

Office for Sponsored Research

We promote, facilitate and enhance research



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Government-University-Industry Research Roundtable

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NORTHWESTERN UNIVERSITY **International Collaborations...**

- **Good News!**

International collaborations are up!

- **Bad News!**

1. Reversal of recent positive trends
2. Experienced managers replaced with procurement reps and vendors
3. Send in the lawyers!
4. The new corporate motto...



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Quote:

***“Take What You Can!
Give NOTHING Back!”***

----Pirates of the Caribbean



- **Corporations (International AND Domestic)**
 - Fail to understand what a University “IS”
 - Fail to understand what a University “Does”
 - Fail to understand what a University Does NOT do!

....Unfortunately

- **University faculty and staff:**
 - Often fail to understand what a University “IS”
 - Often fail to understand what a University “Does”
 - Often fail to understand what a University Does NOT do!



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Silent partner

Role of the U.S. Federal Government in non-federally funded programs

- OMB Circulars
- NSDD 189
- IRS Rev Proc. 2007-47
- IRS Ruling 76-296



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Losing Site of what we do:

- Educate our students
- Educate everyone else (the public) by publishing our research results
- What we don't do:
Commercial "Works Made for Hire"



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The Golden Rule

A university cannot
sign a contract which
contains terms we know we
cannot comply with...



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Background Intellectual Property

- No BKIP search conducted at time of proposal submission
- No BKIP search conducted AFTER proposal submission
- Caution: Avoid impact on unrelated funding!
- Reservations of Rights



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Attempted Balance:

Compliance \leftrightarrow Facilitation



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Misconception:

Universities are Difficult to deal with?



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Negotiating position...

- The “Box”
- Seeking the “M.A.C.”
- No seeking a “Better deal”



- NSF Early Career Award
- Hidden Patents/Bad faith?
- Cost Sharing with a license
- Faculty Signatures
- Contract in English – but not English
- Commercial purchase orders
- Mutual non-recruiting
- “Selling” intellectual content and giving up rights to future performance.



- Avoid artificial deadlines
- Be aware of “Master” terms especially in IP not yet known or created
- Be aware of “Global” impact on unrelated:
 - Research
 - Researchers
 - Intellectual Property
- 4 Corners Rule: The 4 corners of the research agreement should reflect the subject matter (SOW).



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