

Managing Intellectual Property

What Faculty Need to Know to Publish and Teach in the Digital Age

Dissemination of Research Results Frequently Asked Questions

Does UC have a policy on dissemination of research results?

Yes, several UC policies impact this area. First, it is important to note that the university owns data and other research records gathered using university resources, including grant or contract funds; see [UC University Regulations Revised No. 4](#). This data is generally controlled by the principal investigator.

In addition, a [memo regarding this issue](#) was sent by UCLA Vice Chancellor for Research Roberto Peccei and University Librarian Gary E. Strong on May 6, 2005, encouraging faculty to abide by the new National Institutes of Health (NIH) Public Access Policy by submitting journal articles to the NIH public database.

What are my obligations on distributing results when I receive grant or contract funds?

The NIH has developed public access and a data sharing policies, which are described below. These policies *encourage* but do *not require* researchers to publicly share their data and publications. Any contract or grant that you receive from the NIH or anywhere else may include more specific, and possibly binding, language, so be sure to check the terms of the RFP and other funding documents to ensure proper compliance. Your contract or grant officer from the [Office of Contract and Grant Administration](#) (OCGA) can help you with this process.

What is the [NIH Public Access Policy](#)?

This 2005 policy *encourages* but does *not require* recipients of NIH funds to submit manuscripts to the NIH National Library of Medicine's PubMed Central upon acceptance of publication. The policy states a dual benefit as its intent: the public gains easy access to otherwise proprietary journal articles, and the researcher benefits from greater exposure.

What is the [NIH Data Sharing Policy](#)?

This 2003 policy *encourages* but does *not require* recipients of NIH funds to share "final research data" with other researchers. "Final research data" is defined as "recorded factual material commonly accepted in the scientific community as necessary to validate research findings" and specifically excludes lab notebooks and drafts.

The policy also notes that "starting with the October 1, 2003, receipt date, investigators submitting an NIH application seeking \$500,000 or more in direct costs in any single year are expected to include a plan for data sharing or state why data sharing is not possible." These requests are frequently framed as intellectual property plans.

What should I do if I am asked for an intellectual property plan?

It has become increasingly common for sponsors such as the NIH to ask researchers to submit an intellectual property plan with a research proposal. You should work with your contract or grant officer to develop a plan that will safeguard the UC Regents' intellectual property rights while fulfilling the goals of the sponsor to best use your research results for the public benefit via an appropriate dissemination process.

The plan should generally not preclude the right of the university to commercially license technology resulting from your research, since that is often the best form of getting early-stage research to the public.

What is the difference between copyright and data?

Copyright and data are not antithetical concepts, although they do cover different sets of rights. Data generally refers to physical materials, so “rights in data” typically refers to the right to use the materials themselves. Copyright refers to the following bundle of rights under U.S. law: right to reproduce, right to modify, right to distribute, right to publicly display, and right to publicly perform.

It is possible for something that qualifies as data – such as a research report – to also be subject to copyright. It is also possible for the data rights and the copyright to be held by different owners. You might own a physical object but not have copyright to it, meaning that you have the right of possession, but you could not reproduce, modify, or otherwise use it without permission from the copyright owner.

Where can I find further information about these issues?

For questions regarding the specifics of your contract or grant, contact your contract or grant officer in OCGA or your departmental officer.

For questions regarding intellectual property rights and licensing, contact the [Office of Intellectual Property Administration](#):

- Copyright: [Lorelei de Larena](#); 310.794.0562
- Intellectual Property Plans: [Mandy Kim](#); 310.794.0378

The following Web sites may also be useful:

- [UCLA Office of Contract and Grant Administration](#)
- [UCLA Office of Intellectual Property Administration](#)
- [UC Copyright Education](#)
- [UC University Regulations Revised No. 4](#)
- [NIH Public Access Policy](#)
- [NIH Data Sharing Policy](#)