



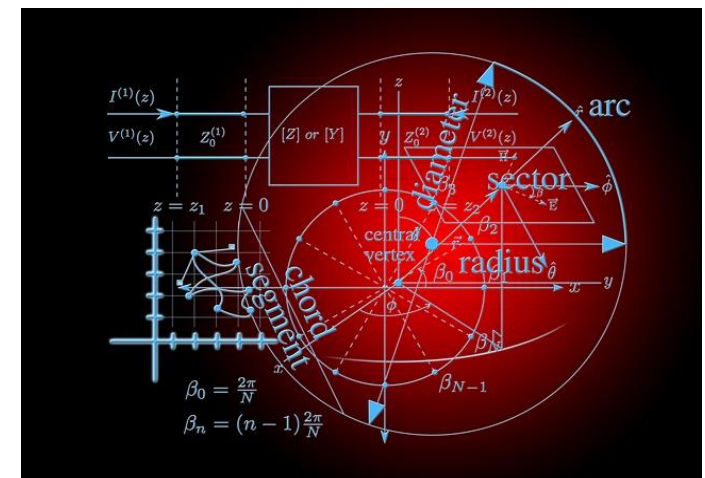
IP Policy

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# Types of IP

Universities should identify, protect, manage, utilize and benefit from IP rights in the fields of :

- Patents
- Copyrights
- Computer programs
- New biological materials
- Trade secrets
- Designs
- Trademarks
- New plant variety



# Institutional IP Policy

IP Policy:

Principles of actions adopted by an organization or an individual – often legal implication

# Institutional IP Policy

IP Policy provides:

- Clear rules and guidelines for research operations
- The legal framework for commercialization
- Guidance for IP and technology management procedures
- Clear policy on ownership criteria and benefit sharing
- Consistency of approach (in a systematic manner)
- Transparency in decision making process
- Objectivity in measurement

and fosters:

- Transfer of technology generated in the university
- Innovation and creativity in the university
- Local and National economic growth

# Who the IP Policy Applied to?

- All university staff (i.e. professors , researchers, students and the management and TTO and IP management units)
  - Governments
  - Partner Industries
  - Partner universities
  - Public
- Institutional IP Policy need to be disseminated and well-understood by all stakeholders particularly by researchers.



# Institutional IP Policy

## Key Issues Covered

- Definitions
- Objectives of the IP policy
- Administration and application of IP Policy
- Types of IP covered
- **Obligation of reporting inventions**
- **Ownership of IP rights**
- **Benefit /revenue sharing**
- **Government rights**
- **Privately funded research**
- **Spin-off or start-up companies**
- **Licensing**
- IP audit management
- **Research commercialization**
- **IP protection**
- **Incentive for researchers**
- **Conflict of interest**



# Obligation of Reporting Inventions

Most of Institutional IP Policies include a provision “Obligation of Reporting Inventions” and its procedures.

- Invention Disclosure Form
- To whom?
- How?

# Ownership

## Who owns IP generated by publicly funded research?

- Generally national law defines who owns IP (inventions) arising from work conducted for an employer
- In some cases, national laws specifically address ownership of inventions arising from publicly sponsored research
- Sometimes IP ownership covered in different laws (e.g., Employment law, Patent law, Innovation law, University law)



# Ownership

- Government
- University  
(e.g., Germany, Austria, Japan, China, South Korea, UK, France, US, Denmark – Most of countries )
- Creator/ Faculty  
(e.g., Finland, Norway, Sweden)



# Benefit Sharing

How are the revenues from research commercialization shared among Inventor, faculty, university and other stakeholders?

- **The distribution proportions differ by institution**
  - **Inventor(s)**
  - **Faculty**
  - **University**
- **On average,**
  - **Inventor: 25 - 85%**
  - **Faculty: 25 - 30%**
  - **University: 25 - 50%**



# Benefit Sharing

- In many cases, the university provides part of its portion to the TTO (or the administrative unit
- Rule of thumb 1/3: 1/3: 1/3
- Institution portion often used for funding research )

- The government roles:
  - represents the interest of the public and society
  - ensures that the tax payers benefit from the results of R&D activities
- Responsibility to ensure that the public and society receive maximum benefit from R&D investments and to protect the interests of society
- March-in-right  
one of the most contentious provisions in Bayh-Dole. It allows the funding agency, on its own initiative or at the request of a third party, to effectively ignore the exclusivity of a patent awarded under the act and grant additional licenses to other "reasonable applicants"
- Manufacturing in the country
- Compulsory license



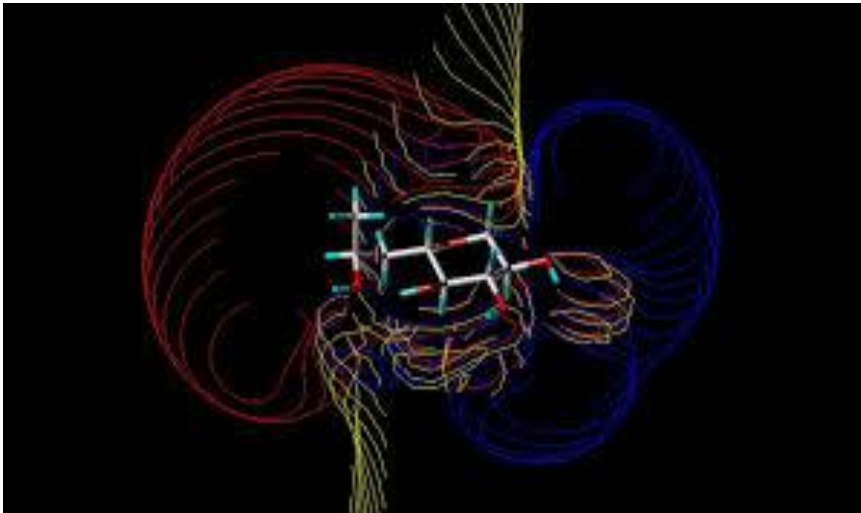
# Privately Funded Research

- How to deal with private industries
- Approval process
- Contracts and Agreements
- Ownership
- Negotiation



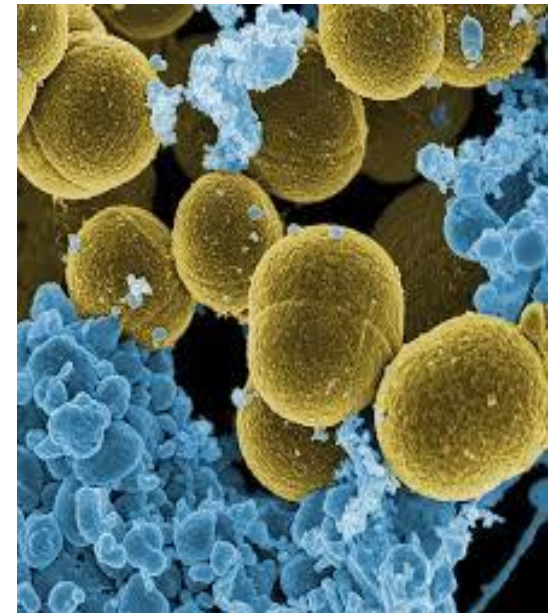
# IP Protection

- Decision process
- IP Committee
- Financing
- Maintenance and administration



# Confidentiality

- Especially before filing a patent
- Especially when collaborating with external organization particularly industry
- Publish or Perish issue



# Commercialization

- Who does what
- Roles of TTO
- University protocol
- Who signs contracts and agreements?





# Spin-off/ Stat-up

- Procedures
- IP ownership
- Financing
- License

# Incentive for Researchers

- Financial
- Personal
- Promotion Scheme
- Rewarding ceremony (e.g. dinner with the Dean)
- Invention certificate
- Relationship with TTO (Researchers can benefit from TTO services)
- Involvement of researchers in commercialization process
- Information sharing
- Training

# Conflict of Interest

## How are conflicts of interest and commitment handled?

- Mandate of universities vs. those of industries
- Social Concern
- Institutional Concern
- Individual concern

### Issues of Concern

e.g.

- Ownership
- Benefit sharing
- IP protection and Commercialization
- Consulting work
- University time
- Students supervision
- Equity holdings

- IP Policy should include provision of mediation and legal Procedures in case of a dispute

# Conclusion

- Institutional IP Policy provides clear rules and guidance to University IP management procedures
- Institutional IP Policy needs to provide clear policy on ownership criteria and benefit sharing
- Institutional IP Policy has legal implication
- Researchers need to understand IP Policy very well
- IP Policy is applied to all stakeholders
- Often administered by TTO



# Thank you for your attention

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