




What Every UF Scientist Should Know About Intellectual Property

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*Academics often conceive of
novel ideas, but rarely have
the training to recognize that
they have intellectual property
that should be protected!*



What you need to know!

“The UF Intellectual Property Policy is meant to encourage and enable technology development and transfer for the benefit of the public.”



What you need to know!

“Adequate recognition of and incentive to potential inventors through the sharing of the financial benefits...encourages the creation of such intellectual property.”



What you need to know!

“In order to have successful technology transfer, a team effort on the part of the creator..., the staff..., the administrative staff of the creator’s department..., and others is necessary.”



What you need to know!

- UF has an Office of Technology Licensing - <http://rgp.ufl.edu/otl>
- All “University personnel” MUST disclose all intellectual property - <http://rgp.ufl.edu/pdf/otl/ipp.pdf>
- Disclose as soon as possible - <http://rgp.ufl.edu/doc/otl/invdiform.doc>



Legal Considerations

- Bayh-Dole Amendments, Public Law 96-517, "The Patent and Trademark Amendments Act of 1980"...retention of IP, particularly inventions, by universities.



Legal Considerations

- IP Policy of UF based on Section 240.229 Fla. Stat. (Appendix I)
- Authorizes the University to license, protect,...work products of University personnel.



Legal Considerations

- University authority through Rule 6C1-7.0392, Florida Administrative Code
- "Requires that all UF personnel disclose certain works and all inventions which that person may develop or discover while affiliated with the University."



Legal Considerations

- Also found in Article 18 of the Collective Bargaining Agreement between the BOR and the United Faculty of Florida
- Governs faculty in the collective bargaining unit.



Legal Considerations

- UF may waive or exert its interest in all intellectual property in the field or discipline in which you are employed.
- UF will waive any intellectual property in areas outside your area of employment that is not "University supported".
"Independent efforts"



Legal Considerations

- It is the University's policy....to require that works and inventions developed in the course of University research sponsored by private persons, business....be the property of the University.



Legal Considerations

- Consultant agreements are often in conflict with UF policies
- Faculty often naïve regarding confidentiality



What you need to know!

UF pays all costs associated with the filing and prosecution of a patent!



What you need to know!

- Getting the patent is the easy (but expensive) part - US \$5-15K, Worldwide \$80-100K or more!
- Finding the licensee must be a joint effort of the inventor(s) and OTL.



What you need to know!

- Distribution of income (net adjusted up to \$500k):
 - 40% - individual creator(s)
 - 10% - program(s)
 - 7.5% - creator(s)'s department
 - 7.5% - creator(s)'s college
 - 35% - ORTGE or UFRF



What you need to know!

- Distribution of income (net adjusted over \$500k):
 - 25% - individual creator(s)
 - 10% - program(s)
 - 10% - creator(s)'s department
 - 10% - creator(s)'s college
 - 45% - ORTGE or UFRF



What you need to know!

- UFRF may elect to accept equity in lieu of cash payments
- Sole discretion of UFRF
- Does not constitute an obligation to disburse equity to creator until equity is sold



What you need to know!

- UFRF will own and exercise all rights of ownership
- Decision of sell or exchange of equity resides with UFRF



Ethics/Conflict of Interest



Disclosure of Outside Activities and Financial Interests

- Must be reported immediately and updated on July 1st
- Must disclose:
 - Use of University facilities
 - Supervision of students or employees
 - Entity that does business with University
 - Entity that competes with the University



Disclosure of Outside Activities and Financial Interests

- Must disclose:
 - Candidacy, election or appointment to public office
 - Required use of textbooks, etc. used at the University
 - Professional compensated activities



Disclosure of Outside Activities and Financial Interests

- Must disclose:
 - Business activities
 - Any activity that creates a conflict
 - Required by federal contract or grant regulations
- All other conflicts including time commitments



Conflicts of Interest in Biomedical Research

“Conflicts of interest are ubiquitous and inevitable in academic life, indeed, in all professional life.”



Conflicts of Interest in Biomedical Research

“The challenge for academic medicine is not to eradicate them, which is fanciful and would be inimical to public policy goals, but to recognize and manage them sensibly and effectively.”

David Korn, JAMA 2000;284:2234



What's the Big Deal?



The Big Deal Is...

- When an investigator has a financial interest in or funding from a company
 - Research is lower quality
 - Results are more likely to favor the sponsor's product
 - Results less likely to be published
 - Publication more likely to be delayed



The Big Deal Is...

1999

- NIH funding - \$17.8 billion
- Top 10 pharmaceutical companies - \$22.7 billion!



The Big Deal Is...

Few universities have clear conflict of interest policies and few are able or try to enforce them. The university often has equal or greater conflicts!