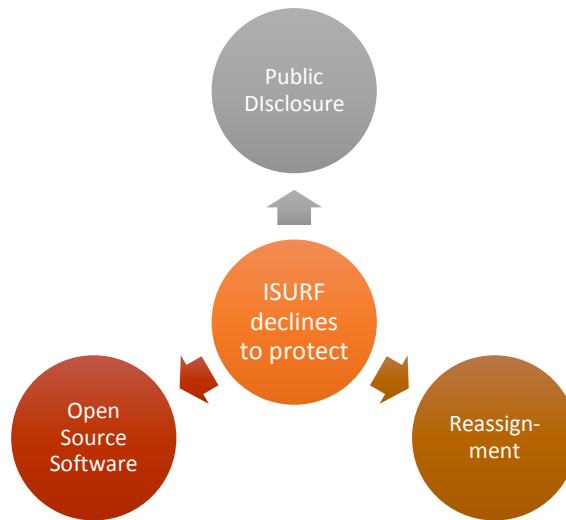




Not Pursuing Intellectual Property Protection – what’s next . . .

After evaluating a technology disclosed in an IPDR, ISURF might decide not to pursue protection for the disclosed invention and officially close the ISURF record. Here are some possible options when a file is closed:



Publicly Disclose



If ISURF determines your technology is either not patentable or not commercially relevant, public disclosure, as allowed by the funding agreement(s), is encouraged. Public disclosure/publication fulfills the land grant mission of disseminating information for the public good. This is the most common path for technologies not protected by ISURF.

Open Source Software



Whether software can be released as open source depends on many variables. The use of original code, third party code, open-source code, academic versions of commercial code, and/or commercial code all determine what can be done with the resulting software. For example, do not assume the use of open source code allows unrestricted use. In addition, we must comply with the funding source(s) rights and restrictions. Before dissemination, a careful review must be done to determine if and how the software can be released.

Reassign to Inventors/Authors



Criteria For Reassignment:

ISURF may elect to reassign technologies when all of the following conditions are met:

- There is no commercial interest.
- It is unlikely that commercially relevant patent claims could be obtained.
- The contributors are not pursuing improvements or related ongoing research.
- The contributors do not have or are not planning to start a company that would utilize this technology.

ISURF will NOT reassign technologies when any of the following are true:

- The contributors are continuing, or plan in the future, to pursue improvements or related on-going research.
- The contributors have or are planning to start a company that would utilize this technology.
- Funding source rights are intervening or restricting.
- There are third-party joint owners.



Request For Reassignment

Reassignment is complicated; all situations are not covered in the general description below.

Each Contributor/Author will:

- Review the ISURF Assignment policy located at www.techtransfer.iastate.edu/documents/filelibrary/images/docs/REASSIGNMENT_POLICY_D63F1D68D3A87.pdf .
- Review the criteria for reassignment (above).
- Notify ISURF that they are requesting to have the technology assigned in an IPDR, reassigned to them.
- Request approval of the reassignment from the federal agency, if federal funding is involved. The reassignment is not complete unless and until approved by the federal agency. Additional obligations to the federal government will apply, including compliance with the Bayh-Dole act.
- Disclose this reassignment as a potential conflict of interest, per ISU policy.

ISURF will:

- Determine if the reassignment criteria have been met.
- Provide a reassignment agreement to each requesting contributor/author, if the reassignment criteria have been met.
- Reassign each individual's ownership interest back to them individually, resulting in multiple parties jointly owning the invention, if multiple contributors/authors have assigned to ISURF.
- Not guarantee that the reassignment will result in exclusive rights to the technology.

Contact Information

In-house Counsel	Donna Johns	djohns@iastate.edu	294-6355
Patent Prosecution Assistant	Leslie Geffre	lgeffre@iastate.edu	294-9407
Life Sciences Senior Commercialization Manager	Dario Valenzuela	dariov@iastate.edu	294-4470
Engineering and Software Commercialization Manager	Jay Bjerke	jbjerke@iastate.edu	294-3621
Chemistry and Materials Senior Commercialization Manager	Craig Forney	ceforney@iastate.edu	294-9513