

Virginia Polytechnic Institute and State University

Intellectual Property Committee Meeting

October 15, 2014, 12:00-1:00p.m.

325 Burruss Hall

FULL COMMITTEE

The Intellectual Property Committee (IPC) met on October 15, 2014.

The following members were present: Justin Barone, Steve Capaldo, Laurie Coble, Mark Coburn, Ed Dorsa, Srinath Ekkad (chair) , Willard Eyestone, Kay Heidbreder, B.H. Kim, Barbara Lockee, Anna Marion-Bieri, Derick Maggard, Sarah Mazza, Gail McMillan, Ken Miller, Peggy Quesenberry, Elizabeth Tranter, Wendy Vaughn attended and recorded the minutes.

Those members not in attendance: Joseph Falkinham, Gerald Luttrell

Call to Order

Srinath Ekkad called the meeting to order at 12:00p.m.

Srinath Ekkad opened the meeting with discussion on the IP Policy on campus and the committee's responsibility that the policy should be made clear on all aspects in regards to students, faculty, and industry. Based on a meeting with Steve Capaldo, it is clear that many things that we are proposing are acceptable under current state law. We will come up with a series of questions and answers that will address all aspects of IP policy.

Unfinished Business

Anna Marion-Bieri, Director of Science, Technology, and Law, and Derick Maggard, Director of the Center Innovation and Entrepreneurship shared and summarized the article of information passed out at the last meeting. A lot of questions come from not just students but also faculty. Anna asked her students to read the policy and to explain how they interpret the policy, and there is a lot of confusion as to what students own and do not own. It would be beneficial to make the policy clearer as to ownership of IP at Virginia Tech. One of the main points that will need to be addressed is that a lot of universities are expanding their IP policy to address faculty, staff and the undergraduate students separately. One of the questions raised by students is the procedure when an invention is created. Students typically go to concerned faculty, and if this is unclear at that point, the question goes unanswered with those involved being left confused. Further, the disclosure never occurs.

The question being asked by some faculty is how to work around the policy, and how to claim the related Intellectual Property. The policy needs clarification to clear up the communication for all parties involved in innovation and entrepreneurship on campus. In our policy it is noted that "resources not

typically available to the public” as a measure of university ownership of IP. It is not clear what that statement exactly means. This should be addressed sooner than later. These issues are currently dealt with on a case by case basis.

Kay Heidbreder gave some background regarding the current policy. The policy was written in 1985 and the \$10,000 on resource usage was a recommendation by the state. The university through state funding paid for the bulk of the students’ education. Everything the student was using for their curriculum needs was provided by the university. This is the reason for the language in the current policy.

Srinath commented that one of the biggest issues with student intellectual property is with a student class project. The students come up with something that is novel and it is attached to the class in which they are enrolled and paying tuition. That situation is more difficult to evaluate and ascertain when it deals with IP ownership.

It was also pointed out that the university must be very careful not to give up student ownership if the student is an employee with a graduate assistantship as many graduate students are on research contracts that have commitments the university must honor. Employment at the university trumps a student status when it comes to IP.

A question was raised regarding students having a royalty interest in the invention. This would need to be clearly stated. Mark Coburn noted that a colleague at a peer institution indicated a policy similar to ours. The institution carved out an exception for students. Students with design projects could meet and use university facilities and resources for entrepreneurial projects that are not available to the public and exception for IP will be made. Students would have the full ownership with the exception. If there is a sponsored project or joint invention with the faculty with ties to the university, students do not get that exception.

Another question raised in regards to the work at the institutes. Institutes do not always work on sponsored research, however some research is carried out internally an investment for future sponsored research. Faculty who assign a non-externally funded project to a student as an independent research course may not know the student could have an ownership in the project. With the emphasis on undergraduate research now, there are a lot of undergraduates in labs that are getting credit for course work while working on research projects and are not employees. Clarity needs to be provided on how this should be handled.

Innovation Ecosystem Committee

Beth Tranter updated the committee on the Innovation Ecosystem Committee. Three subcommittees were commissioned by the Provost over the summer to take a look at various aspects of the Innovation Ecosystem. What is the unified story of the university and the vision of the administration? The faculty decided that there should be proof of concept test bed funding within the university and strategy for that. There are also subcommittees on alumni engagement, industry engagement, and inventor engagement. How do we engage with our external sources? It has a lot to do with our alumni

mentorship and development and as to how those alumni mentorship and development come together. Industry engagement was looked at, and this is important to the university, for many reasons such as hands on, minds on education with exposure to applied practice for students. The university is also looking at how we work with industry as a partner, especially in the sponsored research world. The larger projects are spanning fundamental research to commercialization workforce development. Robust partnership models are needed. Faculty engages with industry in many different ways share data with companies. Another look at operating models is needed and there is a need to provide more flexibility in terms and conditions with agreements with industry based on the choice of faculty members. We will give faculty more choices on what they wish to retain and what they would give up. The committee is coming up with recommendations and would like suggestions from the Intellectual Property Committee on how we might clarify questions on student IP. How do we create an environment where students are educated about the IP Policy? Dr. Karen DePauw would like to look at the case regarding unfunded graduate students and she has begun discussions with CGSP.

A third subcommittee has been formed to look at the university climate, education programs, recognition programs and identifying where the gaps are in our education and services are regarding extrapolation of work from university lab to the marketplace. The three sub-groups will come together within the next few weeks to report on the next step in the process. In this process, a working relationship will be formed with colleges and alumni about our priorities. Subgroups will be working toward an implementation plan in the near future.

The committee the will discuss industry IP in the next meeting. Other topics the need to be discussed are software created on campus, and crowd funding.

The meeting was adjourned at 1:00p.m.

Respectfully submitted,

Wendy Vaughn

OVPR Support