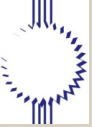


Intellectual Property

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4 types of intellectual property

- patents
- copyrights
- trademarks
- trade secrets

From invention to patent

- Public disclosure
 - Presentations
 - Publications (remember abstracts, web)
 - Grant applications
 - In use
- Inventorship
 - Lab notebooks (identify inventors, interference)

The patenting process

- Provisional application, 1 year
- International/PCT application, 1 ½ yr
- Nationalization: US, other countries

then you wait . . .

- Prosecution, 2 years
- Issued patent, 20 years + from filing
 - Patent challenges: re-examination, invalidity suits

Patent requirements

- Utility: proposed or demonstrated use
- Novelty: not previously described in 1 publication
- Non-obviousness: combinations of publications
- Enablement: one of “ordinary skill” can carry it out
- Best Mode: at the time of filing



Can patents block your research?

- Yes

- There is no research exemption
- Purchase limitations on research tools
- MTA, sponsored research restrictions

- No

- University license protections
- Data for FDA submission
- Surgical techniques

- Contact general counsel

Copyright basics

- Presentation, not idea
- Protection from the moment of creation
- Duration: 70 to 120 years
- Owner controls copies, derivative works, distribution, performance, display
- Registration provides some benefits

Trademarks: the basics

- Identify goods or services Federal and state law (® vs. TM vs. SM)
- Limited categories of goods and services
- Exist forever, as long as they are in use

Trade Secrets: the basics

- State law, in Virginia, information that:
 - derive[s] independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use
- Requires owner's diligence in keeping it secret
- Sponsored research confidentiality requirements

Ownership of IP at UVA

- Patents
 - UVA: “significant university resources”
 - Bayh-Dole Act
 - Co-ownership
 - MTAs, sponsored research agreements, consulting

Ownership, continued

- UVA Copyright Policy
 - Traditional academic publications are yours
 - Specific outcome of grant? UVA's
 - Incorporating other's copyrights into your work: library, Patent Foundation
- Material Transfer Agreements, Sponsored Research Agreements, License Agreements

The UVA Patent Foundation

- Protection and licensing of UVA's inventions
 - Bayh Dole government reporting
- Advice on intellectual property for UVA

SBIR and STTR Grants

- SBIR
 - Awarded to company, can subcontract to UVA (33% Phase I, 50% Phase II)
 - UVA faculty member as inventor, ownership by UVA
 - Phase I, \$100K, 6 months; Phase II, \$750K, 2 years
- STTR
 - Must be a university collaboration (30% university, 40% company minimum); PI can be university person
 - Phase I, \$100K 12 months; Phase II \$500K, 2 years

Data Rights

- OMB circular A-110 “the recorded factual material commonly accepted in the scientific community as necessary to validate research findings”
- Ownership
 - federally-funded to university
 - Industrial sponsored research, defined in contract
- Retention: at least 3 years
 - Departure of PI
- Sharing: no later than acceptance for publication
 - Restrictions: export control, HIPPA, toxins, FDA
- Publication delays