

# **How to Protect Intellectual Property and Still Publish**

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## **What Is a Publication?**

A significant difference between academic and corporate research environments is reflected in publication. While most company inventors must have all publications reviewed and approved prior to submission, this is usually not the case in the academic setting. Although there may be agreements with corporate sponsors that require some prepublication review, compliance is imperfect. Outside of contractual obligations for prepublication review, most universities do not consistently review publications and, therefore, must often react quickly or after the fact to a disclosure that impacts on patentability. Accepting that academic freedom and publication rights are of paramount concern to academic researchers and their institutions, an understanding of what types of disclosures are novelty-destroying under U.S. and international patent laws is necessary. An invention is not patentable if it was patented or described in a printed publication. United States law provides that an application must be filed within one year of the publication; however, any publication is a bar to patenting in most other countries.