

An Introduction to Intellectual Property

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What Is IP?

- Data
- Materials
- Know-how
- Curricula
- Ideas
- Technologies

How Do You Protect IP?

- Patents
- Copyright
- Publications
- Material Transfer Agreements (MTA)
- Confidential Disclosure Agreements (CDA)

Patents

- A Grant of a Monopoly by the Federal Government
 - Gives the right to exclude others from making, selling, or using the technology described
 - Limited period of time (20 years from filing)
- Requirements for Patent Protection
 - Novel –must be new, not published *
 - Non-Obvious, i.e., unexpected results
 - Patent disclosure – describe invention
 - Utility- must have a distinct practical use

Example Patents

- OncoMouse
- Cre-Lox
- BRAC1
- Coffee cup holders
 - US Patent No. 5,205,473
 - US Patent No. 5,425,497
 - US Patent No. 6,601,728
 - US Patent No. 6,814,253..and many, many more....

Copyrights

- Works of "Authorship"
 - Writing, software, music, drama...
- The work has to be in "tangible form"
- Copyright protects the form of expression rather than the idea
- "Copyright is secured at creation" for the term of the author's life plus 70 years.
- There is also an official registration process available via the US Copyright Office

Protecting Other IP

- Confidential/Non-Disclosure Agreements
 - Pre-Publication Research Results
 - Experimental Data
 - Information or Know-How
- Material Transfer Agreements
 - Tangible Materials
 - Cells, fungi, animals, plants...

What makes up a CDA/MTA?

- Definitions of the recipient and provider.
- A definition of the info/material
- The approved use of the info/material:
 - General research or a specific experiment
 - Who can use it and where it can be used
- Rights to publish and acknowledgment
- Intellectual property and license options
- Liability and compliance with laws
- Term of the Agreement and disposal of info/material

Publication

- An "official" and peer reviewed public disclosure gives credit to the authors and to the technology/ideas/data.

A serene background image featuring a clear blue sky with wispy white clouds at the top. Below the sky is a vast, calm blue ocean. A bright sun is visible on the left side of the horizon, creating a shimmering reflection on the water's surface. The overall color palette is dominated by various shades of blue.

What does this have to do with me?

Federal/Sponsor Obligations

- Federal Law and Policies
 - Bayh-Dole Act
 - NIH Guidelines on Biomedical Research Resources
- Sponsor Obligations
 - Ownership of IP, license rights, obligation to disclose

IP and Federal Funding

- The Bayh–Dole Act
 - Prior to 1980, the US Federal government retained title to all inventions developed under federal funding
 - The Bayh-Dole Act created a uniform IP policy among the agencies
 - Provided an opportunity to take ownership of IP to those who received federal funding

The Bayh-Dole Act

- Researchers have an obligation to disclose any inventions developed under funding
- Once an invention is disclosed, the recipient of funding (institution) has more obligations:
 - Decision to elect title to disclosure
 - File a patent if elect title
 - Report on commercialization progress (licensing and products on the market)

The background is a smooth blue gradient, transitioning from a lighter blue at the top to a darker blue at the bottom. A bright sun flare is visible on the left side, creating a white and yellow glow that fades into the blue. The overall effect is serene and calm.

What does this have to do with me?

- Know how you are funded and what the IP terms of the grant/contract are
- Read and understand any institutional IP and Data Retention Policies
- Look at the results and your tools closely – Does this technology have commercial potential? Does it make sense to protect the IP in a way other than publication?
- Send unpublished data and materials out under CDA/MTAs. Protect your investment.