

For Immediate Release

## **IP ADVOCATE TEAMS WITH KAUFFMAN FOUNDATION ON EDUCATION CAMPAIGN AROUND STANFORD V. ROCHE DECISION**

### ***Targeting Faculty and Student Inventors, Initiative to Tackle Broad Question of ‘University Ownership v. Stewardship’***

ATLANTA (December 13, 2011) – IP Advocate ([www.ipadvocate.org](http://www.ipadvocate.org)), a non-profit organization that educates and empowers faculty researchers on patent rights and the process of commercialization, announced today that it has received a grant from the Ewing Marion Kauffman Foundation to create awareness of the Supreme Court’s *Stanford v. Roche* decision among university investigators and inventors.

Under the banner, “*Stanford v. Roche: University Ownership vs. Stewardship*,” the education campaign will examine the implications of the landmark ruling, which the High Court handed down in June. In *Stanford v. Roche*, the Court found that universities could not use the 1980 Bayh-Dole Act to claim ownership of inventions made with federal support. While Bayh-Dole itself has not changed, university administrations have doubled down on their efforts to restrict the invention rights of university researchers in response to the High Court ruling.

The IP Advocate campaign will focus on the theme of “freedom to invent” that underlies research innovation. The campaign will consist of a series of articles, blog posts, expert opinion pieces and surveys that present the history of research innovation, the conditions that led to the establishment of the Bayh-Dole Act, and how university administrators are responding to the ruling. [Dr. Gerald Barnett](#), an expert in university technology transfer policy and former senior technology transfer officer at the University of Washington and in the University of California system, will serve as advisor to the campaign.

IP Advocate will draw upon the expertise of scholars, IP attorneys and policymakers engaged in debates about IP rights and the role of the university in promoting faculty innovation.

The education campaign is structured around three major themes:

- Legal ramifications of the Supreme Court decision
- The historic interpretation and current tenor of the Bayh-Dole Act
- Freedom-to-Invent and faculty intellectual property assignment

“The Supreme Court decision gives us a mandate to have a public discussion,” said Rhaz Zeisler, IP Advocate executive director. “We’re delighted to have the support of the Kauffman Foundation in this important work. The opportunity to educate academic researchers on their rights and responsibilities is fundamental to our shared mission of fostering innovation and entrepreneurship.

“Our perspective is that of the faculty inventor, the student investigator, the researcher who needs to know the contours of the new status quo,” Zeisler said. “While university administrations continue to parse the Court decision, it’s vital that the academic community gain an understanding of *S v. R* that takes into account its distinct viewpoint – hence our theme, ‘Ownership vs. Stewardship.’”

“Both our organizations are committed to nurturing the entrepreneurial spirit and fostering a climate for innovation,” said Dr. Renee Kaswan, founder of IP Advocate. “We believe that everyone benefits from a thorough grounding in what this landmark ruling portends for IP and commercialization opportunities. Our collaboration with the Kauffman Foundation on this initiative will enable both of us to pursue our respective educational missions and increase the entrepreneurial freedom that has facilitated generations of discovery and invention.”

### **Clarifying Ownership vs. Stewardship**

The Supreme Court decision counters a longstanding tradition of misinformation promulgated by university administrations and professional organizations about the Bayh-Dole Act governing patent rights and protecting faculty inventor rights.

“Bayh-Dole is an important law governing federal agency interest in inventions made with their support,” said Dr. Barnett. “In recent years, however, it has been portrayed as stripping university inventors of their rights in favor of university bureaucrats. The Supreme Court flatly rejected this portrayal in *Stanford v. Roche*. University administrators have used their misinterpretation of Bayh-Dole to force assignment of inventions to their universities.”

IP Advocate is particularly concerned for the future of the Bayh-Dole Act as university administrators move quickly to claim exclusive title to all inventions made by faculty and other university research personnel.

“We are now in a worse situation than before Bayh-Dole existed,” Kaswan said. “Bayh-Dole freed university inventors from the compulsory ownership claims of federal agencies. Now, universities are making their own compulsory claims on all faculty and student inventions. Our campaign aims to restore in universities the freedom to invent, which is at the heart of Bayh-Dole and American university innovation.”

A number of decisions remain to be made, particularly concerning inventors’ rights and how university assignments should be interpreted. These decisions have wide-ranging ramifications for the relationship between universities and faculty inventors, as well as on the process of technology transfer among non-public institutions, government and the private sector.

#### **About IP Advocate**

IP Advocate ([www.IPAdvocate.org](http://www.IPAdvocate.org)) is a non-profit organization that educates and empowers faculty researchers on patent rights and the process of commercialization – helping inventors protect their rights during the complex process of getting their invention from the lab to the people who need it. IP Advocate is a rich resource of information and best practices related to the commercialization of intellectual property. The organization was founded by Dr. Renee Kaswan, inventor of the billion-dollar drug Restasis® and a former research professor at the University of Georgia; and is led by Executive Director Rhaz Zeisler, a recognized international interactive media brand strategist, and former Walt Disney producer and IBM creative executive. IP Advocate is a 501(c)(3) organization, based in Atlanta.

#### **About the Kauffman Foundation**

The Ewing Marion Kauffman Foundation is a private nonpartisan foundation that works to harness the power of entrepreneurship and innovation to grow economies and improve human welfare. Through its research and other initiatives, the Kauffman Foundation aims to open young people's eyes to the possibility of entrepreneurship, promote entrepreneurship education, raise awareness of entrepreneurship-friendly policies, and find alternative pathways for the commercialization of new knowledge and technologies. In addition, the Foundation focuses on initiatives in the Kansas City region to advance students’ math and science skills, and improve the educational achievement of urban students, including the Ewing Marion Kauffman School, a college preparatory charter school for middle and high school students that opened in 2011. Founded by late entrepreneur and philanthropist Ewing Marion Kauffman, the Foundation is based in Kansas City, Mo. and has approximately \$2 billion in assets. For more information, visit [www.kauffman.org](http://www.kauffman.org).

#### **Media Contact**

Ken Greenberg  
Edge Communications, Inc.  
818/990-5001  
[ken@edgecommunicationsinc.com](mailto:ken@edgecommunicationsinc.com)