

## 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*<sup>1</sup>. The University of California policy is that University researchers generally have an obligation to report inventions<sup>2</sup>. 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 collaborations<sup>3</sup>.

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)<sup>4</sup>.

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).

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

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

<sup>3</sup> Cooperative Research and Technology Enhancement (CREATE) Act (Dec 2004)

<sup>4</sup> Title 15 and Title 22, US Code of Federal Regulations