

To: Jack Johnson
From: Kate O'Neill
Date: March 14, 2013
Re: Questions from SCIPC to IPMAC re proposed changes to UW IP Policy for March 20, 2013 joint meeting

The Senate's special committee on IP understands that IPMAC is proposing substantial changes to UW IP policy. In particular, we understand IPMAC recommends the insertion of present assignment of inventions language into EO36, and the new IP Agreement form. Similar language has been recommended for the Outside Consulting Form. We also understand that IPMAC is proposing some expansion of the definitions of inventive works subject to assignment and of the definitions of other types of faculty-created works over which the University may assert rights of ownership.

On behalf of the faculty senate, SCIPC has major questions and concerns. We hope to promote a productive conversation by forwarding these preliminary questions before our joint meeting.

1. What is driving the proposal to require a present assignment of certain IP interests now? Under whose directive is present assignment language being inserted? What specific problem is IPMAC, or are other UW units, trying to solve? How will the proposed present assignment language fix that problem?
2. What are the legal grounds for requiring and enforcing a present assignment of IP interests from current faculty, from faculty engaged in outside consulting, from new hires, from faculty who resign?
3. Has IPMAC considered the effects of a mandatory present assignment on faculty recruitment, incentives to innovate, and retention? Does IPMAC have empirical evidence relevant to those issues? What other universities' policies has IPMAC considered?
4. Mandatory present assignment of future IP interests would transfer ownership of lots of IP to the UW, most of which is unlikely to have sufficient value to interest C4C. How will C4C manage the IP interests in which it has no interest? Has IPMAC considered how and when faculty may re-acquire rights to use, develop, and even commercialize IP that C4C cannot or will not license?
5. Why is IPMAC recommending that the definition of IP interests subject to assignment be broadened and the definition of scholarly works over which the UW is promising not to assert ownership be narrowed? Why is all software excluded from the category of scholarly works? Will on-line courses be defined as teaching materials – all of the time, some of the time, none of the time? Has IPMAC considered the effects of these definitions on faculty members' rights to release IP to the public domain? Has IPMAC considered academic freedom and free speech interests in this context?