Patents - Publication Clearance Policy

BRIEF

Policy Summary

All publications – whether written, oral, visual, or electronic – describing technical or scientific work by Berkeley Lab employees and affiliates or done with Berkeley Lab facilities must be reviewed and cleared by Technology Transfer and Intellectual Property Management (TTIPM) prior to publication. Exceptions include restricted disclosure to certain government and University of California personnel or entities covered by a confidentiality agreement signed by TTIPM.

Publications include written reports submitted to professional or scientific journals, oral and written conference presentations, abstracts, Ph.D. theses, and any other material presented that may contain patentable invention information.

Who Should Read This Policy

This policy applies to all employees and affiliates, especially researchers and other technical staff, including those who work part time or have a faculty appointment.

To Read the Full Policy, Go To:

The POLICY tab on this wiki page

Contact Information

Report Coordination
RepCoor@lbl.gov

POLICY

A. Purpose

The purpose of patent review before publication is to ensure that all inventions created under Berkeley Lab’s contract with DOE have been reported and, if appropriate, protected for future commercialization. This pre-publication review is not intended to be the primary means to
identify Berkeley Lab inventions. Possible inventions should be reported to TTIPM on a Record of Invention (ROI) form before the material is ready for publication so that valuable patent rights will not be lost.

B. Persons Affected

This policy applies to all employees and affiliates, especially researchers and other technical staff, including those who work part time or have a faculty appointment.

C. Exceptions

Restricted disclosure to certain government and University of California personnel or entities covered by a nondisclosure agreement signed by TTIPM.

D. Policy Statement

1. Prior to publication or an oral presentation, authors must submit all documents describing scientific or technical work by Berkeley Lab to TTIPM for a patent review and clearance. Authors must submit those documents to TTIPM through Report Coordination. The following do not require patent review and clearance: restricted disclosures to federal government employees subject to the Trade Secrets Act and University of California personnel, or publication or presentations covered by a nondisclosure agreement signed by TTIPM.

2. The types of documents that must be reviewed for patent clearance (to determine whether any unreported patentable inventions are described) include not only Berkeley Lab written reports, but also the following, whether made public in written, oral, visual, or electronic form:
   a. Articles to be submitted to scientific or professional journals
   b. Oral and written conference presentations (e.g., slides or viewgraphs) or posters
   c. Abstracts
   d. Ph.D. theses
   e. Any other material that could contain invention information

3. While the pre-publication patent review is intended to ensure that all Berkeley Lab inventions have been reported to DOE and, if appropriate, protected for future commercialization, the ROI form is the primary means for identifying a Berkeley Lab invention. Inventors must complete an ROI form before the material is ready for publication so that TTIPM will have time to ensure that valuable patent rights will not be lost.

E. Roles and Responsibilities

<table>
<thead>
<tr>
<th>Role</th>
<th>Responsibility</th>
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| Inventor/Author                   | • Submits the manuscript or other form of scientific and technical document, such as reports, journal articles, abstracts, poster presentations, and theses to Report Coordination through the Reports Database/Report Coordination Management System  
• Reports possible inventions before the document is ready for release or publication by submitting a Record of Invention form to Technology Transfer and Intellectual Property Management |
| Technology Transfer and Intellectual Property Management Patent Attorney | Reviews the manuscript or other document . |
Report Coordination

- Collects scientific and technical documents to be released or published by Berkeley Lab
- Ensures that scientific and technical documents comply with DOE and Berkeley Lab requirements
- Upon approval by the Patent Attorney, assigns an LBNL publication number to the document
- Disseminates the document for open access to Science.gov, DOE’s Office of Scientific and Technical Information Web site, and the California Digital Library’s eScholarship collection

F. Definitions/Acronyms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Invention</td>
<td>A new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement that is patentable under the laws of the U.S. or a foreign country. Certain software may be a patentable invention.</td>
</tr>
<tr>
<td>Inventor</td>
<td>A person who conceived or contributed to the conception of an invention</td>
</tr>
<tr>
<td>Nondisclosure Agreement</td>
<td>A legal contract between at least two parties that outlines confidential material, knowledge, or information that the parties wish to share with one another for certain purposes, but wish to restrict access to or by third parties. The recipient is typically prohibited from disclosing the confidential information except to those within the recipient organization with a &quot;need to know,&quot; subject to certain common exceptions or time limits. A nondisclosure agreement is also called a &quot;confidentiality agreement&quot; or a &quot;proprietary information agreement.&quot;</td>
</tr>
<tr>
<td>Record of Invention</td>
<td>The form the inventor(s) completes and submits to Technology Transfer and Intellectual Property Management to report an invention</td>
</tr>
<tr>
<td>Patent Attorney</td>
<td>An individual who is a member in good standing of the bar of any U.S. court or the highest court of any state and who is registered to practice before the U.S. Patents and Trademark Office</td>
</tr>
<tr>
<td>Policy</td>
<td>Statements or directives from the federal, state, or local government; the University of California; or Berkeley Lab senior management that set a course of action, define acceptable conduct, or implement governing principles. Example: Berkeley Lab Site Access.</td>
</tr>
<tr>
<td>Publications</td>
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<td>TTIPM</td>
<td>Technology Transfer and Intellectual Property Management</td>
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G. Recordkeeping Requirements

All publication requests are tracked online in the Reports Database/Report Coordination Management System maintained by the IT Division and Report Coordination.

H. Implementing Documents

<table>
<thead>
<tr>
<th>Document number</th>
<th>Title</th>
<th>Type</th>
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I. Contact Information

RepCoor@lbl.gov

J. Revision History

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<tr>
<th>Date</th>
<th>Revision</th>
<th>By whom</th>
<th>Revision Description</th>
<th>Section(s) affected</th>
<th>Change Type</th>
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<td>1/2/2012</td>
<td>0</td>
<td>H. Clark</td>
<td>Re-write for wiki (brief)</td>
<td>All</td>
<td>Minor</td>
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<tr>
<td>12/3/2012</td>
<td>1</td>
<td>R. Chiang</td>
<td>Re-write for wiki (policy)</td>
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Document Information

DOCUMENT INFORMATION

Title: Patents – Publication Clearance Policy

Document number: 10.04.002.000

Revision number: 1

Publication date: 12/3/2012

Effective date: 2/1/2008

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Policy Area: Intellectual Property

RPM Section (home): Info Management

RPM Section (cross-reference): Asset Management

Prior reference information (optional): RPM Sections 5.02(F) and 5.03(B)(2)

Source Requirements Documents


Implementing Documents

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