

MAIN POINTS FOR REVISED TECH TRANSFER POLICY

	CURRENT POLICY	NEW POLICY
1. Inventor for Patentable IP	Current policy does not define "inventor" for any type of technology, stating only: "In this policy the term inventor shall mean inventor, developer or author." OTT interprets inventor to be one who conceives ideas (i.e., is named on a patent). Inventorship will determine sharing of royalties.	A specific definition of "Inventor" for patents is provided: where patent rights are implicated, "inventors" are those "who have made an inventive contribution to the Intellectual Property as defined under U.S. patent laws, meaning that an inventor must have contributed to the conception of ideas claimed in a patent."
2. Inventor for Software	Current policy does not define, though it excludes those working on "specifically assigned tasks." ("Inventors, developers and authors of intellectual properties whose contributions result from specifically assigned tasks will normally not participate in" revenue distribution.) This has been interpreted to refer to programmers that write code at the request of a UM employee, but interpreted strictly, inventors working in a PI's lab doing work at his/her request would not participate in revenue sharing.	A specific definition of "Inventor" for software and copyrightable materials is provided: those that have "(a) taken part in the conception of the idea of the operation or design thereof (e.g., the operation of software) or (b) participated extensively in translating an idea into a fixed medium." This will provide a clear rule and avoid possible inequity with respect to patent rights based upon reality of lab work, in that many inventions are made as the result of specifically assigned tasks.
3. Inventor for Materials	Current policy does not define inventorship of materials.	A definition of "Inventor" for unpatented biologic and chemical materials is provided: those who have (i) taken part in the conception of the idea of the specific material that is to be made and/or (ii) actually makes the material but only where making the material was not a routine or known practice. (This has been the OTT working definition.)
4. Ownership of Patent Rights	Bylaw 3.10 provides that UM owns "patents and copyrights issued or acquired as a result of or in connection with ... activities conducted by ... University staff and supported directly or indirectly ... by funds administered by the University." The University's Copyright Policy further explains ownership of copyrightable materials, but there is currently no further discussion of patent ownership in the Policy.	These rules still apply, but Policy confirms that UM owns rights and deliverables developed under sponsored projects. UM does not claim ownership of IP of pure students. Policy refers to Copyright Policy for ownership of copyrightable materials. Policy confirms that employees receiving salary on sabbaticals remain "Employees." UM generally will not claim ownership where the invention was made solely during appropriate outside employment for unrelated entities.
5. Revenue sharing	Inventors that have an ownership interest in a licensee do not share in any UM licensing revenues (even if the inventor received her stock only for future consulting). Such inventors must be compensated by licensee directly. Policy is not clear on sharing of revenues with departments, schools, colleges, institutes, and centers.	This prohibition is removed, so that Inventors will always participate in sharing of equity and royalty revenues. This is consistent with the practice of most of our peer institutions, will remove risk that the employee fails to be compensated for inventing, can be seen to simplify the negotiation process, and may reduce potential University liability. OVPR given authority to implement rules for unusual circumstances such as where an inventor changes departments (with principle that revenues should be used for research or further investment) or has multiple appointments. Inventors continue revenue sharing even after leaving UM if inventor can be found.
6. Reassignment	Rights may be assigned back to inventors in return for 15% of revenues received by inventor through subsequent licensing or reassignment ("the University may reassign its ownership of an intellectual property to inventor(s) who elect to market, protect, and license it on their own with minimal University involvement."). No framework for implementing is provided.	The same reassignment rules apply, but some clarification is added: OTT may offer reassignment or license to one or more of inventors (OTT need not make offer to all inventors). OTT should seek unanimity where practical, but need not obtain approval of all inventors.
7. Appeal Process	No process is currently provided with respect to patents. (Dispute resolution procedure for ownership of copyrightable materials would presumably be covered in Copyright Policy.)	Policy provides for an appeal process through OVPR with regard to ownership, revenue distribution plans, etc. However, the University shall rely upon outside University patent counsel for determinations of inventorship of patents and patent applications.