

 <b>Research &amp; Sponsored Programs</b> UNIVERSITY OF DENVER	<b>Office of Research and Sponsored Programs Policy Manual</b>  <b>Licensing of Produced Research Tools</b>
	Policy Number: ORSP-44
<b>Recommended By:</b> Office of Intellectual Property and Technology Transfer <b>Approved By:</b> Senior Vice Provost for Research and Graduate Education	Effective Date: 1/15/2025

## 1. PURPOSE

As the University research enterprise expands there are opportunities to generate new revenue from the production of Research Product(s)/Tool(s). This policy is to establish consistency in how the University approaches these opportunities through transactions that limit University exposure to liability, streamline processes, and create transparency.

## 2. DEFINITIONS

- 2.1. Research Product(s)/Tool(s) Use License: A grant of permission by the University to another party for the use of Research Product(s)/Tool(s) owned by the University.
- 2.2. Research Contract: A legal document detailing the obligations of the University and one or more external party over the course of a sponsored research project. Research Contracts contain specific deliverables and milestones to be met and dictate how the parties will or may interact with each other. Research Contracts may be called by a variety of names—agreement, purchase order, subaward, memorandum of understanding, letter agreement—however, if the content of the document includes specific terms and conditions governing the performance of research, it is considered by the University of Denver to be a research-related contract.
- 2.3. Material Transfer Agreement (MTA): A legal agreement governing the transfer or sharing, ownership, and other terms and conditions for the non-commercial use of materials, including, e.g., biological and non-biological materials, plants, chemicals, animals, electronics, computer chips, and software.
- 2.4. Research Product(s)/Tool(s): Use-oriented products of research, whether patented or not, generally excluding diagnostic and therapeutic products, products of commercial-scale production, and products sold as the result of the use of a research product and/or tool. Research products and/or tools may include (without limitation) devices, software, hardware, computer systems, materials, data, technologies, procedures, and/or analytical techniques that were developed to assist in the discovery, development, or manufacture of research results.

## 3. POLICY

- 3.1. If many research products and/or tools are being provided and DU has previously developed these items therefore no development is actively occurring, to reduce product and tax liabilities the University seeks to do this under a licensing use agreement with the Free on Board (FOB) provided.
  - 3.1.1. Where the receiving entity licenses from DU a research product/tool that DU has previously developed, the receiving institution agrees to use the product/tool at their own risk.

- 3.1.2. This is regulated by IP terms and distribution of funds under the IP policy creating financial rewards for the inventors and division involved
- 3.1.3. The central share may be reduced as the volume increases, but only at VPR recommendation and approval of the Provost.
- 3.2. If DU is only transferring a single or two research products or tools in total and they are experimental and being developed for that specific receiving entity, this should be done through a research contract.
  - 3.2.1. This is regulated by research policies which include academic research center (ARC) F&A.

#### **4. PROCESS**

- 4.1. The Office of Intellectual Property and Technology Transfer, with guidance from the Vice Provost for Research, will oversee the appropriate category.
- 4.2. Each DU entity seeking to provide research products and/or tools to outside entities will adhere to this policy and work through OIPTT.

#### **5. RESOURCES**

- 5.1. University Intellectual Property agreement
- 5.2. F&A policy