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UNIVERSITY OF WISCONSIN

PATENT POLICY

(Not official)

It is the policy of the University of Wisconsin to allow members of the faculty full possession of patent rights unless the work which resulted in a patentable discovery is financed by grant funds where certain patent rights must be assigned or given to the grantor, such as grants or contracts with the Federal government. Our staff members are encouraged to carry on basic research without consideration to discoveries which might be patentable. However, if during the regular course of their research work discoveries are made which have patentable possibilities, each faculty member may apply for a patent according to his own desires. In other words, he may decide not to apply for a patent, take out a patent in his own name and either process it or assign it to anyone he wishes.

The Wisconsin Alumni Research Foundation was established originally to obtain patent rights on the irradiation of foods and to develop these patents in an ethical manner. Since its establishment it has been ready to make available to any faculty member its facilities for the development of patent rights if the individual wishes the assistance of the Foundation. The University, however, has not required that an individual assign his or her patent to the Foundation in order that any future income might be used for the University.

During the past 32 years the Foundation has made annual grants to the Regents of the University for the support of research. The administration of this fund has been assigned to the Research Committee of the Graduate School. This committee has and continues to make grants-in-aid for fundamental research. No consideration is given to the possibility that these studies may lead to patentable results.

The above policy has been remarkably successful.

Is it necessary to have an organization like WARF to successfully develop inventions out of the University?

The inventions which emanate from the University are generally in a very early stage of development at the time they are brought to the Foundation. The odds against the successful commercial development of these inventions are great because generally they will be either unpatentable or not commercially feasible. Commercial companies which have their own development programs directed toward obviously marketable products cannot take the time to screen all these ideas in the University in the face of the great odds against success.

The Foundation has an important function because it bridges the gap between invention and commercial marketing of the product or process which might come out of the invention. The Foundation's role is to screen all these inventions which are brought to it and sift out those which are not economically or technically feasible on commercial scale. Also, the Foundation sifts out those developments which are obviously unpatentable or with respect to which a worth-while patent position probably cannot be secured. If an idea is feasible but in such an early stage of development that it would not be attractive to industry, the Foundation will conduct development studies to raise the invention to a higher degree of perfection and make its values more obviously recognizable.

Thus, when the Foundation approaches industry it offers a product or process:

a. with good commercial prospects;

b. supported by a patent position which in turn will provide a preferred marketing position for the prospective licensee;

c. which will have the endorsement of a highly respected Foundation.

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