



UNIVERSITY OF  
MARYLAND  
UNIVERSITY SENATE

1100 Marie Mount Hall  
College Park, Maryland 20742-4111  
Tel: (301) 405-5805 Fax: (301) 405-5749  
<http://www.senate.umd.edu>

April 12, 2011

Norma M. Allewell  
Vice President for Research  
2133 Lee Building  
College Park, MD 20742

Dear Dr. Allewell,

The Senate Executive Committee (SEC) received a request to review the University of Maryland Policy on Intellectual Property (IV-3.20(A)). The SEC considered the request at its January 28, 2011 meeting and agreed to charge our Faculty Affairs Committee with reviewing the policy.

The Faculty Affairs Committee carefully reviewed the policy, the background document (Appendix 1) and the charge (Appendix 2). After a thorough discussion, the FAC unanimously agreed that intellectual property issues are not only a concern for faculty, but also one that heavily affects students' research at the University. They feel that the University Research Council would be a more appropriate body to review the policy.

The SEC reviewed the Faculty Affairs Committee's recommendation (Appendix 3) at its April 8, 2011 meeting and voted unanimously to endorse and forward their recommendation. In addition, the SEC reviewed input from a faculty member asking that the charge to the Research Council be expanded to include faculty and graduate student input. The SEC agreed that this feedback was an essential element in the review of the policy.

On behalf of the SEC, I would like to request that you charge the Research Council with thoroughly reviewing the Intellectual Property Policy and its implementation. I have enclosed a draft charge for the Research Council (Appendix 4) that you may wish to consider.

Please keep us informed of any actions that you take pertaining to this issue. If you have any questions, please contact Reka Montfort in the Senate Office ([reka@umd.edu](mailto:reka@umd.edu) or x55804).

Sincerely,

Linda Mabbs  
Chair

LM/rm

## **BACKGROUND ON INTELLECTUAL PROPERTY POLICY**

### Background

- In 2003 the USM mandated that all system schools create an intellectual property policy using a template that the System provided.
  - Our campus created a committee, including Bob Dooling and Anne Bowden (Legal Office), to develop our policy
  - USM allowed for some modifications but not wholesale changes that varied greatly from the System template.
  - The committee worked to stay within the USM Policy's confines
- The UMCP policy was intended to be "friendly" especially to students compared to other institutions.
- The UMCP policy allows the VP for Research to make exceptions with Presidential & Chancellor approval.
- The policy provides for an intellectual property (IP) committee, which was constituted and initially chaired by Bob Dooling when it was first approved.
- The USM policy was amended in 2004 to update one of the revenue sharing provisions.
- The USM policy was amended to delete reference to the IP Committee in 2009.

### Concerns

- The policy is lengthy (39 pages) so many faculty do not have the time to review it thoroughly.
- The policy seems to fail in its implementation/execution because the process is so long.
- The policy could be tightened and clarified.
- The intellectual property committee meets on an ad hoc basis but very infrequently.

### Questions to Consider

1. Should the policy be revised?
2. Can/Should an abridged version of the policy be created, and is this even allowable under the USM Policy?
3. Can the ORAA process be streamlined?
4. How can the IP Committee be more visible (listed on the VPR website) and what role should they play (educational as well as review of issues that arise)
5. Should the policy be reviewed at some regular interval?
6. How can someone appeal and/or request a waiver if the policy does not serve the interests of the research, the faculty member, or the university?


### Possible Review Options

- A Senate committee could be charged with reviewing the policy.
  - Consult with Bob Dooling and Anne Bowden.

- Consult with other members of the Legal Office to consider the possibility of creating an abridged version of the policy and the options for changing our current policy.
- Consult with a representative of ORAA.
- Consult with the Vice President for Research.



**University Senate  
CHARGE**

<b>Date:</b>	February 1, 2011
<b>To:</b>	Robert Schwab Chair, Faculty Affairs Committee
<b>From:</b>	Linda Mabbs Chair, University Senate 
<b>Subject:</b>	Intellectual Property Policy
<b>Senate Document #:</b>	10-11-36
<b>Deadline:</b>	December 1, 2011

The Senate Executive Committee (SEC) requests that the Faculty Affairs Committee reviews the attached background document regarding the genesis of the University of Maryland Policy on Intellectual Property IV-3.20(A). Concerns have been raised about the implementation of this policy since its approval in 2005.

The SEC feels that a review of the policy and its implementation is appropriate. Therefore, we ask that the Faculty Affairs Committee review the existing practice of implementing this policy and comment on whether it is appropriate. Specifically, we ask that you:

1. Consider whether the policy should be revised.
2. Consult with representatives of the Office of Research Administration & Advancement (ORAA), the Vice President for Research, and the Legal Office, as well as Robert Dooling, Associate Vice President for Research and Anne Bowden, University Counsel who were responsible for drafting the original policy.
3. Review the current ORAA process and advise on how it can be streamlined.
4. Advise on how appeals and/or requests for a waiver of the policy should be handled.
5. Comment on whether an abridged version of the policy should be created and whether this is even allowable under the University System of Maryland (USM) Policy.
6. Comment on how the Intellectual Property Committee can be made more visible and what role it should play.
7. Comment on whether the policy should be reviewed at some regular interval.

We ask that you submit your report and recommendations to the Senate Office no later than December 1, 2011. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



UNIVERSITY OF  
MARYLAND

UNIVERSITY SENATE

1100 Marie Mount Hall  
College Park, Maryland 20742-4111  
Tel: (301) 405-5805 Fax: (301) 405-5749  
<http://www.senate.umd.edu>

March 29, 2011

Professor Linda Mabbs  
Chair, University Senate  
1100 Marie Mount Hall  
University of Maryland  
College Park, MD 20742-7241

Dear Chair Mabbs:

The Faculty Affairs Committee (FAC) received a charge at the beginning of the Spring 2011 Semester to review the University of Maryland Policy on Intellectual Property IV-3.20(A) and the implementation of that policy.

The Faculty Affairs Committee carefully reviewed the policy, the background document, and the charge at its February 4, 2011 meeting. After a thorough discussion, the FAC concluded that intellectual property issues are not only a concern for faculty, but also one that heavily affects students' research at the University. At the March 10, 2011 meeting the FAC again reviewed and discussed the charge. Subsequent to this discussion the FAC agreed that the Research Council would be a more appropriate body to review this issue.

The Research Council is charged with reviewing the research needs of faculty, other researchers, and students and to make recommendations that facilitate the research process and productivity of the University. The council membership includes representatives from the Office of Research Administration and Advancement (ORAA) and the Vice President for Research as Ex-Officio members. For these reasons, the FAC feels that the Research Council is the appropriate body to review the policy and ensure that its intentions are clear and that the implementation is efficient.

The FAC voted unanimously to request that the Senate Executive Committee (SEC) charge the Research Council with reviewing this policy. Thank you for your consideration in this matter.

Sincerely,

Robert Schwab  
Chair, Senate Faculty Affairs Committee

Attachments

RS/gf



**Division of Research  
CHARGE**

<b>Date:</b>	April X, 2011
<b>To:</b>	Jordan Goodman Chair, University Research Council
<b>From:</b>	Norma Allewell Vice President for Research
<b>Subject:</b>	Intellectual Property Policy
<b>Senate Document #:</b>	10-11-36
<b>Deadline:</b>	April 1, 2012

I would like to formally request that the University Research Council review the University of Maryland Policy on Intellectual Property IV-3.20(A). Concerns have been raised about the implementation of this policy since its approval in 2005. A background document outlining the genesis of the policy is attached.

The Senate Executive Committee (SEC) and I feel that a review of the policy and its implementation is appropriate. Therefore, we ask that the University Research Council review the current policy and existing practice of implementing this policy and comment on whether it is appropriate. Specifically, we ask that you:

1. Consider whether the policy should be revised.
2. Consult with members of the campus community who deal directly with intellectual property rights, including faculty and graduate students. This can be accomplished through forums, surveys, or other means for collecting feedback.
3. Consult with representatives of the Office of Research Administration & Advancement (ORAA), Office of Technology Commercialization (OTC), the Vice President for Research, and the Legal Office, as well as Robert Dooling, Associate Vice President for Research and Anne Bowden, University Counsel who were responsible for drafting the original policy.
4. Review the current ORAA process and advise on how it can be streamlined.
5. Advise on how appeals and/or requests for a waiver of the policy should be handled.
6. Comment on whether an abridged version of the policy should be created and whether this is even allowable under the University System of Maryland (USM) Policy.

7. Comment on how the Intellectual Property Committee can be made more visible and what role it should play.
8. Comment on whether the policy should be reviewed at some regular interval.

We ask that you submit your report and recommendations to my office no later than April 1, 2012. If you have questions or need assistance, please do not hesitate to contact me.