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Yale Policy on Intellectual Property, Patents, and Licensing Agreements

At the request of the Provost, the Committee on Cooperative Research (CCR) has reviewed aspects of the University's policies and practices regarding intellectual property, patents, and licensing of Yale inventions and discoveries. The CCR has concluded that these policies are not in need of revision. We provide the following summary statement of the principles governing Yale's policies in this area.

Yale aims to be preeminent among research universities in the advancement and dissemination of knowledge. We pursue this basic mission by seeking to appoint and retain the best faculty in the world across a wide array of disciplines. The University does not aspire to determine faculty research agendas, leaving it to the faculty to develop these for themselves. In doing so, Yale faculty members respond to factors ranging from their vocational commitments, to intellectual challenges, to the funding environments in their fields, to education and training needs, to their perceptions of how to contribute to a better world. Attempts by the University administration to direct faculty research agendas would rightly be denounced as an interference with academic freedom. Moreover, such attempts would likely be counter-productive with regard to the University's basic mission of generating and disseminating new knowledge. Over time, this mission is best served by the pursuit of excellence in appointing and promoting a faculty whose members are free to guide their research by their own lights.

The University does encourage members of the faculty to consider possible ways in which the results of their research can best be disseminated and made available for the public good. Yale policies regarding intellectual property have been developed to foster this goal within the context of the University's basic mission and guiding principles. The primary goal of commercializing Yale inventions is to disseminate and develop knowledge for the public good. Subsidiary goals include generating revenue for reinvestment in Yale's research and education, helping with faculty recruitment and retention, and promoting local economic development.

In order to facilitate the patenting and licensing of inventions and discoveries developed under University auspices, Yale has established the Office of Cooperative Research (OCR). Working within the ambit of the University's basic mission and in accordance with University policy, this office strives to ensure that the translation of Yale science and technology into marketable products occurs in the most effective and timely manner possible. The OCR evaluates the commercial potential of inventions and discoveries and, when deemed appropriate, pursues patents and secures commercial partners to license and develop Yale technology. Patents are sought only after OCR has determined that a successful patent application is likely to contribute to the University's primary goal in commercializing Yale technology: the effective dissemination of knowledge for the public good. Indeed, the OCR sometimes declines requests by faculty members to apply for patents if it concludes that an invention or discovery is unlikely to

lead to a commercial license, or that such a patent would hamper further research or the development of useful products from the inventions or discoveries in question.

In the course of making decisions with regard to licensing agreements, the OCR always involves those at Yale who are inventors of the intellectual property in question, be they faculty members, post-doctoral researchers, or students. Their desires and opinions are taken into account as much as possible, as are potential conflicts of interest and commitment which must be prevented or appropriately managed.

Royalties that flow back to the University from licensing agreements are deployed in support of research and teaching. In the Faculty of Arts and Sciences the University's share of net royalties is deposited in the Science Development Fund. This fund is administered by the Provost's Office and expended to support faculty recruitment, teaching, and research in the Arts and Sciences. In the School of Medicine royalties are invested in teaching and research infrastructure, and in biomedical research projects in areas that might otherwise be underfunded.

The activities of the OCR are overseen by the Provost's Office. The Provost appoints the faculty-run CCR to render advice on University policy concerning intellectual property and oversight of the OCR. Committee members are drawn from the Faculty of Arts and Sciences and the Professional Schools, as well as the Provost's Office and the General Counsel's Office. Membership of the CCR evolves gradually, consistent with the need to have a committee that understands the complex issues involved and to evaluate long-term policy issues as well as ongoing matters that arise concerning intellectual property. From time to time the CCR does listen to presentations from various groups, including students groups, who have concerns about Yale's policies regarding intellectual property, patents, and licensing agreements. Those who have queries about the oversight of the OCR should direct them to the Provost's Office.