

Intellectual Assets

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Take Away Messages

- Graduate students have the same intellectual property rights as faculty
- Need policies to state intellectual property rights and make sure processes aligned
- Education, education, and education – must educate both faculty and graduate students about their intellectual property rights and obligations

Agenda

- What are Intellectual Assets/Intellectual Property Rights
- Intellectual Property Policies and Tech Transfer
- Case Studies
- Q&A

University of New Hampshire

- Founded in 1866
- Land-grant, sea-grant, and space-grant charters
- 12,000 undergraduates, 2250 graduate students
- Law school, no medical school
- FY12 Research Expenditures:
 - \$138,408,165
 - Federal expenditures - \$81,483,374

ORPC

- Office for Research Partnerships and Commercialization
 - Manage UNH's intellectual assets
 - Administer NH Innovation Research Center
 - Building research partnerships that result in commercialization and economic development

What are Intellectual Assets?

- A collective term for:
 - Intellectual Property
 - Intellectual Property Rights
 - Know-How
- Intellectual Asset Management:
 - Deriving maximum benefit from the knowledge that we create
 - Part of mission for higher education institutions

Patents

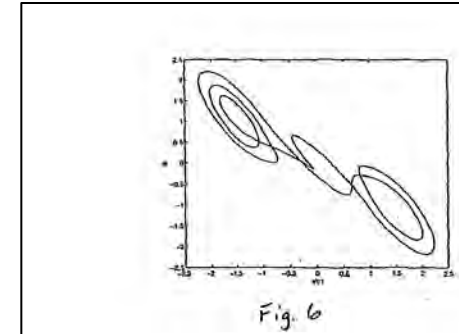
Patents

- Contract between government and an inventor:
 - A limited and temporary monopoly granted by the government in return for a full disclosure by the inventor of the details of their invention
 - Rights to exclude others from making, using, selling, offering to sell or importing the patented invention (35 USC 271)
- Criteria for patent protection:
 - Novel
 - Non-obviousness
 - Useful

What May Be Patented?

Utility Patent

- Any new and useful process, machine, manufacture, or composition of matter, and new and useful improvements (35 USC 101)



Plant Patent

- Any new and distinct, invented or discovered asexually reproduced plants (35 USC 161)



Design Patent

- Any new, original, and ornamental design for an article of manufacture (35 USC 171)



Why pursue patent protection?

- Specifically, rights to exclude others from making, using, selling, offering to sell or importing the patented invention (35 USC 271)
- Protection of innovation
- Freedom to operate

Why not pursue patent protection?

- Patent applications are expensive and can take 3-4 years before granted/rejected by the USPTO
- Invention details are made public
 - Patent protection is for a limited period of time
 - Are any trade secrets revealed in patent application?
- Invention usability may become limited to a larger audience

Trademarks

Trademarks

- A word, name, symbol or device which is used in trade with goods and services that distinguishes the goods and services from others



– Letter combinations - ABC, CBS, NBC

– Alphanumeric combinations - V8, 7-ELEVEN



– Slogans - “Intel Inside”

– Images - Nike swoosh



– Colors

- Pink (Owens Corning Insulation)

- Purple (AstraZeneca’s Nexium for heartburn)



For US Consumers

– Musical Notes - NBC chimes



Trademarks

- Trademark rights may be used to prevent others from using a similar mark, but not to prevent others from making the same goods or offering the same services



- TM or SM used when organization regards name or slogan to be their trademark or service mark
- ® used when trademark or service mark is registered by USPTO

UNH Trademarks

- Bringing in the Bystander[®] (Prevention Innovations)

**Bringing in the Bystander[®] :
Establishing a Community of
Responsibility**

- UNHCEMS[®] software (Research Computing & Infrastructure)



- Fraise de Lise[™] ornamental strawberry plants



Copyrights

Copyrights

- Copyright protection covers published and unpublished literary, scientific and artistic works, whatever the **form of expression**, provided such works are fixed in a tangible or material form.
- Copyright is a bundle of rights:
 - Reproduce work
 - Publish / distribute work
 - Adapt work / create derivative works
 - Perform / display work
 - Sell or assign copyrights to others
- One can license these rights to others

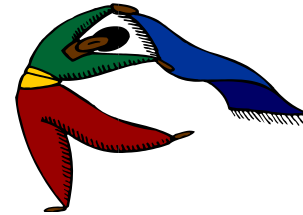
What may be copyright protected?



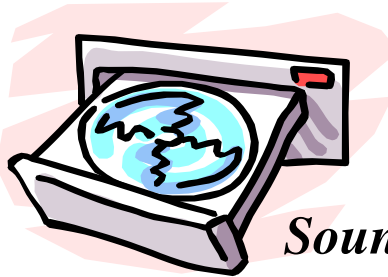
Dramatic works



Musical works



Pantomime and choreographic works

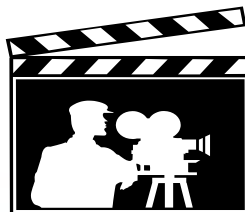


Sound recordings



Pictorial and sculptural works

Architectural works



Audiovisual works



Literary works

Copyright Ownership

- Vests in the author the moment the work is fixed in a tangible medium of expression
- Vests in employer if work created by employee within scope of employment
- Work-for-hire
- Can be governed by agreement

Exempted Scholarly Works

- Traditional publications in academia:
 - Examples: syllabi, textbooks, non-commercial software
- UNH, like most universities, waives its ownership rights in favor of the creator, however UNH retains a right to use the work for research and education purposes only
- Manuscripts and theses fall under this category

UNH IP Policy and IP Ownership

- Inclusive of faculty, staff, and students
- 3 categories when UNH has IP ownership:
 - Employment (received/s salary, wages, stipend, or grant funds)
 - Use of university resources
 - Contractual/legal obligations
- Net Royalty Income Distribution:
 - 30% Inventor(s)
 - 30% Inventor's college or institute
 - 30% Senior Vice Provost for Research
 - 10% ORPC

UNH IP Policy – Graduate Students

- Managed per the above criteria
- Inventions are subject to IP policy when made during:
 - Employment at UNH
 - Research carried out in UNH laboratories
 - Work performed under a grant or other sponsorship
 - Work with other Inventors who must assign to UNH
 - Dissertation
- Thesis and dissertation is considered an Exempted Scholarly Work

Intellectual Property Education

Intellectual Property Education

“Universities need to do a better job at preparing their graduates to be productive students of the innovation economy, and that includes giving more attention to IP education.”

John Villasenor, Forbes magazine,
11/11/12

Education

- Critical to provide abundant education opportunities about intellectual property, both to graduate students and faculty
- If not?
 - Unable to uphold Bayh-Dole requirements, IP policy; innovators don't know when and what to disclose
 - Students may not be properly trained for the management of unpublished data, software, manuscripts, innovations
 - Problem both for current university as well as future employers (academic or industry)

Educational Opportunities

- Required training module for incoming graduate students
- Assignment completed during orientation
- College/departmental seminars
- Graduate student seminars (e.g. Preparing Future Faculty)
- Guest lectures in graduate classes

Case Studies

Q&A

Thank you!

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