

“Managing Your Intellectual Property: What Faculty Need to Know to Publish and Teach in the Digital Age”

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UCLA Faculty Center

Notes from Breakout Session on Meeting New Requirements for Disseminating Your Research Findings

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General Points about Research Results

UC policy is that UC has ownership rights, but the principal investigator controls the data/research.

There is a difference between ownership and control. The principal investigator controls access to and use of the data, including the conception and design of the data set, and has the responsibility of managing it. But UC owns the data set.

When outside funding is involved with research in the social sciences, the funding agency may own or control the data. The contract with the funding agency is with the university rather than with the researcher.

Data-Sharing Policies

These may be specified in licensing agreements with other institutions or in the contract with the UC Office of Intellectual Property.

Long-term data-sharing needs include archival and preservation purposes and perpetual access to data sets.

NIH access policy require that manuscripts be submitted to a repository, such as PubMed Central, where they are available for public use and for secondary use and analysis. A future issue is to submit data sets to the repository. The benefit of this is that it offers higher public visibility for your research. [NIH Public Access Policy](#) and [Data Sharing Policy](#) brochures are available online.

Grants may have different requirements regarding dissemination of research results; researchers must review their granting agency requirements.

Intellectual property management plans are now required by many granting agencies, such as the NIH and the NSF. The UCLA Office of Intellectual Property will help researchers create their intellectual property management plans.

Key Issues/Concerns

Publication access restrictions

Rights infringement

Union of Concerned Scientists – political control, national security issues, how documents are classified, membership on committees

Actions by the federal government that prevent access, such as removing information on existing Web sites or editing passages from reports for national security purposes.

Does UC have guidelines on sharing data sets?

Export control restrictions/regulations that affect access to publications or the ability of researchers to transfer research tools.

Are there other guidelines in addition to NIH that we know about?

Action Steps

It's time for the faculty to unite and do something together.

There needs to be more discussion about what the university's role should be.

UCLA should work with local congressional representatives.

The Academic Senate should take the initiative and be proactive on behalf of all faculty. UC administration tends to have a more reactive role in terms of contract and grants and intellectual property office negotiations for publishing rights. UC needs to take a more proactive role in this regard.

The institution should play a role in creating guidelines for teaching and research collaboration, including access to teaching materials, courseware, and technology used for instruction. For research that involves collaboration with students, it would be helpful to have a FAQ on policies. A sample contract dealing with student/faculty collaborations would be useful, as would one for a collaboration involving principal investigators from different institutions doing multidisciplinary research.

Where patent policies and concerns fit in needs to be clarified since patents may come out of the data. Patents are considered intellectual property, and faculty sign a patent acknowledgement form that covers inventions created and filed during their UC employment. The [Office of Intellectual Property](#) has experts and resources that faculty can consult, and it is important that faculty know about this requirement specified in the acknowledge form.

There are issues that the Office of Information Technology should address:

- Distribution of and access to resources and services
- Course content – lowering the high barrier placed on distribution and referring legal questions to the appropriate department
- Campus infrastructure restrictions that inhibit sharing data, courseware, etc.
- Open-access software
- Assistance with understanding and dealing with regulatory restrictions on privacy, such as HIPAA and other access regulations; the restrictions seem to be winning, which is negatively affecting some research
- Identifying infrastructure money, which is needed to meet unfunded mandates from federal agencies that require data sets and manuscripts to be archived and preserved and to expand this to include health sciences data sets
- Take advantage of standards by identifying, choosing, recommending, and communicating the use of standards to the campus community.