

Universities and Patents:
Lessons From America for the Rest of the World

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Overview

Bayh-Dole Act of 1980

American University Technology Transfer Today

Impact on University Research in America

Suggestions / Recommendations for Others

Bayh-Dole Act: Intro

What?

- Uniform Federal policy for the funding of research
- Allows publicly funded researcher to own results

Why?

- Government isn't in business of being in business
- Perceived need to commercialize inventions
- Perceived benefit of commercial research funding

Bayh-Dole Act: Specifics

Universities may own patents on inventions resulting from federally funded research if:

- Grant government non-exclusive license
- Work to commercialize
- Retain ownership
- Share royalties with inventors
- Give preference to US and small businesses

U.S. University Tech Transfer Today

Most schools have independent tech transfer offices

Few strike gold; Most hope to

The TTO commission is steep

The added value of unrestricted funds

U.S. University Tech Transfer Today

How many universities play?

U.S. University Tech Transfer Today

How many universities play? 150+

How many patents issued to them per year?

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How many patents issued to them per year? 3,200+

How many new licenses signed per year?

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Amount of money made per year?

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Amount of money made per year? \$1.2B+

Is \$1.2B+ per year a lot?

Top 15 Schools (10%) Get About Half

1/3 Goes to Inventors (University Professors)

1/3 Goes to Tech Transfer Office

An efficient way to fund University research?

Impact on University Research

Created Perverse Incentives

- Less collaboration
- Publication delayed
- Land Grab / Feeding Frenzy

Corporate research focus

- Commercializable concerns are key

Impact on University Research

Universities End Up in Court as Plaintiffs

– e.g. U.C., MIT, Columbia, etc.

Universities End Up in Court as Defendants

– *Madey v. Duke*

Legal Considerations Chill / Direct Conduct

Suggestions / Recommendations

Shield Research

Preserve Non-Commercially Driven Research

Protect Access to Research Tools

Keep Eye on the Prize, Not Just Wallet

Questions and Comments Please

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