

Virginia Polytechnic Institute and State University

Intellectual Property Committee Meeting

November 16, 2015, 12:00-1:00p.m.

325 Burruss Hall

Full Committee

The Intellectual Property Committee (IPC) met on November 16, 2015.

The following members were present: Srinath Ekkad, Wendy Vaughn, Ken Miller, Mark, Coburn, Rafael Davalos, Ed Dorsa, Steve Capaldo, Jerry Luttrell, Justin Barone, Willard Eyestone, Gail McMillan, Frank Fitzgerald, Laurie Coble, Beth Tranter, Howard Chung (for Mike Badzmierowski)

Guest: John Rudd

Call to Order

Srinath Ekkad called the meeting to order at 12:00 p.m. The minutes were approved electronically. John Rudd spoke to the committee as a continuation from last month regarding the Intellectual Property Fee. One of the key issues brought forward was regarding the distribution of royalty revenue should there be an invention. In such situations, the inventor would work with the sponsor and any revenue would then be transferred to VTIP for normal distribution. This would be initiated by the PI.

If there is no IP generated from the project, the proposed distribution would be applied, 50 percent to the PI residual funds for internal use, 40 percent to the Office of Sponsored Programs, and 10 percent to VTIP.

Fee Structure

There was some discussion in regards to the fee structure, looking at another peer institution the fee was greater of 10 percent or \$15,000. It is suggested that Virginia Tech's fee would be the greater of 10 percent or \$5,000. The PI would choose this as an option rather than the standard option if an exclusive license is wanted.

Software Ownership

Information was shared as to what other institutions were doing right now. There are two types of software patents. Computer software (just software) and Associated software (with something invented). Development costs for patents are much lower than for traditional patents, and exclusive license is very common. Some universities have an academic license where there is not a charge for non-profits and academic institutions, but a charge for commercial users.

Is there an official policy on software and/or software inventions? Mark Coburn shared with the committee how Virginia Tech treats software currently. It is treated as any invention. If it is scholarly work it would fall under ownership by the faculty, student or staff. If it has commercial potential then it is treated like any other invention. More clarification is needed within the university as what constitutes commercial potential for software. There is a concern with the liability of open source software. Are we currently distributing open source software in a way that would protect the university? Communication to the faculty is needed as to whether they need to disclosure software which may have commercial potential.

A potential conflict that could come forward on open source software provided to the public would be if a faculty investigator starts a company around it. Would the Intellectual Property committee clarify software patents separately or perhaps provide a guidance procedure.?

Dr. Ekkad asked for volunteers to help with preparing a document to share with the committee regarding software at a future meeting. Mark Coburn, Steve Capaldo, and Laurie Coble agreed to help Dr. Ekkad.

With no further business the meeting was adjourned at 1:00p.m.

Respectfully submitted,

Wendy Vaughn