

AUTM Licensing Activity Survey



This document guides you through the 2019 Survey:

- What's new in this year's Survey
- Instructions for completing the Survey
- Interpreting Survey questions
- Survey definitions

For additional assistance, contact Paul Stark, AUTM Marketing & Communications Director, pstark@autm.net.

What's New

Changes for 2019

The core questions of the Survey have remained largely consistent over the past decades — enabling year-over-year comparison of tech transfer activities. Although many of the questions have been simplified, no new activity questions have been added and none have been deleted.

New Qualtrics Platform

For 2019, AUTM moves the Survey from a decades-old homegrown platform to a new tool to make it easier for you to contribute your data.

We encourage you to answer all the questions. The highlighted questions are to be answered in order to submit your survey.

- **(Q3.1) What were your TOTAL RESEARCH EXPENDITURES?**
- **(Q4.1) How many TOTAL did your institution execute?**
- **(Q4.2) How many TOTAL OPTIONS did your institution execute?**
- **(Q5.4) What was the TOTAL LICENSE INCOME received at your institution?**
- **(Q7.1) How many DISCLOSURES were received?**
- **(Q7.4) How many NEW PATENT APPLICATIONS were filed?**
- **(Q8.1) How many START-UPS were formed that were dependent upon the licensing of your institution's technology for their initiation?**

Information for your institution's primary contact — frequently the Director — may be pre-populated. Please type over the supplied information if the contact information needs updating.

(Q1.5). Primary Contact's First Name

If you participated in the 2018 Survey, you can compare this year's response to your response from last year. If no response was available from the previous Survey, you'll see "**Not Available**" for the 2018 Survey.

(Q3.3). What were your research expenditures from **INDUSTRY SOURCES** in 2019? (In the 2018 Survey, your funding from **INDUSTRY SOURCES** was **\$14,349,761.**)

For responses requiring dollar amounts, round to the nearest dollar. Go ahead and enter commas and dollar signs; the Survey will automatically strip those commas and dollar signs from your submitted amount.

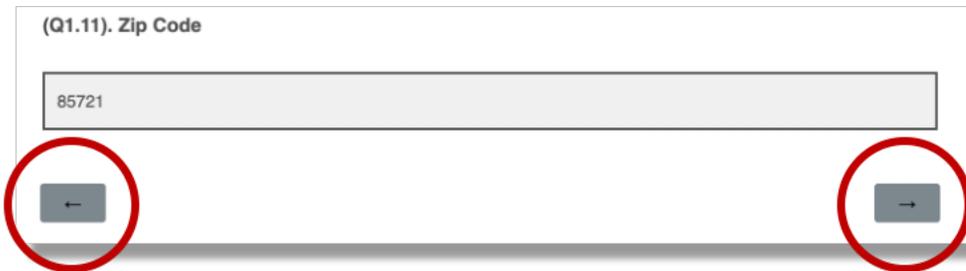
(Q3.2). What were your research expenditures from **FEDERAL GOVERNMENT SOURCES** in 2019? (In the 2018 Survey, your funding from **FEDERAL GOVERNMENT SOURCES** was **\$291,767,000.**)

Hover over the **blue bolded terms** to get definitions and instructions to help you respond to the question.

(Q4.8). How many licenses/options were with **SMALL COMPANIES** in 2019? (In the 2018 Survey, your licenses with **SMALL COMPANIES** were **64.**)

For the purposes of this Survey, **SMALL COMPANIES** are defined as having 500 or fewer employees at the time the license/option was signed. Small companies do **NOT** include start-ups initiated by your institution.

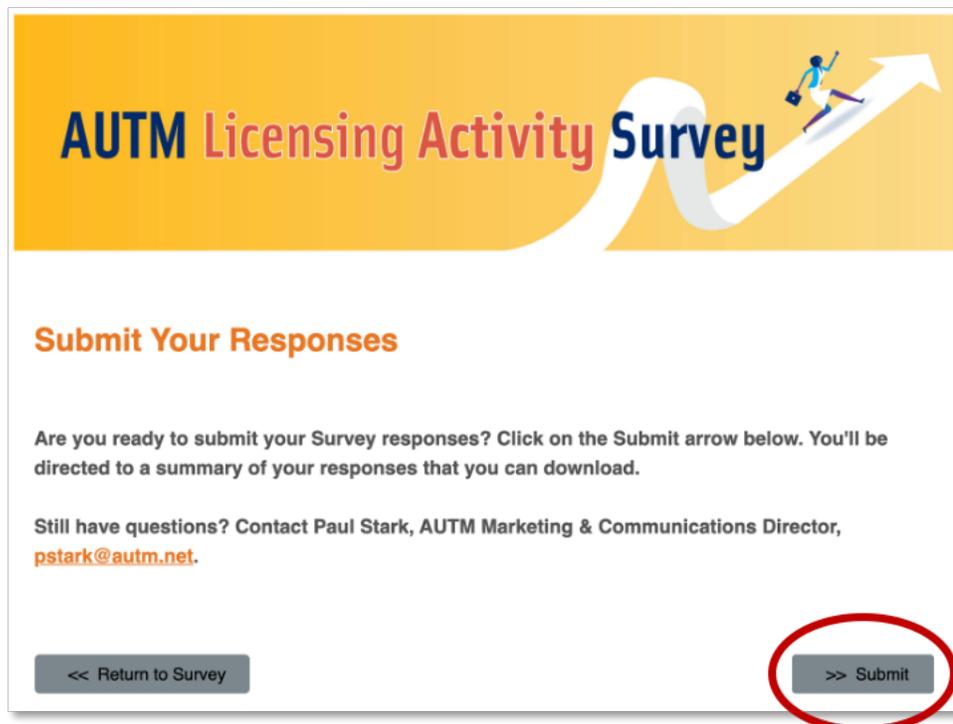
You can move forwards and backwards in the Survey by clicking the arrows at the bottom of each section.



(Q1.11). Zip Code

← →

All finished with your Survey? Click Submit on the final page.



AUTM Licensing Activity Survey

Submit Your Responses

Are you ready to submit your Survey responses? Click on the Submit arrow below. You'll be directed to a summary of your responses that you can download.

Still have questions? Contact Paul Stark, AUTM Marketing & Communications Director, pstark@autm.net.

<< Return to Survey >> Submit

After you click Submit, you can download a summary of your Survey responses.



Instructions

General Instructions

- Before starting the Survey, review the Instructions and Definitions document.
- Login to update your Survey responses as often as you wish until the Survey close date or you submit your completed responses.
- Last year's responses, if available, will be shown underneath each question.
- Answer each question if possible. If you do not have the data available, do not answer the question.
- If your answer to a question is zero, enter the number 0. Do not leave blank.
- Currency amounts should be rounded to the nearest dollar. You can include commas, cents, or dollar signs.

Canadian Respondents

Currency amounts should be submitted in Canadian dollars (CAD). Data will be reported in Canadian dollars.

For RESEARCH EXPENDITURES, FEDERAL GOVERNMENT SOURCES refers to research expenditures that were supported by Canadian (and US, if any) federal government sources; this amount does not include expenditures funded by provincial government sources. TOTAL PATENT APPLICATIONS FILED refers to applications filed in the United States. The US PATENTS ISSUED refers only to US patents.

Survey Term

The Survey will be open for data collection for a specific time, announced on the Survey web site and by email message to Survey contacts. Respondents may respond to the Survey, updating or changing their information, as many times as needed during the response period. However, after the closing date of the Survey, changes may only be made under special arrangements.

Confidential Status

Institution Survey responses and aggregate data are published and widely disseminated. However, respondents who mark their Survey confidential will not be published. Neither the institution name nor the specific data will display. However, confidential data is included within aggregate data and totals.

Reporting Period

The Survey requests data for a complete year regardless of your internal reporting or fiscal year. The 2019 reporting period may be any 12-month period ending in calendar year 2019, For example:

- April 2018 – March 2019
- July 2018 – June 2019
- October 2018 – September 2019
- January 2019 – December 2019

Use the date format MM/DD/YYYY.

Questions and Data

If you are not able to provide an exact number in answer to a question, please provide your best estimate, instead of providing no answer at all.

Submitting and Updating

You can input and update your data multiple times, whenever it is convenient, until the Survey's close date. You may also need to correct problems with the data. There is no particular need to wait until all of your data has been collected to start the reporting process.

Interpreting Survey Questions

This section clarifies the data requested in selected questions to help responders accurately interpret the data requested.

(Q1) Institution and Contact Information

In this section, you're providing the date your REPORTING PERIOD ends. If your reporting period does not coincide with your fiscal year, then select the appropriate ending month. Use the date format MM/DD/YYYY.

For the 2019 Survey, REPORTING PERIOD may be any 12-month period ending in calendar year 2019. For example, your institution's fiscal year might end on one of the following dates: March 31, 2019; June 30, 2019; September 30, 2019; December 31, 2019; or some other date within the 2019 calendar year.

(Q2) Institution Staffing

In this section, refer to definitions for LICENSING FTE and OTHER FTE.

For the purposes of this Survey, when you provide the "first year that your institution dedicated at least 0.5 of a staff person to technology transfer", you are indicating the PROGRAM START YEAR of TECHNOLOGY TRANSFER ACTIVITY at your institution. The individual assigned to TECHNOLOGY TRANSFER ACTIVITIES may or may not have had a formal tech transfer job title and may or may not have been in an organizational unit with "technology transfer" in its title, i.e., technology transfer/licensing office.

Please report the FTEs in your TECHNOLOGY TRANSFER OFFICE by full or fractional FTEs for licensing (as defined in LICENSING FTE) and other (as defined in OTHER FTE).

(Q3) Research Expenditures

This section asks for research expenditures in 2019. Refer to the relevant definitions when responding to this question.

TOTAL RESEARCH EXPENDITURES should be equal to or bigger than the sum of FEDERAL GOVERNMENT and INDUSTRY SOURCES. Some institutions have research expenditures attributed to OTHER SOURCES such as local and state government, and foundations.

(Q4) License/Option Agreements

In this section, you are asked for separate counts of the total number of licenses and options. Add these numbers together to reach the total figure of licenses and options reported in the past. Count data access agreements as noted in the definitions below.

For the question in this section regarding DISCLOSURES, count the total number of

disclosures included in the sum of TOTAL LICENSES and TOTAL OPTIONS. Where an invention disclosure is licensed non-exclusively to multiple licensees, you will count the disclosure more than once.

Count only LICENSES not OPTIONS for the questions regarding EXCLUSIVE and NON-EXCLUSIVE LICENSES.

Counts of licenses to START-UP COMPANIES and SMALL COMPANIES are mutually exclusive in the Survey, even though a START-UP COMPANY will certainly have fewer than 500 employees and; therefore, will also be a SMALL COMPANY. Do not report licenses to START-UP COMPANIES in the SMALL COMPANIES as well.

(Q5) License Income

In this section, the sum of LICENSE INCOME apportioned to RUNNING ROYALTIES, CASHED-IN EQUITY, and all other types must equal LICENSE INCOME.

Please include data access revenues as noted in the definitions below.

The definition of PAID TO OTHER INSTITUTIONS has been changed slightly to limit the institutions to those which you anticipate will be reporting to the Survey. This change has been made since the objective of the question is to eliminate double counting of royalty income.

(Q6) Legal Fees

In this section, you should consider and omit your significant litigation expenses. LEGAL FEES EXPENDITURES are defined to include patent and copyright prosecution, maintenance, and interference costs, as well as minor litigation expenses that are included in everyday office expenditures (an example of a minor litigation expense might be the cost of an initial letter to a potential infringer written by counsel), and to exclude significant litigation expense, e.g., any individual litigation expense that exceeds 5% of total LEGAL FEES EXPENDITURES. In earlier years, legal fees were defined to include all components — prosecution, maintenance, interference, and litigation costs — with no threshold in reporting of litigation expense. The refinement to litigation expense occurred in 1999 and is intended to eliminate skews in the data as a result of significant litigation. It is also expected to yield more meaningful results in copyright and patent maintenance and prosecution costs as well as more useful comparisons of these data across institutions.

(Q7) Intellectual Property Activity

This section asks for the annual data for DISCLOSURES, US PATENTS ISSUED, TOTAL US PATENT APPLICATIONS FILED and NEW PATENT APPLICATIONS FILED. See related definitions for TOTAL US PATENT APPLICATIONS FILED and NEW PATENT APPLICATIONS FILED to respond to this portion of the question.

For NON-US PATENT APPLICATIONS, you should respond ONLY if the INITIAL filing of a patent application is with a patent office other than the USPTO. It does NOT ask for information about all foreign patent applications filed by institutions. It is anticipated that Canadian respondents will be the primary respondents to this question, although some US institutions may file initial applications outside the US in the course of collaborations with non-US companies or academic institutions.

(Q8) Start-Up Companies

When responding to how many START-UPS were OPERATIONAL, it may be useful to ask yourself if the LICENSE/OPTION with the START-UP is still in force. (See also the definition for OPERATIONAL.)

(Q9) Licensed Technologies, Post-License Activity

This section asks for LICENSED TECHNOLOGIES made AVAILABLE in and will be used to identify public benefits derived in the Survey year. To answer this question, review your LICENSES/OPTIONS that are ACTIVE through and determine the LICENSED TECHNOLOGIES that became AVAILABLE during the reporting period. (See related definitions for LICENSED TECHNOLOGIES and AVAILABLE). You will likely have started to receive RUNNING ROYALTIES for many of the LICENSED TECHNOLOGIES made AVAILABLE in 2019.

(Q10) Survey Feedback

These optional questions help us better understand how you use the data. Your candid feedback will help improve the survey and make it an even more powerful tool.

Licensing Survey Definitions

0.5 Professional FTE

A professional position whose duties included support of TECHNOLOGY TRANSFER ACTIVITIES at least 50% of the time. This person may or may not have been located in a formally established TECHNOLOGY TRANSFER OFFICE at that time.

Actionable Disclosures

DISCLOSURES which the institution either acts on by filing for statutory intellectual property protection during the twelve months following disclosure, brings intellectual property rights under institutional management, or otherwise remains active because future action is expected within one year of receipt of the DISCLOSURE.

Active Licenses/Options

ACTIVE LICENSES/OPTIONS counts the cumulative number of LICENSES/OPTIONS, *over all years*, that had not terminated by the end of the Survey's reporting year.

Available

For LICENSED TECHNOLOGIES that are sold as a product to the public or are placed into commercial use by a company, for example, as part of a manufacturing process — they should be considered AVAILABLE if the TECHNOLOGY was placed into use during that year, i.e., evidenced by royalties generated for the first time or licensee diligence reporting.

Cashed-In Equity

This includes the amount received from cashing in equity holdings, resulting in a cash transfer to the institution. The amount reported should be reduced by the cost basis, if *any, at which the equity was acquired*. Excluded from this amount is any type of analysis or process whereby a value for the equity holdings is determined but a cash transaction does not take place through the sale of these holdings. An internal sale (e.g., to the endowment) will constitute cashing-in if the transaction results in cash being made available for internal distribution.

Data Access Agreements

A dataset associated with an invention disclosure, and made commercially available through an "access agreement," may be counted as a license or option. In addition, the revenue derived from that agreement may be counted as license income received.

Disclosures

DISCLOSURES include the number of disclosures, no matter how comprehensive, that are submitted during the Survey's reporting year and are counted as received by the institution.

Equity

EQUITY, for the purposes of this Survey, is defined as an institution acquiring an ownership interest in a company (e.g., stock or the right to receive stock), or an element of license compensation which is economically equivalent to stock, such as debt convertible into stock, an option or warrant to acquire stock, a membership interest in an LLC, an exit fee or change of

control fee whereby the licensor receives a percentage of the proceeds from the sale of the company or the value of its public listing.

Estimated Sales of Licensed Products

Sales of licensed products can be estimated by dividing the RUNNING ROYALTIES for a particular license agreement by the negotiated royalty rate (e.g., if the negotiated royalty rate for license A were 5% and it generated \$500,000 in RUNNING ROYALTIES then the ESTIMATED SALES OF LICENSED PRODUCT for that LICENSED TECHNOLOGY would be $\$500,000/0.05 = \$10,000,000$). Repeat for each license agreement generating RUNNING ROYALTIES and sum to get the total ESTIMATED SALES OF LICENSED PRODUCTS.).

Exclusive License

The reporting of a license as exclusive or non-exclusive should follow the terms of the license agreement. If a license is designated as exclusive in the license agreement, it should be reported as an EXCLUSIVE LICENSE to this Survey. Exclusive licenses include licenses that are designated as exclusive by field of use, territory, or otherwise but excludes co-exclusive licenses, which are reported as NON-EXCLUSIVE LICENSES.

FTE (Full-Time Equivalent)

See LICENSING FTEs and OTHER FTEs.

Large Companies

LARGE COMPANIES are defined as companies with more than 500 employees at the time the license/option was signed.

Legal Fees Expenditures

LEGAL FEES EXPENDITURES include the amount spent by an institution in external legal fees for patents and/or copyrights. These costs include patent and copyright prosecution, maintenance, and interference costs, as well as minor litigation expenses that are included in everyday office expenditures (an example of a minor litigation expense might be the cost of an initial letter to a potential infringer written by counsel). Excluded from these fees is significant litigation expense, e.g., any individual litigation expense that exceeds 5% of total.

Legal Fees Reimbursements

LEGAL FEES REIMBURSEMENTS include the amount reimbursed by licensees to the institution for LEGAL FEES EXPENDITURES (see definition for LEGAL FEES EXPENDITURES). Include in this category both LEGAL FEES REIMBURSEMENTS paid via lump sum payments of costs incurred in

prior years when a new license is signed AND regular reimbursements of new costs incurred after the license is signed.

Do not include amounts deducted from LICENSE INCOME prior to internal distribution because LEGAL FEES EXPENDITURES have not been previously been reimbursed (e.g., technologies licensed non-exclusively).

License Income Paid to Other Institutions

LICENSE INCOME PAID TO OTHER INSTITUTIONS is the amount paid to other institutions under inter-institutional agreements. The Survey subtracts it from the total license income of your institution to avoid double-counting license income when the receiving institution reports it to the Survey.

License Income Received

LICENSE INCOME includes license issue fees, payments under options, annual minimums, running royalties, termination payments, the amount of equity received when cashed-in, and software and biological material end-user license fees equal to \$1,000 or more, but NOT research funding, patent expense reimbursement, a valuation of equity not cashed-in, software and biological material end-user license fees less than \$1,000, or trademark licensing royalties from university insignia. LICENSE INCOME also does NOT include income received in support of the cost to make and transfer materials under Material Transfer Agreements.

Licensed Technologies

Refers to licensed technologies that became a product that was sold either to the public or to industry. It also refers to a licensed technology that is a process that was put into commercial use as opposed to developmental use by a company. A licensed technology may be considered AVAILABLE if it is bundled with other technologies when made available to the end-user.

Licenses/Options

Count the number of LICENSE or OPTION AGREEMENTS that were executed in the year indicated for all technologies. Each agreement, exclusive or non-exclusive, should be counted separately. Licenses to software or biological material end-users of \$1,000 or more may be counted per license, or as 1 license, or 1/each for each major software or biological material product (at manager's discretion) if the total number of end-user licenses would unreasonably skew the institution's data. Licenses for technology protected under US plant patents (US PP) or plant variety protection certificates (US PVPC) may be counted in a similar manner to software or biological material products as described above, at manager's discretion.

Material Transfer Agreements are not to be counted as Licenses/Options in this Survey.

License/Option Agreements

A LICENSE AGREEMENT formalizes the transfer of TECHNOLOGY between two parties, where the owner of the TECHNOLOGY (licensor) permits the other party (licensee) to share the rights to use the TECHNOLOGY. An OPTION AGREEMENT grants the potential licensee a time period during which it may evaluate the TECHNOLOGY and negotiate the terms of a LICENSE AGREEMENT. An OPTION AGREEMENT is *not* constituted by an Option clause in a research agreement that grants rights to future inventions, until an actual invention has occurred that is subject to that Option.

Licenses/Options Executed with Equity

The number of LICENSES/OPTIONS that were executed in the year surveyed that included EQUITY, where EQUITY is defined as an institution acquiring an ownership interest in a company.

Licenses/Options Yielding Running Royalties

The number of LICENSES/OPTIONS that generated RUNNING ROYALTIES in the year requested.

Licensing FTE

LICENSING FTE are defined as person(s) employed in the TECHNOLOGY TRANSFER OFFICE whose duties are specifically involved with the licensing *and* patenting processes as either full or fractional FTE allocations. Licensing examples include licensee solicitation, technology valuation, marketing of technology, license agreement drafting and negotiation, and start-up activity efforts.

New Patent Applications Filed

NEW PATENT APPLICATIONS FILED are the first filing of the patentable subject matter. NEW PATENT APPLICATIONS FILED do not include continuations, divisionals, or reissues, and typically do not include continuation-in-part (CIP) patents. A US PROVISIONAL APPLICATION filed will be counted as new unless it is a refiling of an expiring US PROVISIONAL APPLICATION. If a US PROVISIONAL APPLICATION is converted into a US UTILITY APPLICATION, then that corresponding US UTILITY APPLICATION filed in should not be counted as new.

Non-Exclusive License

The reporting of a license as exclusive or non-exclusive should adhere to the terms of the license agreement. If a license is designated as non-exclusive or co- exclusive in the license agreement, it should be reported as a NON-EXCLUSIVE LICENSE.

Non-Operational

A company that no longer possesses sufficient financial resources and expends these resources to make progress toward stated business goals. The license to a company that is NON-OPERATIONAL will most likely have been terminated. A company may have terminated its license and still be OPERATIONAL because it has changed its business focus; however, it may be difficult to determine if such a company is still OPERATIONAL. A company that has been acquired and no longer operates independently should be counted as NON-OPERATIONAL if the license has been terminated.

New Non-US Patent Applications

NEW NON-US PATENT APPLICATIONS include any initial patent filing of an INVENTION DISCLOSURE made outside of the US during, including PCT applications, utility applications filed in patent offices other than the USPTO and provisional applications filed outside of the United States such as the New Zealand provisional applications and incomplete applications in Canada.

Operational

A company that possesses sufficient financial resources and expends these resources to make progress toward stated business goals. The company must also be diligent in its efforts to achieve these goals. A company that has been acquired and no longer operates independently should still be counted as OPERATIONAL if the license is still active and in compliance.

Other FTE

OTHER FTE are defined as person(s) employed in the TECHNOLOGY TRANSFER OFFICE as either full or fractional FTE allocations whose duties and responsibilities are to provide professional, administrative, or staff support of TECHNOLOGY TRANSFER ACTIVITIES that are not otherwise included in LICENSING FTE. Such duties might include management, compliance reporting, license maintenance, negotiation of research agreements, contract management, accounting, MTA activity, and general office activity. General secretarial/administrative assistance to the TECHNOLOGY TRANSFER OFFICE may also be included in this category.

Other New Companies

These are student or faculty companies (other than faculty consulting companies) that are affiliated with your institution, registered with the Secretary of State (i.e., incorporated) and received assistance from the university in the form of entrepreneurial training or education (e.g., how to write business plan), legal advice (e.g., how to incorporate, information about patent and other intellectual property), marketing help or services, (e.g., access to our business databases), help in securing financing (e.g., SBA loans, SBIR grants, angel money, etc.),

accounting assistance (e.g., how to keep books), subsidized office space in business incubator, R&D assistance (e.g., gap funding or innovation grants), or other support (e.g., business plan competition awards).

Program Start Date

PROGRAM START DATE refers to the year in which at least 0.5 PROFESSIONAL FTE was devoted toward TECHNOLOGY TRANSFER ACTIVITIES.

Research Expenditures: Federal Government Sources

FEDERAL GOVT. SOURCES include expenditures made in by the institution in support of its research activities that are funded by the federal government. Expenditures by State and Local Governments should be excluded.

Research Expenditures: Industrial Sources

INDUSTRIAL SOURCES include expenditures made in support of the institution's research activities that are funded by for-profit *corporations*, but not expenditures supported by other sources such as foundations and other non-profit organizations.

Running Royalties

For the purposes of this Survey, RUNNING ROYALTIES are defined as royalties earned on and tied to the sale of products. Excluded from this number are license issue fees, payments under options, termination payments, and the annual minimums not supported by sales. Also excluded from this amount is CASHED-IN EQUITY, which should be reported separately.

SBIR/STTR Company

An SBIR/STTR COMPANY is one that was formed by a researcher specifically to apply for an SBIR or STTR grant and that has not licensed a technology from the institution. A company which is formed to license a technology and which simultaneously or subsequently applies for an SBIR or STTR grant to develop the technology should be reported as a START-UP COMPANY.

Small Companies

Companies that had 500 or fewer employees at the time the license/option was signed. START-UP COMPANIES initiated by your institution should not be included in this count.

Start-Up Companies

START-UP COMPANIES are new companies that were dependent on licensing your institution's technology for their formation. If a technology was licensed to an existing start-up company, that was formed to develop a different technology, this company should be counted as a SMALL

COMPANY, not a START-UP COMPANY. START-UP COMPANIES, as used in this Survey, refer only to those companies that were formed specifically to develop the technology being licensed. A START-UP COMPANY may be formed well in advance of when the actual license is signed, while the founders research and write the company's business plan and explore the feasibility of securing investors or grants.

A company should be reported as a START-UP COMPANY irrespective of whether the company was formed by the licensing institution OR by an entrepreneur, investor, the professor, a graduate student or a post- doctoral fellow.

The key question is, "Was the company that licensed a technology formed specifically to license and develop the technology being license?"

Technology or Technologies

A TECHNOLOGY is the embodiment of an idea that results from the creative work performed by faculty, students or staff during research or teaching. Multiple TECHNOLOGIES can arise from a single DISCLOSURE or a single TECHNOLOGY can be the result from a combination of DISCLOSURES. A TECHNOLOGY can also take many forms, the most common are compositions of matter, processes, methods, devices, asexually reproduced plants and designs. Also common are works of expression such as software, photos and drawings. A TECHNOLOGY is a single innovative idea, no matter how many patents, copyrights, or disclosures may be included in the TECHNOLOGY.

Technology Transfer Activities

TECHNOLOGY TRANSFER ACTIVITIES include those activities associated with the identification, documentation, evaluation, protection, marketing, and licensing of technology (including trademarks but not university's insignia) and intellectual property management, in general. It encompasses all other activities also associated with the day-to-day operations of a TECHNOLOGY TRANSFER OFFICE, including assisting with the negotiation of research agreements, MTAs, reporting of inventions to sponsors, and all other duties performed by the office.

Technology Transfer Office

The office(s) that manages and performs the TECHNOLOGY TRANSFER ACTIVITIES. Also referred to as a technology licensing office.

Total Research Expenditures

TOTAL RESEARCH EXPENDITURES include expenditures (not new awards) made by the institution in support of its research activities that are funded by all sources including the federal government, local government, industry, foundations, voluntary health organizations (i.e., AHA, ACS, etc.), and other non-profit organizations. Indirect costs should be included. TOTAL RESEARCH EXPENDITURES will be at least equal to, if not greater than, the sum of FEDERAL GOVERNMENT and INDUSTRY SOURCES.

Total US Patent Applications Filed

TOTAL US PATENT APPLICATIONS FILED includes any filing made in the US during the Survey's reporting year, including provisional applications, provisional applications that are converted to regular applications, new filings, continuation-in-part (CIPs), continuations, divisionals, reissues, and plant patents. Applications for certificates of plant variety protection should also be included. TOTAL US PATENT APPLICATIONS FILED should also include PCT applications where the PCT application is the first non-provisional filing where the US is designated. If a US utility application is filed by entering the national phase of a PCT Application in the US, that should also be included in TOTAL US PATENT APPLICATIONS FILED.

However, a PCT application that does not designate the US (e.g., because it follows a previous US utility application or is filed at the same time as a US utility application) would not be included.

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