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WORLD INTELLECTUAL  
PROPERTY ORGANIZATION

**REGIONAL SEMINAR ON THE BENEFITS OF THE  
INTELLECTUAL PROPERTY SYSTEM FOR UNIVERSITIES,  
UNIVERSITY RESEARCHERS AND RESEARCH  
AND DEVELOPMENT ORGANIZATIONS**

organized by  
the World Intellectual Property Organization (WIPO)  
in cooperation with  
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MANAGEMENT OF INTELLECTUAL PROPERTY RIGHTS AT UNIVERSITIES

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## Management of Intellectual Property at Universities

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Sponsored by the World Intellectual Property Organization & Government of Tanzania

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## Presentation Overview

- Property Systems
- Universities and Intellectual Property Exploitation
- Value to Universities
- Pitfalls
- Institutional Intellectual Property Policies
- Management of Research Intellectual Property Exploitation
- The Challenge/The Opportunity

## Property Systems

- Origins of Property Rights
- Quality of Life in Relation to Property Systems
- Creative Works as Property

## General Characteristics of Property Rights

- Right to possess
- Right to enjoy
- Right to dispose

## Intellectual Property Types

- Know-How
- Trade Secret
- Trade Mark
- Copyright
- Patents
- Plant Variety Protection
- Other

## University Roles

- Teaching
- Research
- Service

### Intellectual Property Exploitation Within Universities

- History
- Evolving/Dynamic
- Balance

### Historical Context

- U.S. Morrill Act of 1862
- U.S. Federal Funding of Defense
- Related Research - World War II -
- Cold War
- U.S. Bayh Dole Act of 1980

### Bayh Dole Act

- Uniform Federal Invention policy
- University Ownership of Inventions by
- University Employees with Federal Funding
- Fosters collaboration
- Government March-in Rights

### Effect of Bayh Dole

- Spawned Biotechnology Industry
- Significant Advances in other technology intensive industries
  - Telecommunications
  - E-commerce
  - Medical
  - Advanced Materials

### Intellectual Property and the University

- High Profile During Past 10 Years
- Fundamental Culture Change
- Appropriateness of Direction Questioned
- Traditionalist Views Sometimes Vehemently Opposed to the Entrepreneurial Style Embraced By More Progressive Faculty and Institutions
- Now Accelerated by Agency Funding Changes

### University Intellectual Property Policies

- Evolving
- Seek to Strike a Balance
  - Work Made for Hire
  - Teacher Exception Rule
  - Academic freedom

### Key Elements of a Successful University Intellectual Property Policy

- Ownership
  - Inventions
  - Instructional Materials
  - Academic Works
- Administration
- Sharing of Rewards

### Managing Technology Publication

- Traditional release of Scholarly Works
- Proprietary/Contract research
- Publication delay 1-6 months
- Useful duration perhaps 2 years
- Partitioning proprietary information from publishable results at the initiation of the contract if possible
- Incorporating students and accommodating degree requirements for publication of Scholarly Works

### Defining Technology Transfer

“The Movement of Technology, Methodology, Systems, Know How, Goods, Services and People Across Boundaries”

### Utah State University Office of Technology Commercialization

#### MISSION STATEMENT

THE MISSION OF THE UTAH STATE UNIVERSITY OFFICE OF TECHNOLOGY COMMERCIALIZATION IS TO BENEFIT THE PUBLIC, THE UNIVERSITY AND ITS FACULTY BY TRANSFERRING RESULTS OF UTAH STATE UNIVERSITY RESEARCH INTO SOCIETY VIA LICENSING AND NEW BUSINESS DEVELOPMENT.

### Value to Universities

- Royalties and Fees
- Sponsored Research Revenues
- Faculty Recruiting
- Student Recruiting
- Practical Experiences for Students & Faculty
- Credibility with Stakeholders (Legislature)

### Pitfalls

- Unrealistic Expectations
- Conflict of Interest
- Conflict of Commitment
- Administrative Costs
- Sponsor Rights
- Commercial Sponsors vs. Disinterested Inquiry

Success Criteria for Exploiting  
Research Intellectual Property

- Research Capacity
- Vision
- Commitment
- Administration
- Support Organizations

MYTH

The new emphasis on technology transfer is diverting universities from their main mission of education and research.

MYTH

The government is better at commercialization through technology transfer than universities are. Therefore, the government should regain control of university patents that have come from federally-funded research projects.

MYTH

University technology transfer is an unnecessary barrier to effective commercialization. More rapid commercialization would be achieved if universities gave their inventions to industry.

MYTH

Most university patents come from federally-funded research paid for by U.S. taxpayers. Neither the U.S. government nor the taxpayer is benefiting.

MYTH

Technology Transfer is a major source of revenue for universities.

MYTH

University inventors are receiving substantial personal financial benefit from University licensing.

MYTH

Universities over-inflate the value of their inventions, setting rates too high.

MYTH

Universities are more likely to license big companies because they can afford to pay more. Small companies cannot afford to license university inventions.

MYTH

University technology transfer offices are prospering through charging high royalties.

MYTH

Universities are more interested in patenting inventions than publishing research findings for the public to use.

MYTH

Universities are doing too much patenting. It would be better for economic growth and U.S. competitiveness to put more inventions into the public domain.

**MYTH**

University patenting of biological materials and research tools is harmful to the advancement of science and is hampering the efforts of researchers

**MYTH**

The recent focus on industrial relationships and entrepreneurial activities in U.S. universities is detrimental to the university's fundamental mission of educating students.

**MYTH**

Partnering with industry will skew the academic research agenda from basic to applied research.

**MYTH**

By taking industry sponsorship, universities are inviting industry to determine the direction of university research.

**MYTH**

Collaboration with industry invariably creates financial conflicts of interest for academics.

**Case Studies**

The Challenge  
The Opportunity

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