University of Washington  
Faculty Council on Research  

The Faculty Council on Research met on Thursday, March 20, 2003, at 8:00 a.m. in 26 Gerberding Hall. Chair Asuman Kiyak presided.

PRESENT:  Professors, Kiyak, Tolnay, Vitaliano, Vogt  
Ex-Officio Blake, Dworkin, Hogan, Parks, Camber, Zuiches

ABSENT:  Professors Booth, Heath, Gordon, Kartsonis, Ruzicka, Sarikaya, Stewart, Troll, Vance  
Ex-Officio Sjavik, Stygall, Blake, Ghosh, Kahl

Synopsis:  
1. Approve agenda  
2. Approve minutes  
3. Conclude discussion of proposed revisions to Intellectual Property Policy  
4. Other items TBA

Kiyak called the meeting to order at 8:02 a.m.

Approve agenda  
The agenda was approved.

Approve minutes  
The February 27 minutes were approved.

Intellectual Property Policy Revisions  
This is the third successive Faculty Council on Research (FCR) meeting at which the proposed revisions to the University's Intellectual Property Policy (IP) are to be discussed. Malcolm Parks drew the Council's attention to copies of:  
- Proposed revisions to the Patent, Invention, and Copyright Policy  
- The Administrative Policy Statement on Technology Transfer  
- An Executive Summary of the proposed changes, in a memo dated 12/20/02

Parks reminded the Council that the proposed changes to the IP policy currently under discussion have been in the works for about four years, and are the result of many far-ranging discussions with FCR, the Intellectual Property Management Advisory Committee (IPMAC), and other interested parties. The proposed revisions have been discussed by the Board of Deans, and have gone through negotiations with various other groups and constituencies. In drafting the revisions, IPMAC reviewed IP guidelines from many other research institutions and tailored some of the changes to bring Washington State Ethics Law to greater consciousness throughout the University.

The proposed policy revisions, said Parks, are intended to clarify and simplify:  
- Coverage - what is covered under the Intellectual Property Rules  
- Revenues - what happens to the revenues and how they are spread around  
- Management Structure – how intellectual property is managed at the UW  
The proposed revisions are not intended to increase or decrease what is covered by the Intellectual Property rules, Parks stressed.
Among other things, the proposed changes affect the distribution of royalties by decreasing the number of distribution formulae from three to a single formula. This is intended by IPMAC to distribute income more fairly. The amount of money distributed to Schools and Colleges increases substantially, while the amount directed to Central Administration decreases.

The proposed revisions also spell out more clearly the requirements of the stringent Washington State Ethics Laws, particularly with respect to the ownership of copyrighted materials versus work for hire.

Parks commented on some specific and controversial revisions that were inserted at the last minute during various administrative reviews, and which – partly in response to the current round of discussions with faculty - IPMAC is changing:

- **Delete language claiming University ownership of all software.** The proposed change to the policy on software ownership, which states that the University "owns all software," is not consistent with IPMAC's goals and is premature, Parks said. The President has reviewed the language and agrees it should be removed from the draft.

- **Strengthen the recognition of faculty rights and responsibilities.** The fundamental philosophy underlying the IP policy, Ed Rubel explained to the Council, is that the "default value" for all copyrights at the University is that the inventor owns the copyright, unless some condition exists (such as written documentation commissioning the material as work-for-hire, or the extensive use of UW property and resources to produce the copyrighted material) that mandates University ownership.

- **Phrase the returns policy in a less provocative way.** In Section 4.d.3 Administrative Policy Statements, which describes the return of intellectual property rights to inventors in "very rare" cases (where the University does not opt to exercise patent rights), IPMAC recommends that the words "very rare" be deleted. While the Office of Technology Transfer does not like to "sit" on these rights for long periods without making a decision to patent them, there are cases where the University will opt to delay patenting but will ultimately return IP ownership. For example, IP rights might be retained for longer periods if the technology is related to other technologies that might be bundled together. While it is true that the University owns the intellectual property until it decides what (if anything) is to be done with it, the late return of rights has been an irritant to some faculty members.

Parks said that the recommendations for amendments to the proposed revisions are issues that FCR, IPMAC and the Office of Research all agree upon. He would like FCR’s stamp of approval on the memo Rubel has drafted to correct these items.

Kiyak told Council members she would entertain a motion to endorse the proposed revisions to the Intellectual Property policy, with the Rubel amendments that remove the software policy revisions, alter the returns policy language, and strengthen the recognition of faculty rights and responsibilities with respect to copyright policy.

It was moved, seconded and unanimously passed to endorse the proposed revisions to Administrative Policy Statement 59.4, and to University of Washington Handbook Volume 4, Part 5, Chapter 7, with the amendments stated in the March 19, 2003, memo from Ed Rubel, IPMAC Chair, to Lee Huntsman, UW President, entitled IPMAC Recommendations on IP Policy Revisions.

Parks thanked Council members for their cooperation and hard work in studying this sensitive issue. The IP Policy will also be vetted by the Faculty Council on Faculty Affairs, who will
advise the Faculty Senate Chair of their findings so the Chair can respond to the President's request for Faculty Senate comments.

**Proposed University Council on Research (UCR)**
This UCR issue is on hold, Kiyak said, because the Faculty Senate subcommittee appointed to work on the plans has not been meeting. Apparently, everyone who took the idea back to their Councils had the same kinds of "what do we do" questions that have yet to be resolved. This is on the backburner for now.

**Financial Desktop Initiative**
Since this initiative will affect all researchers and research staff, Kiyak would like contact the people who are implementing the Financial Desktop initiative and ask them to do a presentation to the Council. Sue Camber will contact Jeanne Marie Isola and invite her to a meeting.

**Other Spring Quarter Issues**
- Indirect Cost Management and Analysis: It would be good to have a representative from Management Accounting and Analysis speak to the Council at some point.
- Parks reminded Council members that the Office of Research will be contacting researchers to do the analysis of lab space that occurs every five years. Because this process impacts Indirect Cost Recovery, it is of utmost importance and requires PIs to be "hands on" with the process so it is done accurately.

**Action Items**
Kiyak will advise Sandra Silberstein, Faculty Senate Chair, that FCR endorses the proposed Intellectual Property policies as amended by Ed Rubel in his March 19, 2003, memo to President Lee Huntsman.

**Next Meeting, April 17**
Jeanne Marie Isola will present information on the Financial Desktop Initiative. Carol Zuiches will present information on the International Traffic in Arms Regulations (ITAR).

In Asuman Kiyak's absence, Brent Stewart will chair the April 17 meeting.

The meeting was adjourned at 9:45 a.m. *Minutes by Linda Fullerton, Recorder.*