

# Industry Engagement and University Policies

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# Relevant Policies

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- Research Conflict of Interest (RES-005)
- Conflict of Commitment, a/k/a Faculty External Consulting Policy (HRM-045)
- Patent Policy (RES-006)
- Copyright Policy (RES-001)
- Use of Working Time and University Equipment for Personal or Commercial Purposes (PRM-011)

# Relevant How??

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- Research Conflict of Interest – relevant if investigator has a financial interest in entity that has interest in outcome of the research.
- Conflict of Commitment – relevant if faculty member wants to work for an outside entity engaging in the same activity as they perform at UVA.
- Patent Policy – relevant to issue of patent ownership when engaged in outside activity. Hint – UVA may own the patent even if the work is done for an outside entity.
- Copyright Policy – relevant for works created within scope of employment.
- Use of Working Time and University Equipment for Personal or Commercial Purposes – I just want to use my lab to do some work for my startup.

# Research Conflict of Interest

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- In depth discussion is well beyond scope of discussion.
- A financial conflict of interest exists under this policy when an investigator or member of his or her immediate family has a significant financial interest that could directly and significantly affect the design, conduct, or reporting of research.
- Almost all FCOI cases involve ownership and/or income from a commercial entity that is sponsoring the research or owns the IP being evaluated in the research or both.
- Also a state statute aimed at self-dealing by state employees that can be implicated depending on circumstances.
- Key takeaway – the FCOI issues must be resolved before contract is signed.

# Conflict of Commitment

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- Based on concept that an employee should devote the vast majority of their professional effort on behalf of their employer, as opposed to outside entity.
- Professional effort roughly translates to the employee's institutional responsibilities. Generally not considered a proscription on unrelated activity unless of course that activity unreasonably interferes with work.
- At UVA, there is an existing policy on Faculty External Consulting and Internal Overload.
- Anticipate additional policy activity in the intermediate term.

# Patent Policy

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- Any person engaged in University Research shall be required to execute a patent agreement with the University in which the rights and obligations of both parties are defined.
- Patent Agreement: [I]do hereby assign to The Rector and Visitors of the University of Virginia all of my ownership, right, title and interest in any discovery or invention that is the **product of my University research**, including without limitation any patent and other intellectual property rights arising under U.S. or any other law, whether I acquired those rights before signing this Agreement or acquire them in the future.
- University Research: Research and related activities by any person, which are related in any way to duties or responsibilities for which he/she has been compensated either by or through the University; **or** for which facilities owned, operated, or controlled by the University are used.
- Highlights are mine, to emphasize a key point.

# Copyright Policy

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- No copyright agreement required as work for hire doctrine applies as a matter of law.
- University cedes copyright for academic and scholarly works.
- Revenues from commercialization of copyrightable works is via UVA Licensing & Ventures Group, with authors receiving compensation pursuant to the revenue distribution formula which likewise applies to patent.

# PRM-011

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- A University employee's working time, use of University equipment, whether or not identified and tagged as an equipment asset (see [FIN-034: Accounting Requirements for Equipment Assets](#)), and consumable materials/supplies may not be used for personal or commercial purposes.
- Faculty startups using UVA resources – two potential avenues. Sponsored award, which is automatically trigger a Conflict of Interest review. Revenue generated activity, a/k/a recharge center.



# Questions?

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