

But that Author Moved to a Monastery: Proactively Managing Intellectual Property to Enhance Choice for Distribution in Academic Technology Transfer

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Innovative software with a unique title is disclosed to your office. The list of authors is ten people. Some of those listed are former and current students, and the disclosure mentions that the software was tested against data created by this same team. Now your office must determine who is an author, of which kind of right, where ownership lies, and gain appropriate assignments. Given my experience, this process can take many months, and—in one actual case—my colleague had to express mail assignment documents to a monastery in rural China prior to executing a license. The time it takes to retroactively manage intellectual property rights can discourage authors and potential licensees, such that distribution opportunities are lost.

Complex software, digital media, and portfolios of assets are becoming more common. That DVD, Web site, or software that was developed by a team on campus can have far-reaching impact—as well as users around the world. Thus, the rights within those assets—copyright, trademark, data, and other associated rights—are increasingly being managed by technology transfer professionals. Many universities manage academically and financially successful copyright portfolios. The University of Washington managed several technologies based solely on copyright and trademark, and each amassed more than \$10 million in licensing revenue over a six-year period. Gatorade is one of the best-known trademark cases in the world. These are not isolated cases.