UW Intellectual Property and Copyright Policies: WPP-funded ICTR Pilot Awards

July 27, 2023
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Objectives

By the end of this workshop, participants will be able to:

• Articulate the UW and other intellectual property and copyright policies requirement for PIs awarded WPP funds
• Specify the responsibilities of PIs receiving WPP awards under the terms of the MOU
By executing the MOU, the PI:

1. **Agrees to disclose to WARF** any potentially patentable inventions (incl. computer software) conceived or reduced to practice in the course of the WPP-funded research.

2. **Assigns to WARF/UW** any such inventions.

3. **Agrees to ensure all students and staff participating in the funded research project execute the WPP IP Agreement** for Project Personnel.
Potentially Patentable Inventions (including computer software)

The WPP IP Agreement ensures that all participating students and staff:

1. Agree to **disclose to WARF** any potentially patentable inventions (including computer software) conceived or reduced to practice in the course of the WPP-funded research

2. **Assign to WARF/UW** their rights to such inventions

3. Confirm they have not entered and will not enter into other agreements relating to such inventions that would conflict with these obligations
By executing the MOU, the PI:

1. Grants UW a non-exclusive license to use the materials for non-commercial, internal research and education purposes
2. Agrees to get sufficient IP rights from independent contractors or other external entities engaged to do work on the funded project to effectuate that license to the University

The WPP IP Agreement ensures that any participating students and staff:

1. Grant UW non-exclusive license to use the materials for non-commercial, internal research and education purposes, to the extent they own such rights.
2. Confirm they have not entered and will not enter into other agreements relating to copyrightable materials that would conflict with these obligations

PI should also disclose to WARF so that WARF can facilitate the Equity Review process done by the Office of the VC for Research and Graduate Education (OVCRGE)
Copyrightable Materials (excluding computer software)

- The MOU and WPP PI Agreement for Project Personnel do not alter the normal rule that people own the copyright to works they create
  - *The next slide provides further details and exceptions*
- In order to license copyrighted works, the rights of all copyright owners must be bundled together—you can only license what you own or what has been assigned to you.
- The goal of the MOU and WPP IP Agreement for Project Personnel is to ensure that UW has a non-exclusive license from all authors/creators to use any copyrighted materials arising out of the funded work for research and education purposes.
- If the research team wants UW to disseminate (i.e. license out) the work, all copyright owners must assign their rights in the copyrighted materials to UW.
  - Contact UW Office of Legal Affairs for a template assignment form and consult
- The Equity Review process (prompted by a disclosure to WARF) identifies funding sources and potential copyright owners.
2. Non-software, non-patentable, copyrightable materials created under WPP-funded ICTR pilots. Who owns the materials? It’s complicated

<table>
<thead>
<tr>
<th>Contributor</th>
<th>Who Owns It?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty</td>
<td>Faculty own the work they create (same as with NIH)</td>
</tr>
<tr>
<td>Scientist, post-doc, graduate student working on the project</td>
<td>Will depend on the circumstances</td>
</tr>
<tr>
<td>Person hired or contracted as consultant specifically for project - outside consultant - student hourly</td>
<td>University because University paid for it</td>
</tr>
<tr>
<td>3rd party organization contracted through ASSA</td>
<td>Typically University, but per terms of ASSA</td>
</tr>
<tr>
<td>Research specialist, other people in Faculty’s lab</td>
<td>- If hired specifically for the work, then University because University paid for it - If not hired specifically for work, then it depends</td>
</tr>
</tbody>
</table>
What does it mean for the PI of the WPP-funded ICTR pilot?

- Document who contributes what to invention’s creation.
- Document early and often
  - For **patentable and computer software inventions** – WARF disclosure form
  - For **non-computer software, non-patentable** – WARF disclosure form and Copyright Determination Worksheet and consult with D&I Launchpad team.
## Copyright Determination Worksheet (for non-patentable, non computer software interventions)

<table>
<thead>
<tr>
<th>Material Created</th>
<th>Funding Source</th>
<th>Identify all Contributors</th>
<th>Identify how non-university contributors were funded</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>List the types and titles of copyrightable material that was created (e.g., manual, guide, toolkit, infographic, video, app, information sheet, flyer, checklist, etc.). Also Include any relevant materials that were created prior to any initial funding to UW investigator.</td>
<td>Who funded the material (and the project)? Include the Organization, Grant, Number, and other info. If ICTR funding, identify if ultimate funder was WPP (see ICTR award letter)</td>
<td>Who created or contributed to the material? Please note their name, organization, role, and involvement.</td>
<td>For each non-university contributor, identify how the person’s work was funded (e.g. ASSA, consultant, sub-award, unpaid) Please provide a copy of any relevant agreements.</td>
<td>List the purpose of the material, how it is used, and why it is important.</td>
</tr>
</tbody>
</table>
What to do with the Copyright Determination Worksheet

- Copyright Determination Worksheet available at: https://ictr.wisc.edu/research-resources/dissemination-implementation-launchpad/di-education-resources/#ip

- Attach Copyright Determination Worksheet along with WARF Innovation Disclosure Submission.

- At same time, email Copyright Determination Worksheet to equityreview@research.wisc.edu, with a note that this has been sent to WARF.

- WARF reviews Innovation Disclosure Submission and forwards information to the University Equity Review office.

- The University Equity Review office makes determination about university interests based on funding streams and who created IP.
Next steps for investigators

- D&I Launchpad can consult regarding IP, Copyright Determination Worksheet, and next steps.
  - Fill out D&I Consult request; subject line “IP Consult”.
- It is the investigator’s responsibility to ensure that the university’s rights are represented in copyright determination.
- Law and Entrepreneurship clinic can consult about equity and copyright determination beyond the university’s rights.
• To request a consult:
  https://ictr.wisc.edu/research-resources/dissemination-implementation-launchpad/di-research-consultation/

• Email:
  di-launchpad@ictr.wisc.edu