Office of Intellectual Property and Commercialization

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About Us

As research and development conducted in industry decreases, more businesses look to universities as a source for new products and technologies. The Office of Intellectual Property and Commercialization at the University of Alaska Fairbanks is organized to bridge the gap between university inventors and industry.

In 1994, UAF started the Office of Technology Transfer for the purpose of handling intellectual property developed at the university. In 2011, the office was reorganized with the addition of new staff members, a new office location, and a name change to the Office of Intellectual Property and Commercialization. Through this reconstruction, we sharpened our focus on facilitating the disbursement of new technologies. Through our consulting, contracting, and intellectual property protection functions, we strive to make innovation as easy as possible for the innovator, and provide them with the resources they need.

OIPC works with private companies and entrepreneurs in an effort to market and license the university’s research. We strive to assist industrial partners meet their research and innovation needs. We are here to educate industry on the university research process and help introduce them to the right faculty, staff or department for their innovative projects.

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*Congress shall have Power … To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;*

*Constitution of the United States, Art. 1, Sec.8, Cl. 8*

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What is Intellectual Property?

Intellectual Property (IP) may be broadly defined as “Creations of the Mind.” Intellectual Property is the ownership of an idea or an improvement. It is an asset just like your home, car, or bank account. IP may be broadly grouped into four categories: Patents, Copyrights, Trade Secrets and Trademarks.

What is a Patent?

A patent gives an inventor the exclusive rights to exclude others from making, using, selling, offering to sell, or importing their invention. For more information about patents, please refer to our Patents section beginning on page 8.

What is a Copyright?

The United States government grants a copyright to authors or creators of original works of authorship such as poems, movies, CD-ROMs, video games, videos, plays, paintings, sheet music, recorded music performances, novels, software code, sculptures, photographs, choreography and architectural designs. An individual’s work is under copyright protection the moment it is created and fixed in a tangible form.

For works published after 1977, the copyright lasts for the life of the author plus 70 years. However, if the work is a work for hire or is published anonymously or under a pseudonym, the copyright lasts between 95 and 120 years, depending on the date the work is published.

For more information about copyright, please contact Dean of Libraries at UAF.

What is a Trade Secret?

Any confidential business information that provides an enterprise a competitive edge may be considered a trade secret; for example, the formula for Coca-Cola. The subject matter of trade secrets is usually defined in broad terms and includes sales methods, distribution methods, consumer profiles, advertising strategies, lists of suppliers and clients, and manufacturing processes. The unauthorized use of such information by persons other than the holder is an unfair practice and a violation of the trade secret. Depending on the legal system, the protection of trade secrets forms part of the general concept of protection against unfair competition or is based on specific provisions or case law on the protection of confidential information. Trade secret is rarely used in the “publish or perish” world of academia but may be an option to protect your idea.

What is a Trademark?

A trademark is a word, phrase, symbol, design, or a combination thereof, that identifies and distinguishes the source of the goods of one party from those of others. A trademark typically protects brand names and logos used on goods and services that are already in commercial use. For more information about using UAF’s trademarks, please see the auxiliary services website.

http://www.uaf.edu/aux-bus/trademark/
What is Technology Transfer?

Technology transfer allows for the transfer of knowledge and discoveries to the public. It can occur through publications, educated students entering the workforce, exchanges at conferences, relationships with industry, or consulting. Universities use the term technology transfer to mean the formal licensing of university developed technologies to third parties in accordance with university policy and guidance of professionals employed by the university.

Why would a researcher want to work with OIPC?

The Office of Intellectual Property and Commercialization facilitates inventorship at the university by eliminating obstacles, and by providing a number of key services.

- Protecting intellectual property
- Marketing and licensing your invention
- Investigating university policies for entrepreneurial faculty, staff, and students
- Drafting, negotiating, and signing non-disclosure agreements
- Working with those pursuing Small Business Innovation Research (SBIR) grants to draft conflict of interest management plans
- Providing workshops and educational sessions for faculty, staff, and students regarding intellectual property, commercialization, proposal protection, and other activities
- Regularly meeting with our Intellectual Property Advisory Committee to discuss inventorship, university policies, the processes of the office, and the opportunities for faculty, staff, and students at UAF
- Regularly meeting with the Fairbanks Regional Economic Partnership, a group of community leaders, to find ways to benefit local businesses and the local economy
- Regularly presenting research and new technologies to the Economic Opportunity Task Force, a local investment and business advisory group in Fairbanks

How long does the technology transfer process take?

The technology transfer process can take months or even years to complete. The amount of time will depend on the development stage of the technology, the market for the technology, competing technologies, the amount of work needed for the technology to be market ready, and the resources and willingness of all parties involved.
Transfer

How can I help in the process?

- Contact OIPC at 474-2605 or UAF-OIPC@alaska.edu if you have any questions about your potential invention
- To avoid risking your patent rights and possibly hindering the opportunity to market your invention, contact OIPC before holding any discussions about your idea publicly; if a patent application has not yet been filed, we will give you a Non-Disclosure Agreement for outside parties to sign before you describe your invention to them
- Complete and submit the UAF Invention Disclosure Form in sufficient time to file a patent application before publicly disclosing your technology. This form is available at www.uaf.edu/oipc/services-and-agreements
- On the UAF Invention Disclosure Form, include companies and contacts you believe might be interested in your intellectual property (IP) or who may have already contacted you about your invention
- Keep OIPC informed of upcoming publications or interactions with companies relating to your invention

What is the Bayh-Dole Act?

Bayh–Dole Act reshaped the federal patent and licensing policy relating to inventions made by universities and small businesses under federal funding. The Act became effective in July 1981 and created a uniform federal patent policy. For the first time, universities were allowed to elect title to inventions made under federal sponsorship.

Some of the key points of the act are:
- Non-profits and universities can elect to retain the titles to inventions made under federal sponsorship
- Universities are expected to file patents on inventions they elect to own
- Universities are encouraged to commercialize the inventions
- Inventors are obligated to disclose and assign inventions to the university
- The government retains a non-exclusive license to practice the patent
- The royalties must be shared with the inventors
What is an Invention Disclosure Form?

An Invention Disclosure Form (IDF) makes it possible for OIPC to gather the basic information of the invention and inventors. This form is available online at www.uaf.edu/oipc/services-and-agreements. The IDF should include a list of all collaborating sources and the information necessary to begin pursuing protection, marketing, and commercialization of the invention. Once you have submitted your IDF to UAF-OIPC@alaska.edu you will be contacted by our office manager to schedule a meeting with the IP Director to discuss your invention.

Why should I submit an Invention Disclosure?

When you disclose your invention to OIPC, it starts a process that could lead to the commercialization of your technology. Once we have received your IDF, we will be able to begin the necessary research to find the potential patentability and marketability options.

When should I submit an Invention Disclosure?

You should complete an IDF whenever you feel you have discovered something unique with possible commercial value. This should be done well before publishing any results through publications, poster sessions, conferences, press releases, or other communication. Once publicly disclosed in any form, an invention may have restricted or minimal potential for patent protection. When submitting the IDF, be sure to include any previous or upcoming disclosures.

Who is considered an inventor for the purposes of technology transfer?

An “inventor” is an individual who has made a contribution to the conception of an invention. Inventorship is determined by United States patent law.

Should I disclose research tools?

Typically, research tools are materials such as antibodies, vectors, plasmids, cell lines, mice, and other materials used as “tools” in the research process. Most research tools do not necessarily need to be protected by patents in order to be licensed to commercial third parties and/or to generate revenue. OIPC will work with you to develop the appropriate protection, licensing, and distribution strategy if your tools can be protected or commercialized.
Ownership of Intellectual Property

**Who owns what I create?**

Ownership depends upon the employment status of the creators of the invention and their use of UAF facilities. Considerations include:

- What was the source of the funds or resources used to produce the invention?
- What was the employment status of the creators at the time the intellectual property was developed?
- What were the terms of any agreement related to the creation of the intellectual property?

UAF generally owns inventions made by its employees while working under a grant or contract to UAF or using UAF resources. For more information, please contact OIPC.

**Where can I find UAF’s policy on ownership of inventions?**

Policies regarding UAF’s intellectual property can be found in your Collective Bargaining Agreement which are available online at [http://www.alaska.edu/labor/](http://www.alaska.edu/labor/).

**Will I be able to publish the results of my research and still protect the commercial value of my intellectual property?**

Yes; however, your patent rights will be affected by publishing. Please submit an Invention Disclosure Form and inform OIPC prior to publishing your results. Once publicly disclosed (published or presented in some form), an invention may have restricted or minimal potential for patent protection outside of the United States.

**Should I list visiting scientists on my invention disclosure?**

All contributors to the ideas leading to a discovery should be mentioned in your disclosure, even if they are not UAF employees. The Office of Intellectual Property and Commercialization, along with General Counsel, will determine the rights of such persons and institutions. It is prudent to discuss with OIPC all working relationships (preferably before they begin) to understand the implications for any subsequent inventions.

**Can a student contribute to an invention?**

Students may contribute or even be the sole inventors on projects. Typically, a student will own his/her rights to an invention unless the invention was created while the student was employed by UAF or the student used more than incidental UAF resources.

**Is an invention ever reassigned to an inventor?**

In the event that OIPC does not pursue an invention, OIPC will assign all rights to the inventor. The inventor will be free to pursue opportunities as he/she pleases, subject to the terms of any applicable Collective Bargaining Agreement and University Policies and Regulations.
What is a patent?

Patents are issued domestically by the U.S. Patent and Trademark Office and by similar foreign government offices. In the United States, utility and plant patents are valid for 20 years from the filing date of the application and design patents are valid for 14 years from the date of the grant of the patent. U.S. Patents grant “the right to exclude others from making, using, offering for sale, or selling” the invention in the United States or “importing” the invention into the United States.

In effect as of March 16, 2013, the United States changed their procedure for granting patents from first to invent to first to file. A patent will now be granted to the first person to file a successful application with the U.S. Patent and Trademark Office. The “effective filing date” of a claimed invention is defined to be the earlier of: (i) the actual filing date of a nonprovisional application; or (ii) the date to which the nonprovisional application claims domestic benefit or foreign priority of another application that describes the subject matter.

What is patentable?

A researcher or research team may have an “invention” if the research activity results in:
• A solution for a long-standing problem that others have attempted without success
• Identification of initially unexpected benefits or uses of the work
• An approach, or aspects of an approach that is contrary to that taught by the published literature
• An innovation that is not taught by individual, or a combination of prior publications
• The researcher or research team went through significant trial and error before achieving the innovation

Are there different types of patents?

The United States grants three types of patents.
• A utility patent applies to any new process, method, machine, manufacture or compositions of matter, or any new and useful improvement to one. The term of the patent is 20 years from the date on which the patent application was filed in the United States.
• A design patent applies to new, original or ornamental designs for a manufactured article. It protects the appearance of the article. The term of the patent is 14 years from the date of grant of the patent.
• A plant patent applies to distinct and new varieties of plants that have been invented or discovered and are asexually reproduced. The exception is a tuber propagated plant or a plant found in an uncultivated state. The term of the patent is 20 years from the date on which the patent application was filed in the United States.

Can someone patent a naturally occurring substance?

A natural substance that has never before been isolated or known may be patentable in some instances, but only in its isolated form. A variation of a naturally occurring substance may be patentable if an inventor is able to demonstrate substantial non-obvious modifications that offer significant advantages in using the variant.
Who is responsible for patenting?

OIPC contracts with outside patent counsel for IP protection. By doing so, we are able to ensure access to patent specialists in diverse technology areas. Inventors will also have the ability to work with the patent counsel in drafting patent applications and responses to patent offices in the countries in which patents are filed.

What is the difference between a provisional patent application and a regular patent application?

U.S. provisional patent applications can provide a tool for preserving patent rights while temporarily reducing costs. This occurs because the application is not examined during the year in which it is pending and claims are not required. A regular U.S. application must be filed within one year of the provisional form in order to receive its priority filing date. However, an applicant only qualifies for the earlier filing date when the material described in the provisional application is specific and complete.

What is different about foreign patent protection?

Foreign patent protection is subject to the laws of each individual country, although in a general sense the process works much the same as it does in the United States. In foreign countries, however, an inventor will lose any patent rights if he or she publicly discloses the invention prior to filing the patent application.

Is there such thing as an International Patent?

International patents are not currently in existence; however, there is an international agreement known as the Patent Cooperation Treaty (PCT) which provides a streamlined filing procedure for applying in most industrialized nations. The PCT application is generally filed one year after the corresponding U.S. application and must be filed in the national patent office of the country in which the applicant wishes to seek patent protection, generally within 30 months of the earliest claimed filing date.

What is the timeline of the patenting process and resulting protection?

There is no definite timeline for the patenting process. On average a U.S. utility patent application is pending for about 3 years. Once a patent is issued, it is enforceable for 20 years from the initial filing of the application that resulted in the patent, assuming that mandated maintenance fees are paid.

Who decides what gets protected?

OIPC and the inventor will discuss the options available and see if patenting will be best option. Ultimately, OIPC makes the final decision as to whether to file.
Why does UAF protect only some intellectual property through patenting?

Due to the expense and the length of time required to obtain a patent, patent applications are not possible for all UAF inventions. We will carefully review the commercial potential of an invention before investing the time and resources into filing a patent application. We evaluate every individual situation and try to find the most creative and cost-effective ways to obtain protection and commercialization for as many inventions as possible.

What does it cost to file for and obtain a patent?

It costs anywhere from $8,000-$20,000 to file a regular U.S. patent application. To obtain an issued patent may require additional funds for patent prosecution. Filing and obtaining issued patents in other countries may cost over $20,000 per country. Also, once a patent is issued in the U.S. or other countries, there will be maintenance fees that are required to keep the patent active.

What if I created the invention with someone from another institution or company?

Generally, the invention will be jointly owned between UAF and the other institution or company. OIPC has legal staff that will need to review the contract to determine ownership and other rights. OIPC will work with the other institution to decide on the management of the invention. If the technology is with another academic institution, we will usually propose an “inter-institutional” agreement that provides for one of the institutions to take the lead in protecting and licensing the invention, sharing of the expenses associated with the patenting process, and allocating any licensing revenues. If the technology is with another company, we will work with the company to determine the appropriate patenting and licensing strategy.

Will I be able to share material, research tools, or intellectual property with others to further their research?

Yes, for your own protection be very aware of documenting the items that are being shared and the conditions of their use, so that we can determine if this use may influence the ownership and license rights of their subsequent research results. UAF encourages researchers to share their materials with colleagues without an MTA when possible. However, when you are sending information to an individual outside the university, a material transfer agreement will be necessary. If you wish to send materials to an outside collaborator, please contact the Office of Research Integrity for more information on outgoing MTAs.
May I use material or intellectual property from others in my research?

Yes; however, be very aware of documenting the correct date and conditions of use so that we can determine if this use may influence the ownership and license rights of your subsequent research results.

If you wish to obtain materials from outside collaborators, a Material Transfer Agreement (MTA) should be completed. Incoming MTAs govern or license the transfer of material from another entity to UAF. All MTAs to the university must be reviewed and signed before material can be transferred to the university.

Contact the Office of Research Integrity for more information on these agreements.

Who has the authority to sign MTAs?

The Associate Vice Chancellor for Research and the Director of the Center for Research Services have signature authority on behalf of University of Alaska Fairbanks to sign MTAs. Principal Investigators (PIs) also sign MTAs to acknowledge that they have read, understood and will uphold their obligations under the agreement.
What is a license?

A license is permission that the owner or controller of the intellectual property grants to another party to act under the owner’s rights, usually under a written license agreement. License agreements describe the rights and responsibilities related to the use and exploitation of intellectual property developed at the University. UAF license agreements usually stipulate that the licensee must actively seek to bring UAF intellectual property into commercial use for public good and provide a reasonable financial return to UAF.

What can I expect to gain if my IP is licensed?

Per university policies, a share of any financial return from a license is provided to the inventor(s). For more information, please see:

http://www.uaf.edu/oipc/about/policies/

Along with the financial benefit, inventors will also be able to enjoy the satisfaction of knowing their inventions are being deployed for the benefit of the general public.

Can there be more than one licensee?

Yes, an invention can be licensed to multiple licensees, (either non-exclusively or exclusively to several companies) each for a unique field-of-use (application) or geographic market.
How are most licensees found?

Studies have shown that 70% of licensees were known to the inventors. Thus, research and consulting relationships are often a valuable source for licensees. We attempt to broaden these relationships through contacts obtained from personal networking and from website inquiries, market research, industry events and the cultivation of existing licensing relationships.

How is a company chosen to be a licensee?

A licensee is chosen based on its ability to commercialize the technology. Sometimes an established company with experience in similar technologies and markets is the best choice. In other cases, the focus and intensity of a start-up company is a better option.

What is the relationship between an inventor and a licensee, and how much of my time will it require?

Many licensees require assistance from the inventor to facilitate their commercialization efforts. This can range from infrequent, informal contacts to a more formal working relationship. Working with a new business start-up can require substantially more time, depending on your role in or with the company and your continuing role within UAF. If the inventor will be actively participating with the start-up, your relationship will be governed by UAF conflict of interest policies and will require the approval of your supervisor.

What other types of agreements and considerations apply to tech transfer?

- Non-Disclosure Agreements (NDAs) are often used to protect the confidentiality of an invention during its evaluation by potential licensees. NDAs also protect proprietary information of third parties that UAF researchers need to review in order to conduct research or evaluate research opportunities.

- Material Transfer Agreements (MTAs) are used for incoming and outgoing materials at UAF. These agreements describe the terms under which UAF researchers and outside researchers may share materials.

- Inter-Institutional Agreements describe the terms under which two or more institutions will collaborate to assess, protect, market, license, and share in the revenues received from licensing jointly-owned intellectual property.

- Research Agreements describe the terms under which sponsors provide research support to UAF. These are negotiated by the Office of Grants and Contracts Administration.
**Commercialization**

**How does OIPC market my inventions?**

OIPC uses many sources and strategies to identify potential licensees and market inventions. We begin by working with the inventor to determine if there are any relationships they have formed in the industry. We then conduct market research to determine what companies are in the industry. We will examine other complementary technologies and agreements to assist our efforts. Faculty publications and presentations are often excellent marketing tools.

**How can I assist in marketing my invention?**

Your active involvement can dramatically improve the chances of matching your invention to an outside company. Your research and consulting relationships are often helpful in both identifying potential licensees and technology champions within companies. Once interested companies are identified, the inventor is the best person to describe the details of the invention and its technical advantages. The most successful technology transfer results are obtained when the inventor and the licensing professional work together as a team to market and license the technology.

**What activities occur during commercialization?**

Most licensees continue to develop an invention to enhance the technology, reduce risk, prove reliability, and satisfy the market requirements for adoption by customers. This can involve additional testing, prototyping for manufacturability, durability and integrity, and further development to improve performance and other characteristics. Documentation for training, installation and marketing is often created during this phase. Benchmarking tests are often required to demonstrate the product/service advantages and to position the product in the market.

**What is my role during commercialization?**

The inventor's involvement will vary based on the interest of the licensee in utilizing the inventor’s services for various assignments, any obligations or research related to the license, or any personal agreements.

**What will happen to my invention if the start-up company or licensee is unsuccessful in commercializing the technology? Can the invention be licensed to another entity?**

Licenses typically include performance milestones that, if unmet, can result in termination. This termination allows for subsequent licensing to another business. However, time delays and other circumstances can hinder re-licensing the technology.
Research Foundation

What is the Research Foundation?

A research foundation is a vehicle that allows us to streamline the path to commercialization. It will be a separate entity from the university with its own board of directors but it will be commercializing technologies from the university. OIPC will be working with the Research Foundation to assist in the commercialization process. We believe that the foundation will be a better way to achieve deal flow in a manner that mitigates risk to the university and supports the inventors in our community.

How do inventors engage with the Research Foundation?

Inventors can engage by submitting their invention disclosure forms to OIPC. OIPC will engage with the Research Foundation in order to develop technologies and see them flourish within industry.

What is the difference between OIPC & the Research Foundation?

OIPC is the university unit that receives the invention disclosures, evaluates them, and determines if IP protection is appropriate for the disclosed technologies. The Research Foundation non-profit is a 501(c)(3) corporation that acts as the agent of UAF and is in charge of licensing and managing the technologies. Once a technology is close to being licensed, OIPC assigns the technologies to the Research Foundation for licensing and management.

Does the Research Foundation have a name?

The Research Foundation is comprised of both a non-profit and for-profit corporation. The non-profit is known as Nanook Innovation Corporation (NIC). The for-profit is known as Nanook Tech Ventures, Inc. (NTV).
What is a start-up and why choose to create one?

A start-up is a new business entity formed to commercialize one or more related inventions. Forming a start-up company is an alternative to licensing the IP to an established business. A few key factors when considering a start-up company are:

• development risk (established companies may be unwilling to take the risk of new technology)
• ability to commercialize multiple products or services from the same technology
• sufficiently large competitive advantage and target market
• potential revenues sufficient to sustain and grow a company

Who decides whether to form a start-up?

The decision to create a start-up company for commercializing IP is a joint decision made by the OIPC and the inventors. If a new business start-up is chosen as the preferred commercialization path, OIPC will assist you and the other founders in planning and executing the process.

What role does an inventor usually play in a company?

UAF inventors rarely leave the university to join the start-up. Instead, inventors typically serve as technology consultants, advisors, or in some other technical developmental capacity. As the company matures and additional investment is required, the inventor’s role may change. Faculty involvement and ownership of any kind in a start-up must be disclosed in a conflict of interest plan.

How much of my time and effort will it take?

Starting a business requires a significant amount of time and effort. The inventor will need to champion the formation of the start-up until the management team is identified. Once in place, the inventor will be required to participate in investor discussions, formal responsibilities in or with the company, and university processes such as conflict of interest reviews.

Will UAF pay for incorporating a start-up company?

The start-up is a separate entity from the university and therefore must pay for its own legal matters, including all business incorporation costs and licensing expenses.

Do any grant opportunities exist for my start-up?

Yes. The federal government provides Small Business Innovation Research (SBIR) and Small Business Technology Transfer Grants (STTR). Under these grant programs, small companies can develop their technology using federal grant money.

For more information, please visit www.sbir.gov.
Conflicts and Consulting

**How does UAF define a conflict of interest?**

A conflict of interest can occur when a UAF employee, through a relationship with an outside organization, is in a position to:

- Influence UAF’s business, research or other areas that may lead to direct or indirect financial gain
- Adversely impact or influence one’s research or teaching responsibilities or
- Provide improper advantage to others, to the disadvantage of UAF

**What are the benefits of consulting?**

One commonly accepted form of expanding knowledge beyond the walls of the university is through consulting arrangements with industry. Faculty are encouraged to apply their knowledge by consulting with industry to the extent that it doesn’t violate terms of confidentiality and university policy. Industry consulting arrangements also allow researchers to bring their exposure to industry needs and practices to students and fellow researchers.

**How does UAF manage conflicts of interest?**

It is the responsibility of the researcher or faculty member to disclose and document any outside arrangements that constitute disclosable situations or interests as described in UAF conflict of interest policies.

**Who owns the rights to discoveries made while I am consulting?**

If University resources are used while consulting, the university owns the IP. Otherwise, the ownership of inventions made while consulting for an outside company depends on the terms of your consulting contract. It is important to clearly define the scope of work within consulting contracts to minimize any issues with ownership of inventions created from university research.

**How do I engage in consulting activities?**

Faculty members and other researchers engaging in consulting activities may sign personal consulting agreements with outside entities as long as the consulting does not utilize:

- University facilities
- Interfere with teaching and research responsibilities or with time commitments to the University
- Involve students or postdocs whom the faculty members are mentoring or advising
- Take precedence over prior obligations to the University, including obligations associated with intellectual property arising before, during or after the consulting period