



## The University of Toledo - Main Campus Policy

### **Article III-2-VII** **Technology Transfer**

#### **Section 1. Oversight and Coordination**

Technology transfer activities will be overseen and coordinated by the staff of the University Office of Research.

#### **Section 2. Licensing Agreements**

Licensing agreements for University-owned technology will be negotiated by University Office of Research staff in consultation with the faculty inventor(s).

#### **Section 3. Licensing Income**

Any licensing income in excess of that to cover the expense of generating it, and after sharing with inventors, will be used to enhance the technology transfer program as well as the research and educational programs of the University, giving priority to the unit(s) that generated the technology.

#### **Section 4. Regional/State Preference**

Preference will be given to firms in the region and the state, if multiple licensing opportunities exist.

#### **Section 5. Materials Transfer**

The University recognizes that the exchange of research materials is important to the overall progress of the research enterprise. Accordingly, the faculty may wish to send to or receive from colleagues throughout the world various research materials. The transfer of research materials is permitted, if it complies with all federal, state and local regulations. To protect the rights of all parties concerned in the transfer of research materials, such transfer must be carried out under the terms of a materials transfer agreement, which will be negotiated between the external entity and the University by the University Office of Research staff. This will not apply to situations in which the faculty member has exclusive rights to information, for example, unsponsored or government-sponsored research results, which can be sent or received at the discretion of the faculty member.

#### **Section 6. Fees for Special Research Products or Services**

The University acknowledges that costs are incurred in providing special research products or services to those outside the unit that produced the product or service.

Recovery, or partial recovery, of costs in producing and/or delivering special research products or services is permitted, if such recovery complies with all federal, state and local laws and regulations. Fees beyond the cost to produce them, are treated as unrelated business income by the Internal Revenue Service and as such are taxable. The University will not compete with local or regional firms in providing research products or services.

### **Section 7. Use of University Facilities for Commercial Research**

The University recognizes that faculty may wish to use University facilities or services for commercial research purposes. A possible scenario may involve a faculty member who owns a business related to his/her academic research area. Use of University facilities or services may be permitted, if all affected parties agree to such use and it is allowed under all federal, state and local laws and regulations. Preliminary estimates of rates for the use of facilities/services for the preparation of proposals can be obtained from University Office of Research staff who will work with the Office of Administrative Affairs to determine the estimates. Actual rates will be negotiated between the faculty member and the Office of Administrative Affairs. The research will be conducted under the terms of a written agreement between the faculty member and the University. *Special care to avoid conflicts of interest needs to be taken. In addition to financial conflicts, the use of students in the commercial activity needs to be carefully considered. For example, research done by a student for the commercial activity cannot be used as part of a thesis or dissertation.*

### **Section 8. Spin-off Companies**

The formation of spin-off companies from University-owned technologies will be permitted under certain conditions. A typical scenario, for example, would involve University rights to technology transferred relinquished to a faculty inventor. A transitional period for a faculty member who wishes to attempt to establish a spin-off company may be permitted, if all parties having a legitimate interest in the matter agree. During the transitional period the faculty member would have divided responsibilities between the spin-off company and regular University duties. At the end of the transitional period the faculty member would normally become a full-time employee of the spin-off company or, depending on the outcome, return to full-time faculty duties. The University may request that the University of Toledo Foundation take an equity position in a spin-off company originating from a faculty member.

*Adopted by the UT Board of Trustees, February 10, 1999*