

Intellectual Property in an Academic Research Context

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&

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NAS Committee on University Management of Intellectual Property – July 1, 2008

COGR

- Association of 178 research universities and affiliated medical centers and research institutions
- Involved in all major financial and administrative aspects of federally funded research
- Provides advice and information to members on a wide variety of research related issues

The University of California System

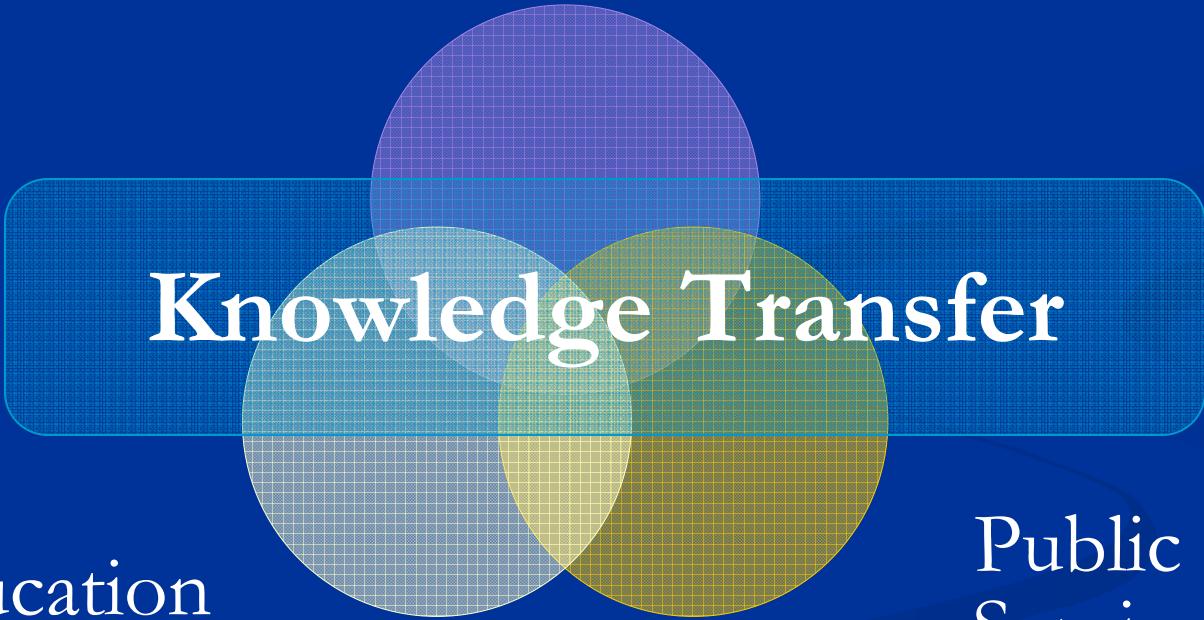


- 10 campuses
- ~8,800 faculty
(50 Noble laureates)
- ~214,000 students
- \$4.37 B in extramural
grant and contract
revenues

(FY07)

Everything in Context of the University's Mission

Research



Knowledge Transfer

Education

Public
Service

Academic Knowledge Transfer

- Publication/presentation
- Education of students
- Research collaboration
- Personnel exchange
- Sharing research materials
- Sponsored research
- Trained students/postdocs entering the workforce
- Faculty consulting
- Cooperative extension
- Licensing technology to commercial partners (aka, TT)

Appropriate Management of IP Is Critical to Research Enterprise

- To be able to continue a line of research and education
- To ensure results can be published in peer-reviewed journals
- To ensure availability for research by others, including by other research institutions
- To encourage/enable university-industry collaborations
- To meet obligations to ALL sponsors
- To ensure results are used for public good
- To preserve incentive for industry investment in bringing products to market

Research in Academia

Multiple Stakeholders

Internal

- Researchers/inventors
- Office of Research
- Students/postdocs
- Sponsored Programs Office
- Technology Transfer Office
- Office of General Counsel
- Risk Management
- Management at various levels
- Business & Finance/Accounting
- Development Office

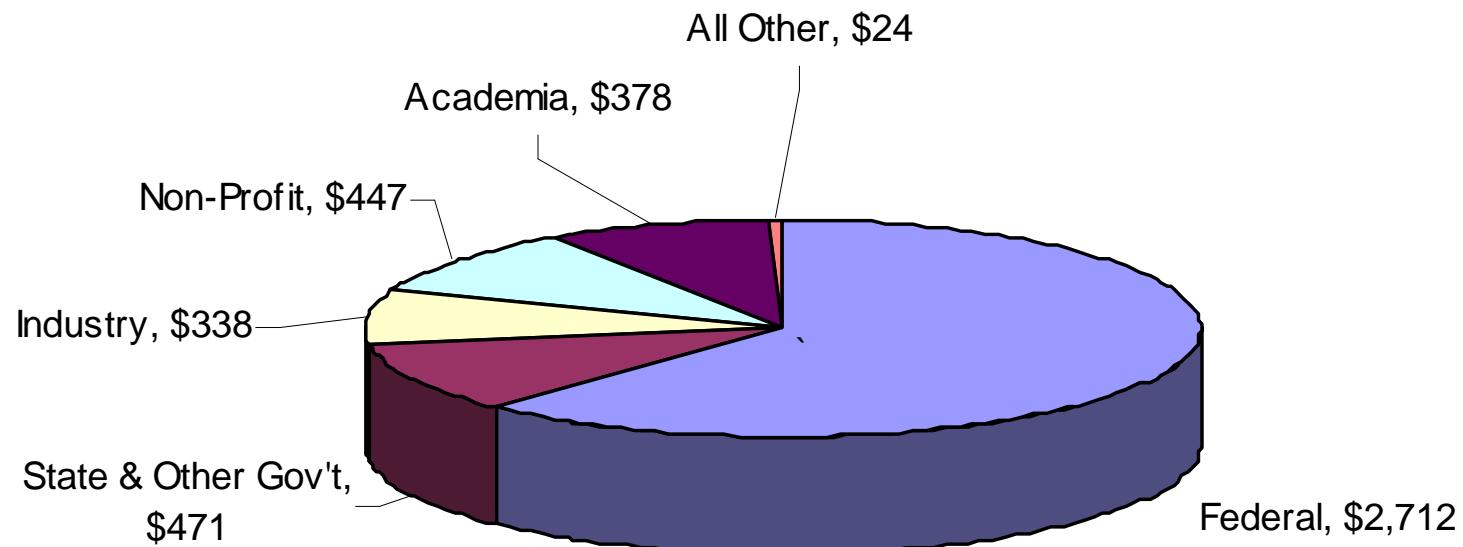
External

- Government sponsors
- Industry sponsors
- Non-profit sponsors
- State and Federal governments
- Potential licensees
- Industry organizations
- Academic community
- General public
- Media
- Special interest groups
- Economic development agencies

Research Funding Sources

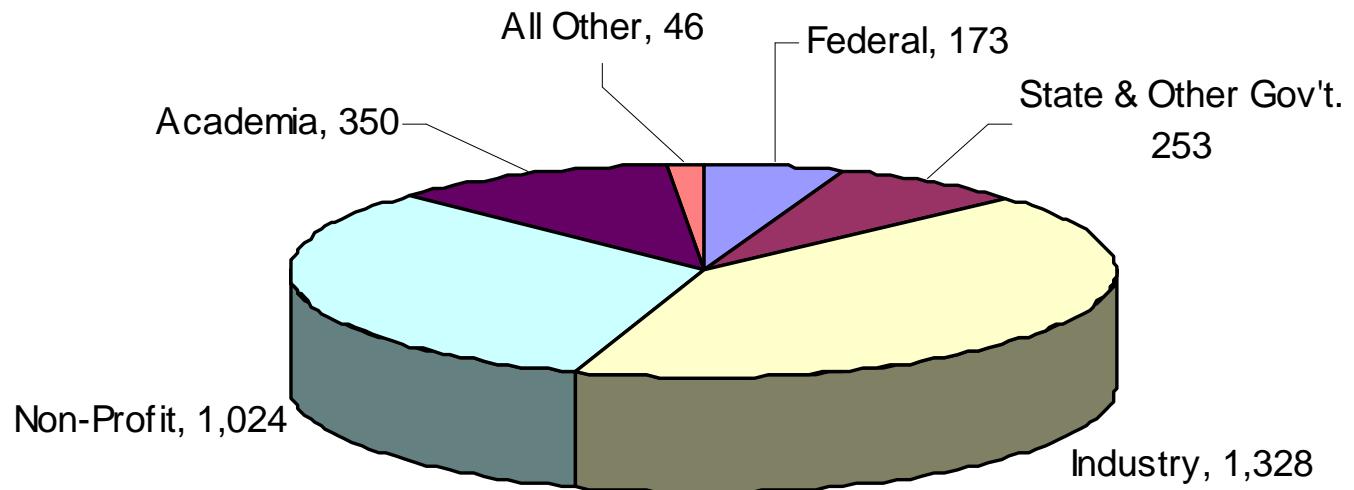
UC Awards in FY07 (\$M)

Total = \$4.37 B



Wide Variety of Partners

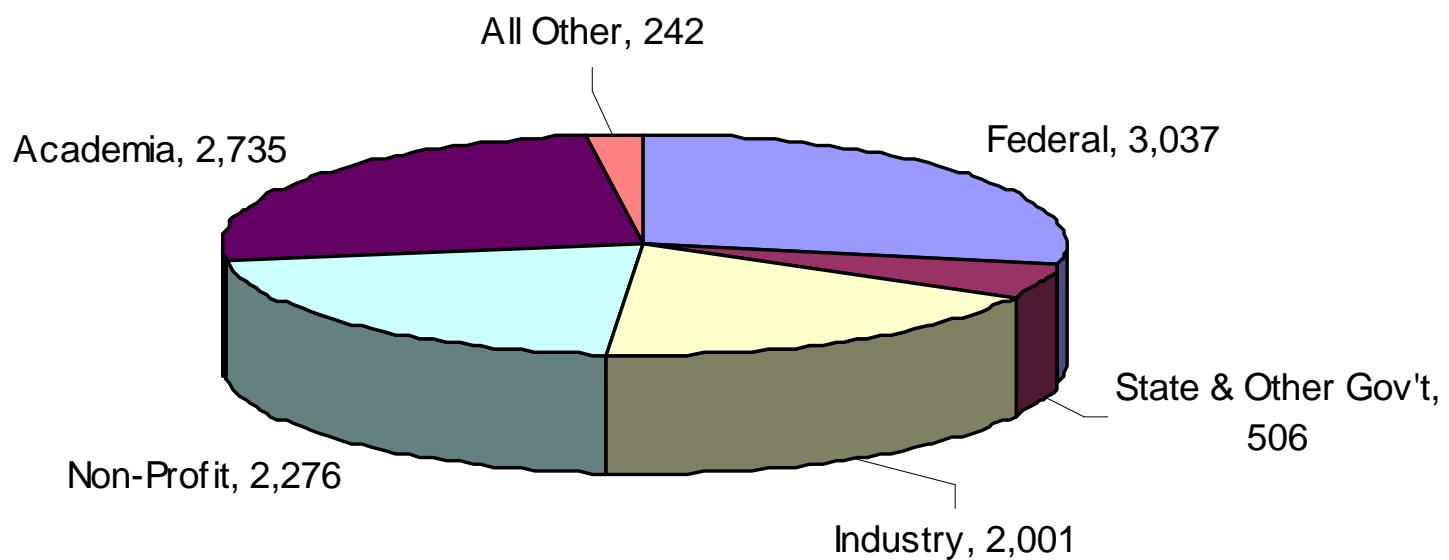
UC Sponsors in FY07
Total = 3,160



of Agreements Negotiated

New Awards to UC in FY07

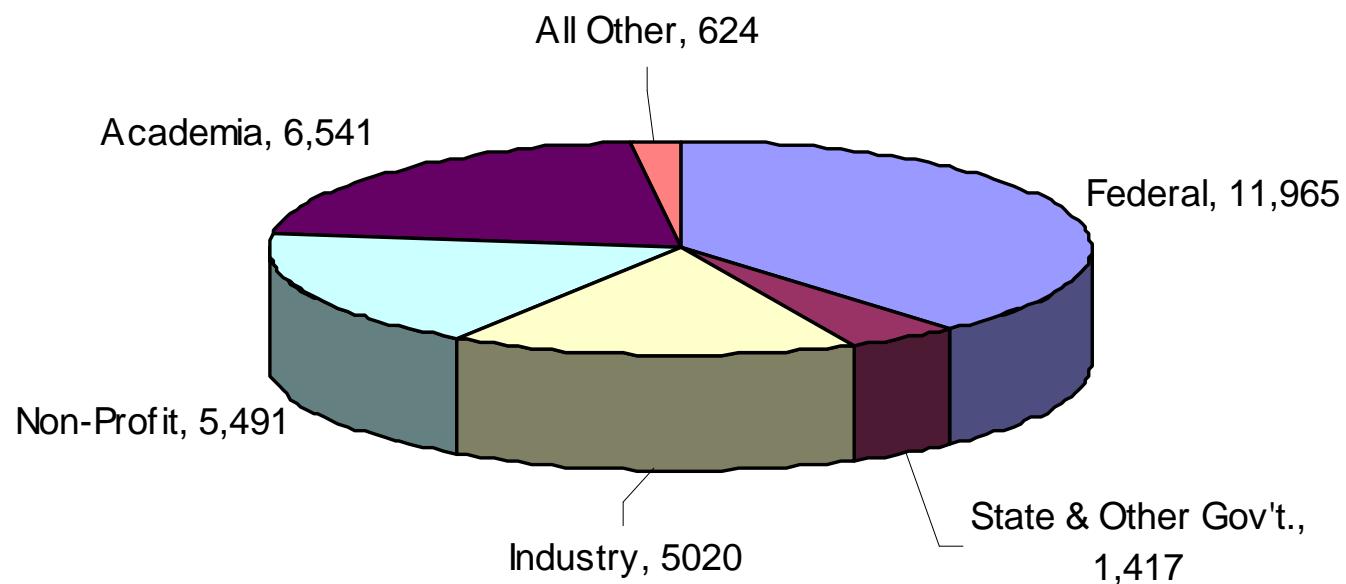
Total = 10,797



Ongoing Administrative Effort

Active Awards at UC in FY07

Total = 31,058

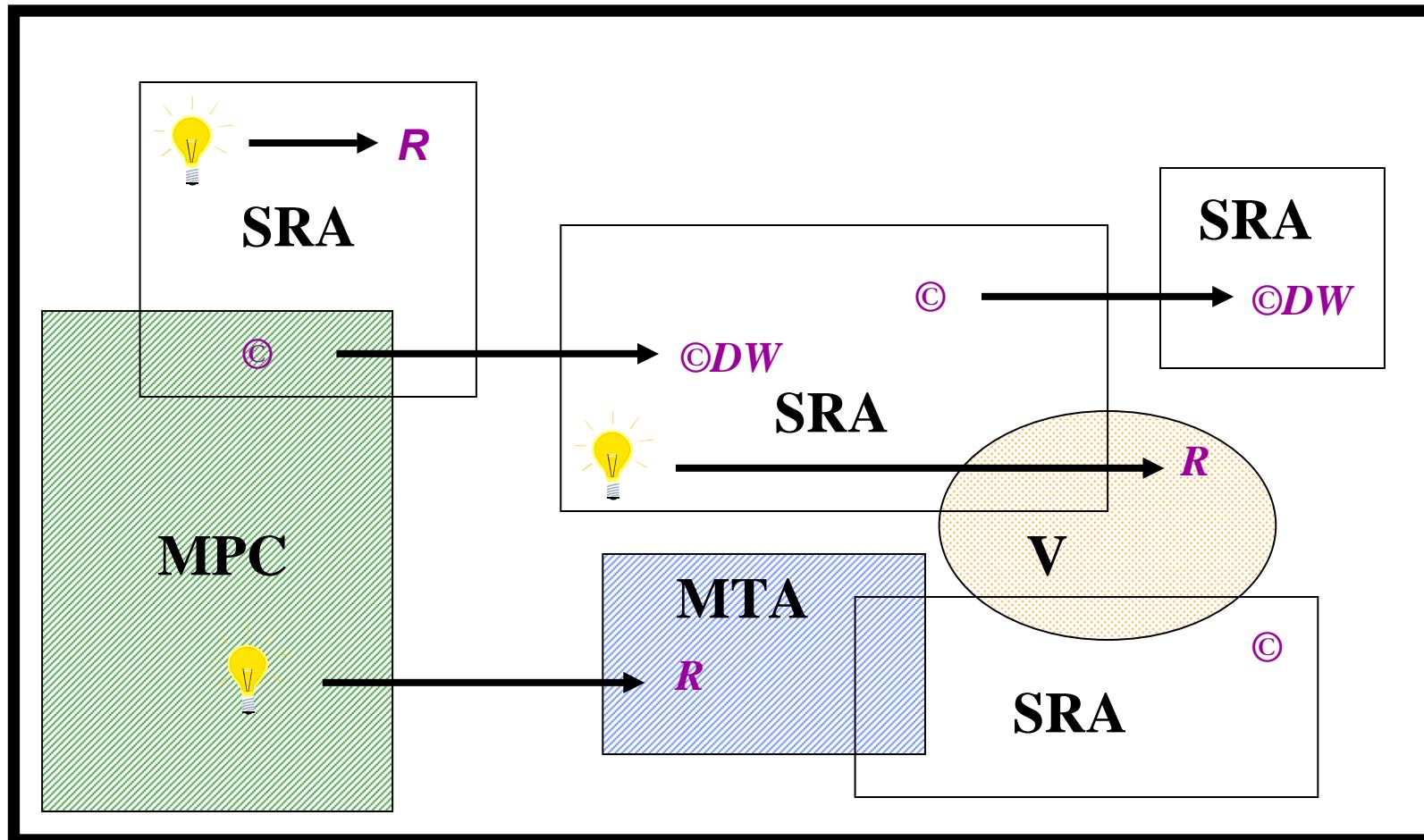


The “Web” of Research Support

- Many sources of support, many (sometimes conflicting) requirements
- Dominated by federal funds so administrative approaches *must* accommodate federal funding
- Must maintain sufficient flexibility
 - to meet all obligations
 - E.g., research material from one source, \$\$ from another, and a visiting scientist
 - to find creative solutions to address emerging issues
 - E.g., research tools, developing countries, access to indigenous resources

UNIVERSITY INVESTIGATOR'S RESEARCH PROGRAM INTELLECTUAL PROPERTY PORTFOLIO

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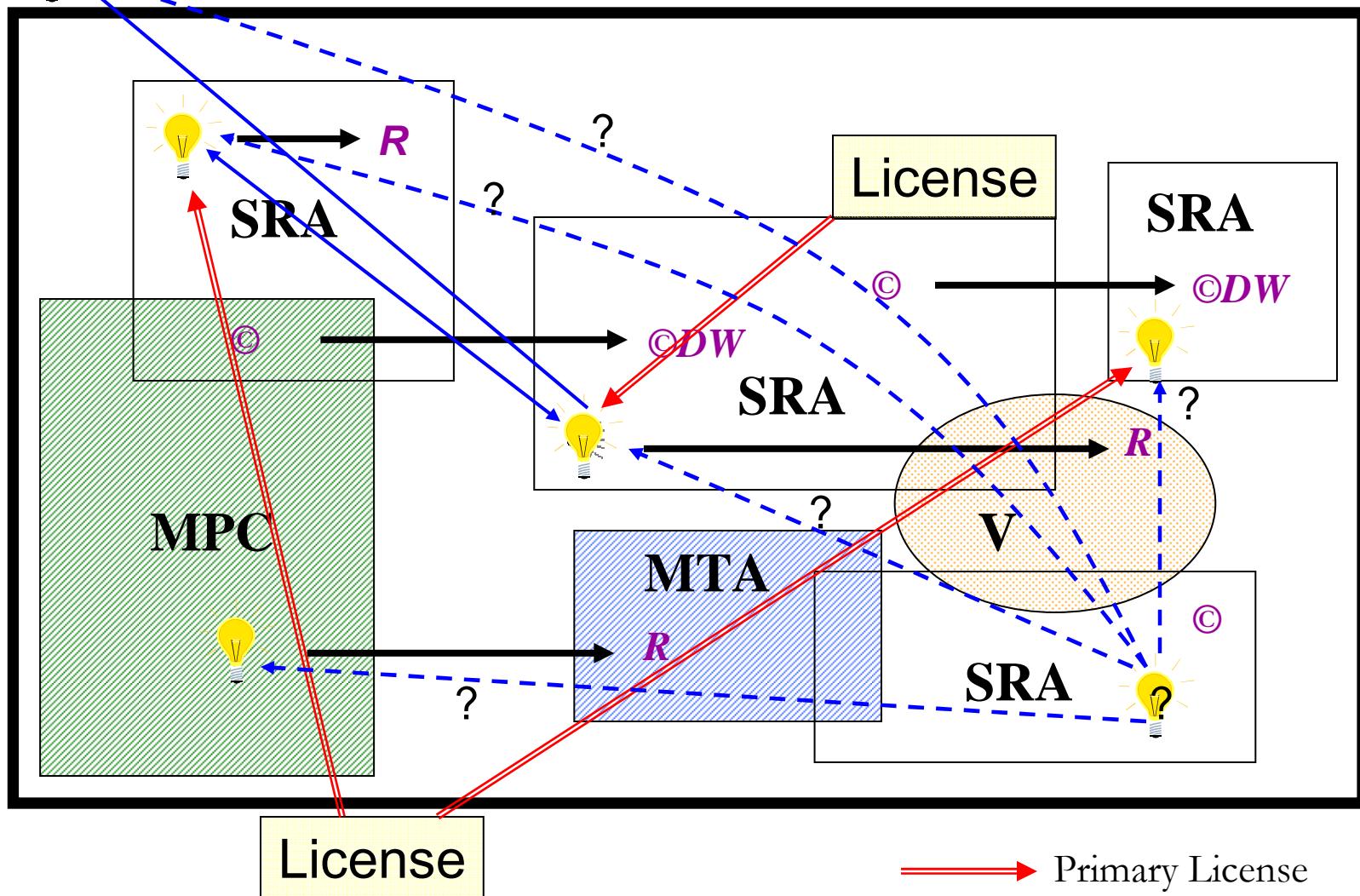


- 💡 CONCEPTION
- 💡 **R** REDUCTION TO PRACTICE
- 💡 © COPYRIGHTABLE WORK
- 💡 ©DW DERIVATIVE WORK
- 💡 SRA SPONSORED RESEARCH/AGREEMENT
- 💡 MTA MATERIAL TRANSFER AGREEMENT
- 💡 MPC MULTI-PARTY COLLABORATION
- 💡 V VISITOR

**THIS IS NOT
EASY STUFF!**

UNIVERSITY INVESTIGATOR'S RESEARCH PROGRAM

With Background IP Commitments



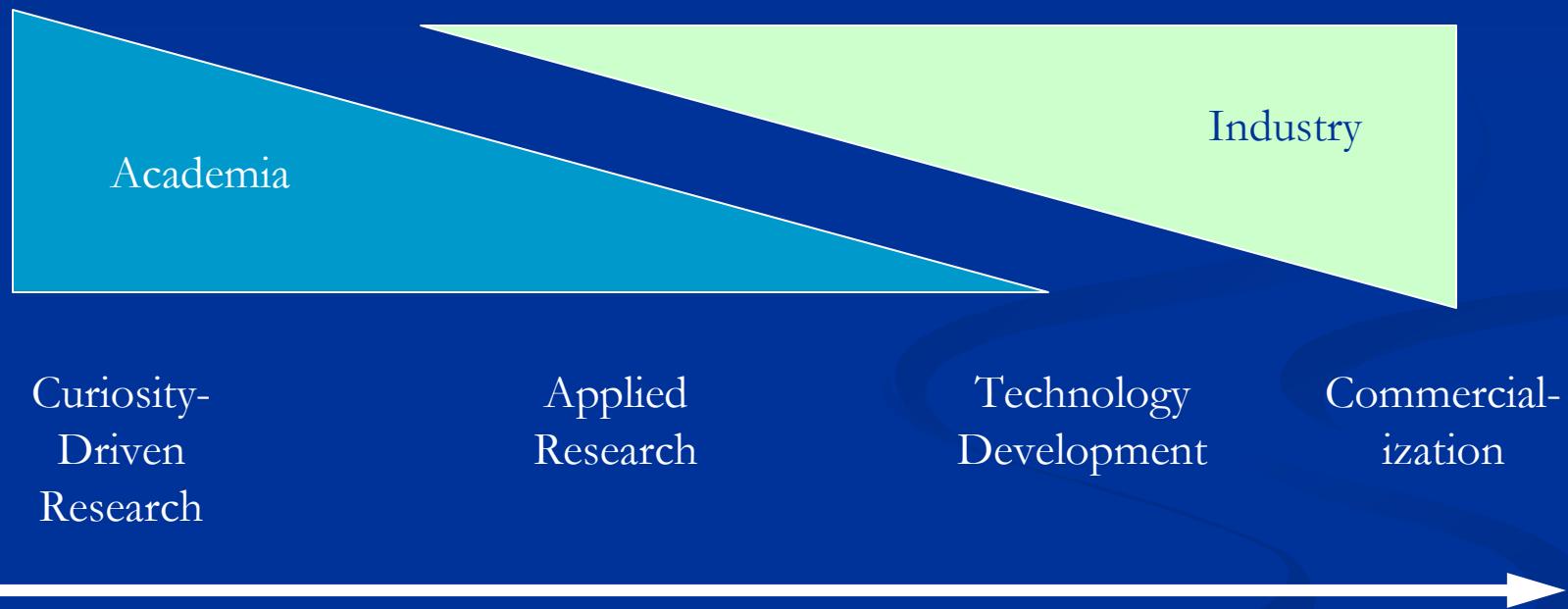
- Primary License
- Background IP License
- Potential Background IP Commitment

**THIS IS NOT
MANAGEABLE!**

Common Interests

- University-Government
 - Advancement of (usually basic) science
 - Education of students/training of workforce
 - Public benefit
 - Benefit to economy
- University-Nonprofit
 - Advancement of science (often interest-specific)
 - Public benefit (often interest-specific)
 - Training of scientists/workforce
- University-Industry
 - Advancement of (often applied) science
 - Training of workforce

University-Industry Relationship



From Basic Research to Products on Shelves

Inherent & Entirely Appropriate Cultural Differences

- Industry culture:
 - Profit-oriented; needs secrecy; focus on select products/markets
 - *Companies manage IP for profit and competitive advantage*
- University culture:
 - Non-profit; emphasis on advancing science and public benefit; open dissemination of ideas is critical; curiosity-driven exploration over broad spectrum of disciplines
 - *Universities manage IP in the public interest*

Relationships with Industry

- Universities work with complex variety:
 - Many different sectors and fields; different models, frameworks; *Hundreds* of unique companies
- **Yet the vast majority of these relationships work very well!**
- As long as both parties understand that universities cannot be “job shops” for industry

External Pressures

- **Universities are doing too much for/with industry**
(e.g., Jennifer Washburn's "University, Inc.")
 - Compromising academic integrity and objectivity
 - Moving away from curiosity-driven research
- **Universities aren't doing enough for industry**
(e.g., some companies, economic development groups)
 - Insufficient return on industry investment of research dollars
 - Need to do more to support economic development

In Broader Context

- Must keep concerns in perspective with the larger innovation ecosystem
- Since 1980, Bayh-Dole is not the only change
 - Chakrabarty and emergence of biotech
 - Emergence of knowledge economy
 - ...and growing industry appetite for IP
 - Globalization of economy

Maintaining Our Integrity

- Universities take concerns very seriously, consider them carefully, and try to address without compromising fundamental academic principles
- Tough issues almost always stem from academic concerns and are NOT about the money!

UC's Principles for Research Results

- Must remain true to mission and fundamental academic principles
- E.g., UC's articulated Principles regarding treatment of future research results:
 - Open Dissemination of Research Results
 - Commitment to Students
 - Accessibility for Research Purposes
 - Public Benefit
 - Informed Participation
 - Legal Integrity
 - Fair Consideration
 - Objective Decision Making

Questions?