication, industry affairs analyses
