

Over the years, NCCU has worked diligently to build a reputation for cultivating researchers who have a positive impact locally and globally. Today NCCU is recognized as one of the growing research institutions in biotechnology, biomanufacturing, homeland security, nursing, and information technology. As the momentum continues to build, so does the university's need to protect its intellectual property. Hence the establishment of the **NCCU Office of Technology Transfer!**

The NCCU Office of Technology Transfer is responsible for protecting the intellectual assets of the university. NCCU receives millions of dollars in external research funding from various government and private sources. Consequently, the bar has been raised for producing research that clearly impacts our society and to yield products with significant commercial potential.

The BAYH-DOLE ACT enacted on December 12, 1980, created a uniform patent policy among many federal agencies that fund research, enabling small businesses and nonprofit organizations, including Universities, to retain title to inventions made under federally-funded research programs.

This unlocked all the inventions and discoveries that have been made in laboratories throughout the United States with the help of taxpayers' money. Major provisions of the Act include:

- Nonprofits, including Universities, and small businesses, may elect to retain title to innovations developed under federally funded research programs;
- Universities are expected to file patents on inventions they elect to own;
- Universities are expected to give licensing preference to small businesses;
- Universities are encouraged to participate in technology transfer activities.



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# OFFICE OF TECHNOLOGY TRANSFER



# TECHNOLOGY DEPARTMENT

## Frequently Asked Questions

### What Must I Disclose to the University?

Under The Board of Governor's patent and copyright policies, University faculty and employees are required to submit a disclosure to the University on any invention that is, or may be patentable.

### What About Non-Patentable Discoveries?

A non-patentable invention or discovery is one that has commercial utility, even though it does not meet the patent law criteria. Non-patentable "know-how" that is related to a patentable invention can have a high degree of commercial utility. Biological materials, such as hybridomas, cell lines, and other tangible property can also have commercial value regardless of whether they can be protected as intellectual property.

### Will The Disclosure Process Interfere With My Publication Plans?

It is the University's policy not to interfere with a faculty member's right to publish research results. However, you are encouraged to advise the University of your plans to disclose the invention as soon as possible so appropriate actions can be taken to protect your invention or discovery.

### Are There Also Requirements for Disclosing My Invention as a Consequence of the Source of Funding for My Invention?

If your invention is federally funded, the University must notify the federal agency within two months of your disclosure. The agency must also be notified of the acceptance for publication of any manuscript describing the invention. The university must also notify the funding agency within one year of the original disclosure whether it elects to retain title to the invention. This time period may be shortened if there has been prior publication, public use, or sale. Sponsored Research agreements with private industry will probably impose separate disclosure requirements.

### Do I Have to Disclose The Transfer of "On the Shelf" Products?

Though exchange of research products is common among scientists involved in noncommercial research, transfer of research products from the laboratory can involve important University, personal, and (sometimes) research sponsor interests. Therefore, prior to making any commitments to transfer for noncommercial research purposes, you must contact the staff of the Office of Technology Transfer to arrange a Material Transfer Agreement (MTA). An MTA must be approved by representative of both institutions in order for the transfer to occur.

The MTA is a legal contract which protects the University's and inventor's rights to the material being transferred and defines the circumstances under which the receiving institution can use the material to conduct research. Where such transfers are contemplated for commercial purposes, either for direct product development or for research, exposure to liability for future mishaps and the opportunity for financial gain are much greater. Therefore, whenever you are planning to send a research product to a commercial organization or when you have reason to believe that a colleague at another noncommercial institution will share your product with someone employed by a commercial organization, you must notify the Office of Technology Transfer. To protect against unforeseen legal liabilities and loss of rights to the invention, a Tangible Property License will be drafted.

### Do I Have an Obligation to Disclose a Useful Discovery That I Do Not Think is Patentable?

Yes, because it is the Office of Technology Transfer's responsibility to make the decision on patentability and because your discovery may involve the use of University resources. It is important to know that under some circumstances the University can license your invention, whether or not it is patentable, if commercial firms have an interest.

### What If My Invention Is Developed On My Own Time?

University policies require that you must demonstrate to the University's satisfaction, by submitting a disclosure and a statement that your invention was made without the use of any University's time, resources, or facilities, and is essentially unconnected to your University-based research. If you have made such an invention, the University will give you a formal waiver.

*If you have questions that are not addressed here, please contact a representative today:*

Tyrone Eaton, Director  
Jennifer Bynum, Manager

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