



Policy No: 102.36
Revision No: 2
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UNIVERSITY POLICIES & PROCEDURES

Category:	Administration
Title:	TANGIBLE RESEARCH PROPERTY
Applicability:	Thomas Jefferson University

OBJECTIVES

This Tangible Research Property Policy covers ownership, administration, and distribution of tangible (or corporeal) research property (TRP) that is produced in the course of activities supported by the University, supported by external sponsors at the University, or produced with University facilities, resources, or personnel. TRP includes, but is not limited to, biological materials (for example, cell lines); computer software and databases; circuit diagrams; engineering drawings; computer chips; laboratory notebooks; prototype devices; and equipment. TRP is separate and distinct from intangible or intellectual property such as patents, copyrights, trademarks, and trade secrets, which are subject to other University policies and procedures. Individual items of TRP, however, may be associated with one or more intellectual properties. TRP normally is either owned by the University or is subject to the ownership and other provisions of contracts and grants. In accordance with the University's function and mission, it is the University's objective to promote the timely and open exchange of TRP with scientific colleagues, while protecting the University's name and assets.

POLICY

All TRP is either owned by the University or is subject to the ownership and other provisions of contracts and grants. As a condition of employment and/or participation in a sponsored project at the University, the University requires faculty, staff, students, and/or other research participants to execute any and all documents necessary to perfect the University's title in such TRP. University personnel are required to observe the rights of other TRP owners.

The following procedures are designed to aid the traditional open distribution and exchange of TRP for research purposes, preserve the potential commercial value of TRP, assist the further development of TRP for public use, and protect the University and its employees from liability claims arising from the use of University TRP by others.

PROCEDURE

Control of TRP

It is the responsibility of the investigator to control the development, storage, use and distribution of TRP made in the course activities supported by the University, supported by external sponsors at the University, or produced with University facilities, resources, or personnel. Such control includes determining if and when distribution of the TRP is to be made beyond the laboratory for others' scientific use.

Distribution of TRP for Research Purposes

Because TRP may have potential commercial value as well as scientific value, the investigator may wish to make TRP available for others' scientific use by means that do not diminish its value or inhibit its

commercial development or public use. The investigator is responsible for helping the Office of Technology Transfer identify potential recipients, making fair valuations, and evaluating requests for distribution of TRP. Each distribution of TRP for noncommercial research purposes must be accompanied by a letter of transmittal from the Office of Technology Transfer, signed by the provider, the recipient, and an authorized official at the recipient's institution, which shall indicate the recipient's agreement to:

1. accept TRP to be used only for non-clinical research by recipient in recipient's research laboratory; and
2. not to distribute TRP to any other individual or entity.

Prior to distribution, the recipient shall submit a written request for the material, stating the intended uses for the material, which request shall be provided to the Office of Technology Transfer. If there is a possibility of biohazard or other risk associated with the transport, storage or use of a particular TRP, or if the recipient is likely to use the TRP for clinical research, the Office of Technology Transfer should be consulted for advice regarding appropriate precautionary language in the TRP distribution agreement. Each item of TRP shall have an unambiguous identification code and name. The Office of Technology Transfer must be consulted for assistance in so identifying TRP in accordance with University-wide systems. Each item of TRP must also bear the name of the TRP owner and other marks and legends as may be required to meet the University's contractual obligations and administrative needs. When distributing biological TRP to research colleagues outside the laboratory, the investigator may arrange to recover costs of the materials and handling from the recipient. These monies should be returned to the account that funded those costs. When costs for TRP distribution are charged or recovered, the investigator must maintain adequate documentation for audit purposes.

Licensing or Sale of TRP With Potential Commercial Value

All University TRP shall be licensed or sold through the University's Office of Technology Transfer. In keeping with University policy, any license or other agreement with respect to TRP owned or controlled by the University must be signed by a University official specifically authorized to do so.

Determination of TRP Ownership and Policy Interpretation in Unclear Cases

Questions of TRP ownership or other matters pertaining to the TRP policy shall be resolved by the University's Intellectual Property Policy Committee.

Distribution of Income from the Sale or License of Tangible Research Property

Income from the sale or license of TRP will be distributed in a manner similar to that described in the University's Patent Policy, (see Policy No. 102.15), with the "Inventor's Share" being allocated among individuals who have contributed to the production of the TRP. Where appropriate, the Department's Share of income will be used to support research, with the investigator's research receiving first priority for use of these funds. The Intellectual Property Policy Committee shall approve all such distributions to individuals. However, if the Intellectual Property Policy Committee determines that it is not possible or appropriate to identify individual contributions to the production of the TRP, the "Inventor's Share" may be allocated to research and educational purposes at the University, subject to the approval of the President.

If the TRP results from sponsored research, the Office of Research Administration should be consulted regarding contractual obligations and regulations affecting ownership, notices, acknowledgments, disposition of various rights, and restrictions on the distribution and use of the TRP and any associated income

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Review Date(s):

Responsibility for maintenance of policy: Vice Dean for Research

(Signature on File)

Approved by:
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