

BSAC IP Practices Statement

The BSAC IP practice is to *implement the IP policies of the University of California to the public benefit, to the advantage of our membership, the university, and our researchers*¹. The University of California policy is that University researchers generally have an obligation to report inventions². On the other hand, BSAC faculty also have both a freedom should they so elect, and even an obligation to publish early and often, the process of which may put results of their research into the public domain without patents. The policy of the US Department of Commerce is to allow and in fact encourage collaborations between industrial and academic researchers by creating a “safe harbor” for such collaborations³.

The BSAC IP facilitation role under the Participation Agreement executed between member and the University, is early (90 day advance) disclosure only to our members, of BSAC inventions, *should they occur*, and facilitation of access to UC Berkeley’s office of Intellectual Property and Industry Research Alliances (IPIRA), the office charged with management of all IP of the campus. This facilitation takes the form of an automated disclosure management system linked to the IPIRA office whereby BSAC members can receive invention notification abstracts within hours of their release, and can receive detailed disclosures with one click requests to IPIRA. To avoid unconstrained internal disclosures, BSAC implements "gatekeeper" protections for member companies who do not want detailed invention disclosures automatically sent to their employees.

If researchers do decide to submit invention disclosures, it is important that they do this quickly so that Industrial Members are advised quickly of prospective patent applications. BSAC insures timely submissions by effectively disclosing, through public “recording”, ALL our prepublication data not more than 12 months following the IAB review at which first disclosure occurs. This "recording" constitutes a public disclosure, whether or not individual results have been separately published, hence putting a time limit on subsequent patent applications. This early and broad public disclosure and recording also serves to satisfy a requirement for maintenance of our *fundamental research exemptions* from export license requirements (EAR and ITAR)⁴.

BSAC administration does not get involved as an advocate in discussions or negotiations between Industrial Members and IPIRA on matters related to specific IP licensing. BSAC administration generally is not informed as to when or with whom licensing discussions may be underway. BSAC thus actively avoids conflicts between the interests of our members, the University, and the researcher(s)/inventor(s).

¹ <http://ipira.berkeley.edu/uc-patent-policy>

² <http://www.ucop.edu/payroll/forms/upay585.pdf>

³ Cooperative Research and Technology Enhancement (CREATE) Act (Dec 2004)

⁴ Title 15 and Title 22, US Code of Federal Regulations

Notes:

Although BSAC does not publish separate patent statistics, some informal results are that during FY07, our center of nearly 130 researchers reported twenty inventions to the University; four patents were granted and five licensing arrangements were executed.

Objective data compiled by Milken Institute in a comprehensive September 2006 survey of “technology transfer” indicates that the UC system is among the very best in the country according to commonly applied metrics. The UC System does effectively where appropriate, use protected inventions (i.e. patents) to encourage commercialization and entrepreneurial activities.

The Milken Institute Ratings

Milken Institute University Technology Transfer and Commercialization Index
2000-2004

Rank	Institution Name	Patents Issued Score	Licenses Executed Score	Licensing Income Score	Startups Score	Overall Score
1	Massachusetts Inst. of Technology (MIT)	95.17	79.89	90.64	100.00	100.00
2	University of California System	97.26	85.25	95.16	83.24	96.59
3	California Institute of Technology	100.00	70.77	87.12	86.60	92.94
4	Stanford University	91.56	84.28	93.76	77.02	92.65
5	University of Florida	84.82	71.41	92.57	69.26	86.11
6	University of Minnesota	78.92	77.46	91.02	69.24	85.55
7	Brigham Young University	66.87	80.60	86.13	77.57	85.41
8	University of British Columbia	74.36	74.09	82.73	77.42	84.23
9	University of Michigan	82.70	72.25	77.98	74.89	82.54
10	New York University	73.68	63.30	100.00	58.16	81.63
11	Georgia Institute of Technology	76.80	60.51	72.79	83.41	80.95
12	University of Pennsylvania	76.41	72.05	83.95	67.15	80.83
13	University of Illinois, Chicago, Urbana-Champaign	72.80	74.55	77.60	72.72	80.35
14	University of Utah	77.08	70.80	81.56	66.01	79.40
15	University of Southern California	70.77	79.81	70.37	75.72	79.28
16	Cornell Research Fdn., Inc.	86.31	75.99	77.99	61.51	78.69
17	University of Virginia Patent Fndtn.	66.53	75.11	79.41	68.48	78.52
18	Harvard University	78.82	76.06	87.54	52.45	77.68
19	University of California, San Francisco	88.60	11.63	99.73	62.39	77.19
20	North Carolina State University	78.41	73.80	74.40	64.77	76.94
21	SUNY Research Foundation	79.51	64.36	84.63	58.01	76.90
22	W.A.R.F./University of Wisconsin	87.59	86.65	90.52	38.99	76.86
23	McGill University	77.47	68.76	72.12	69.24	76.80
24	University of Washington/Wash. Res. Fdn.	75.11	76.10	88.49	50.03	76.54
25	University of North Carolina, Chapel Hill	78.48	76.86	71.14	64.21	76.00

Sources: AUTM, Milken Institute

Mind to Market: A Global Analysis of University Biotechnology Transfer and Commercialization – September 2006