

Intellectual Property at the CFN

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SIXTY YEARS
OF DISCOVERY
1947-2007

BROOKHAVEN
NATIONAL LABORATORY



What is OIPSR? What do we do?

- The Office of Intellectual Property and Sponsored Research is responsible for technology transfer.
 - Technology transfer to industry is part of our mission as a DOE laboratory.
- We protect intellectual property developed by Brookhaven researchers to facilitate this transfer.
 - Patents are the primary vehicle, but we are involved with copyrights as well.
- We negotiate all IP licenses and industry-sponsored research agreements (CRADAs, WFO).
- We are the legal contact for User Agreements.

What is a “subject invention”?

- As defined in the User Agreement, a “subject invention” is an invention conceived or first reduced to practice during the course of research at the CFN.
- The user may elect title to subject inventions developed solely by its researchers.
- Brookhaven may elect title to subject inventions developed solely by its researchers.
- Both parties own undivided rights in joint inventions created under the User Agreement.

The U.S. Government retains certain rights in these inventions.

What about proprietary research?

- “The USER shall not bring Proprietary Data into the NSRC facility except at USER’s own risk.”
- For users who wish to conduct purely proprietary research different mechanisms are available.
 - Work for others (WFO)
 - Cooperative research and development agreements (CRADAs)
- Proprietary users are charged full cost recovery.

When is an NDA needed? An MTA?

- Users are cautioned not to bring proprietary data to the CFN.
- Non-disclosure agreements are not necessary for exchanges of non-proprietary data.
 - Separate NDAs are available if required to protect proprietary data.
 - NDAs may impact future research by both CFN staff and users.
- Material transfer agreements are not required for work under the User Agreement.

What about the details?

- Details of all the intellectual property arrangements for work done at the CFN can be found in Appendix B of the User Agreement.
- The OIPSR is available to clarify IP policies.
 - Face-to-face consultation may be appropriate to discuss special situations.
 - For nanoscience- and CFN-related questions, contact Kimberley Elcess, 631-344-4151, elcess@bnl.gov.
- I will be available during the breakout discussions to answer questions about specific situations.

Questions?