University of Pittsburgh
Intellectual Property Policy Committee Charter

I. Preamble

This body is called the Intellectual Property (IP) Policy Committee. It is authorized by the Chancellor and will serve at the Chancellor's discretion. The Chancellor has authorized the Senior Vice Chancellor for Research (SVC – R) to direct the operations of this Committee, consistent with the terms of this Charter. This Charter outlines the purpose, relevant background, scope, responsibilities, composition, and operations of the Committee, as well as the review process for any proposals generated by this group.

This document should be read in conjunction with Policy 01-01-01, Establishing University Policies, and all other applicable University policies, protocols, and procedures.

II. Purpose

The Committee is created for the purpose of proposing a new University policy, and supporting documents (e.g., procedures or standards), which will govern IP, replacing Policy 11-02-01, Patent Rights and Technology Transfer, and Policy 11-02-02, Copyrights.

III. Background

The University's policy on Patent Rights and Technology Transfer (Policy 11-02-01) was last updated in 2005 and its policy on Copyrights (Policy 11-02-02) was last revised in 2006. These policies need to be reviewed in light of more recent changes in applicable law and current best practices in higher education institutions, as well as to determine if updates are needed to better support the University's mission to advance learning through its research initiatives.

In 2015, the Provost charged a Policy Review Committee to review these two policies, among others. That Committee did extensive work in this area, including soliciting feedback from the University community, benchmarking other universities, and compiling draft policies. There have since been changes in University leadership, which have affected the focus and scope of the University's IP policy reform initiative. While a policy was not approved as a result of the prior Committee's efforts, the work of that productive Committee will be helpful in addressing the questions posed to this Committee.

Furthermore, the University recently developed a new policy development process that emphasizes transparency and inclusiveness and initiated a review of all University policies in an effort to create policies that are consistent and understandable. This Committee's deliberations and its recommendations will be governed by this new policy development process and initiative.

IV. Scope and Authority

The Committee will recommend a new IP policy, and supporting documents, which will replace Policy 11-02-01, Patent Rights and Technology Transfer, and Policy 11-02-02, Copyrights. In doing so, the Committee's deliberations must address the following topics:

- Scope of Ownership. Clearly defining the terms of the University's ownership claims of IP (both patents and copyrights), including IP generated under University agreements, by faculty consulting outside the University, by students, or by visitors to the University.
- Revenue Sharing. Providing a formula to determine the distribution of proceeds that properly incentivizes and reimburses, which should account for research institutes in addition to academic units.
- Alice Corp. v. CLS Bank International. Determining if, and if so how, the policy should account for the Supreme Court's 2014 decision in the matter of the patentability of software artifacts.
- Coursework. Defining who has ownership rights in coursework content, including material for digital or online courses and materials hosted on a cloud platform, and what happens when faculty who developed that content leave the University.
- Incidental Use. Defining and using this term in a way that is consistent with its use in the Conflict of Interest Policy for Research (11-01-03), and relatedly, considering whether the term Substantial Use should be defined.
- Patent management. Establishing a governance structure to implement the IP policy, including providing it with decision-making authority.

V. Responsibilities

As provided above, the Committee is created to propose a new IP policy for the University. To perform this function, the Committee has the responsibility to:

- Review and analyze the current IP-related policies: Patent Rights and Technology Transfer (Policy 11-02-01) and Copyrights (Policy 11-02-02).
- Review and analyze the work-product created by the Policy Review Committee established by the Provost in 2015.
- Research and discuss best practices for IP-related policies, including completing a benchmarking of peer universities' IP-related policies.
- Review any relevant policies and procedures utilized by departments, schools, and research institutes within the University.
- Discuss proposals with interested stakeholders in the University community, in a manner consistent with this Charter and as authorized by the Committee.
- Recommend a draft policy for review pursuant to the process described in Section VIII below and consider feedback received during that review.
- Develop any supporting documents needed for the effective and efficient implementation of the proposed policy.

It is expected that the Committee will work in confidence in order to have a full and frank discussion of all options. Individual members should maintain the deliberations of the

Committee confidential and are expected to not discuss the content of the Committee's deliberations outside of the Committee, unless authorized to do so by the Group. The broader community will have an opportunity to consider the Committee's proposals pursuant to the process described in Section VIII below.

VI. Composition

This Committee will be co-chaired by **Rory Cooper**, Director, Human Engineering Research Laboratories (HERL); Associate Dean for Inclusion, School of Health and Rehabilitation Sciences (SHRS); and FISA/Paralyzed Veterans of America Distinguished Professor, SHRS, Department of Rehabilitation Science and Technology, and **Adam Leibovich**, Associate Dean for Faculty Recruitment and Research Development, Dietrich School of Arts and Sciences. The Committee will include the following members:

1. **Penelope Morel**	Co-Chair of the University Senate Research Committee and Professor of Immunology, Department of Medicine
2. **Mike Madison**	Faculty Director, Innovation Practice Institute, School of Law and Professor of Law
3. **Barbara Barnes**	Associate Vice Chancellor for Industry Relations and Continuing Education, Health Sciences; Associate Dean for Continuing Medical Education, School of Medicine; and Vice President for Sponsored Programs, for Research Support, and for Continuing Medical Education, UPMC
4. **Craig Wilcox**	University Research Integrity Officer; Chair, Conflict of Interest Committee; and Professor of Chemistry
5. **Bill Federspiel**	Director, Medical Devices Laboratory, McGowan Institute for Regenerative Medicine and William Kepler Whiteford Professor, Department of Bioengineering, Swanson School of Engineering
6. **Pat Kroboth**	Dean, School of Pharmacy
7. **Paul Cohen**	Founding Dean and Professor, School of Computing and Information
8. **Sharon Alvarez**	Thomas W. Olofson Chair in Entrepreneurial Studies, Joseph M. Katz Graduate School of Business
9. **Jennifer Woodward**	Vice Chancellor for Research Operations; Professor of Surgery; and Professor of Immunology
10. **Evan Facher**	Vice Chancellor for Innovation and Entrepreneurship, Innovation Institute
11. **Charles Jonassaint**	Assistant Professor of Medicine, Social Work and Clinical and Translational Science, School of Medicine, Department of Medicine, Division of General Internal Medicine
12. **Steve Reis**	Associate Vice Chancellor for Clinical Research, Health Sciences; Director, Clinical and Translational Science Institute; and Distinguished Service Professor of Medicine

Jennifer Seng, Assistant Vice Chancellor and Deputy Chief Legal Officer, will also support the Committee on behalf of the Office of University Counsel.

Nathan Urban, Vice Provost for Graduate Studies and Strategic Initiatives, will support the Committee on behalf of the Office of the Provost.

Thomas Hitter, Assistant Vice Chancellor for Policy Development and Management, will facilitate and support the Committee.

VII. Operations

The Committee will meet bi-weekly, or more frequently as circumstances dictate. The Committee's proposed policy to replace Policy 11-02-01, Patent Rights and Technology Transfer, and Policy 11-02-02, Copyrights, will be submitted to the SVC – R by September 2019. The SVC – R may ask for interim status reports.

After the SVC – R's review is complete, the draft policy will be submitted to the Office of Policy Development and Management (Policy Office) to coordinate its review consistent with Policy 01-01-01.

The Policy Office will provide the Committee with administrative support.

VIII. Proposed Policy Review Process

The review process for the Committee's recommended policy is as follows:

1. University comment period;
2. Council of Deans;
3. University Senate Research Committee;
4. Faculty Assembly;
5. University Senate Council; and
6. Administration Leadership.

The Committee will coordinate with the Policy Office to consider feedback provided throughout this process. The review process will be completed by May 2020.

Once this review process is complete, the proposed policy will be sent to the Policy Office for review and submission to the Chancellor in accordance with Policy 01-01-01.

IX. Amendment and Termination

Any amendments to this Charter must be made in accordance with Policy 01-01-01 and receive the approval of the Chancellor or designee.

This Committee shall expire on the publication of a new University Policy that governs IP, unless otherwise directed by the Chancellor.