Technology Transfer Ombudsman

BRIEF

Policy Summary
The Technology Transfer and Intellectual Property Management (TTIPM) Department will provide a Technology Partnership Ombudsman to help resolve complaints from outside organizations about policies and actions with respect to technology partnerships (e.g., Cooperative Research and Development Agreements [CRADAs]), patents owned by Berkeley Lab, and technology licensing.

Who Should Read This Policy
- Berkeley Lab researchers who work with non-DOE sponsors
- TTIPM and OSPIP staff
- All outside organizations interested in Berkeley Lab technology

To Read the Full Policy, Go To:
The POLICY tab on this wiki page

Contact Information
Department Head
Technology Transfer and Intellectual Property Management
ttd@lbl.gov

POLICY

A. Purpose
The Technology Transfer and Intellectual Property Management (TTIPM) Department will provide a Technology Partnership Ombudsman (Ombuds) to help resolve complaints from outside organizations about policies and actions with respect to technology partnerships (e.g., Cooperative Research and Development Agreements [CRADAs]), patents owned by Berkeley Lab, and technology licensing.
B. Persons Affected

- Berkeley Lab researchers who work with non-DOE sponsors
- TTIPM and OSPIP staff
- All outside organizations interested in Berkeley Lab technology

C. Exceptions

No exceptions

D. Policy Statement

1. The Ombuds is a designated neutral party whose services are confidential and resolution-focused. The Ombuds provides an informal means of communication and complaint resolution between industry and Berkeley Lab regarding licensing, CRADAs, and other technology-transfer issues.
2. The mission of the Ombuds is to facilitate communication and problem solving between industry and Berkeley Lab as well as to help businesses understand the complaint-resolution processes already in place at Berkeley Lab. The Ombuds encourages resolution at the Berkeley Lab division, department, or other work group closest to or at the origin of the complaint.
3. The Ombuds does not handle contract negotiation or other legal issues, act as a decision maker, draw conclusions, formally investigate, or make formal recommendations or findings of fact. The Ombuds does not replace, override, or influence formal review or appeal mechanisms, or serve as an intermediary when legal action is involved or when legal counsel represents a party.

E. Roles and Responsibilities

<table>
<thead>
<tr>
<th>Role</th>
<th>Responsibility</th>
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| Ombuds                                    | • Provides an informal means of communication and complaint resolution between industry and the Laboratory  
                                            | • Provides quarterly reports to the Department of Energy                      |
| Deputy Laboratory Director                | Receives reports from the Ombuds                                               |
| Technology Transfer and Intellectual Property Management Department Head | • Refers individuals or companies with unresolved concerns to the Ombuds       
                                            | • Receives advice from the Ombuds                                              |

F. Definitions/Acronyms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Cooperative Research and Development Agreement (CRADA)</td>
<td>An agreement between the University of California and one or more non-Federal participants under which the government (through Berkeley Lab) provides personnel services, facilities, equipment, intellectual property, or other resources (with or without reimbursement) and the non-Federal parties provide funds, personnel, services, facilities, equipment, intellectual property, or other resources (with or without reimbursement) towards the conduct of specified research or development efforts that are consistent with the mission of the Laboratory</td>
</tr>
<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>
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</table>
Intellectual Property (IP) refers to creations of the mind: inventions, creative, literary and artistic works, and symbols, names, images, and designs used in commerce. The means to protect IP include patents, trademarks, copyright, and trade secrets. Patents protect inventions. Trademarks protect words, names, symbols, sounds, or colors that distinguish goods and services. Copyrights protect works of authorship, such as writings, software, music, and works of art that have been tangibly expressed. Trade secrets are information that companies keep secret to give them an advantage over their competitors. While Berkeley Lab has discretion to secure and license patents, trademarks, and copyrights, it is prohibited by DOE policy from licensing trade secrets.

License Agreement to authorize a use (such as copying software or using a patented invention) to a licensee

OSPIP Office of Sponsored Projects and Industry Partnerships

Policy 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

TTIPM Technology Transfer and Intellectual Property Management

G. Recordkeeping Requirements

Because the Ombuds is a neutral and independent facilitator, he/she must keep all records. A quarterly report is sent to the DOE Technology Transfer Coordinator.

H. Implementing Documents

None

I. Contact Information

Department Head
Technology Transfer and Intellectual Property Management
ttd@lbl.gov

J. Revision History

<table>
<thead>
<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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<tr>
<td>1/2/2012</td>
<td>0</td>
<td>H. Clark</td>
<td>Rewrite for wiki</td>
<td>All</td>
<td>Minor</td>
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<tr>
<td>9/14/2012</td>
<td>1</td>
<td>H. Clark</td>
<td>Rewrite for wiki (policy)</td>
<td>All</td>
<td>Minor</td>
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Document Information

DOCUMENT INFORMATION

<table>
<thead>
<tr>
<th>Title:</th>
<th>Technology Transfer Ombudsman</th>
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<tbody>
<tr>
<td>Document number</td>
<td>03.05.001.000</td>
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<tr>
<td>Revision number</td>
<td>1</td>
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<td>Publication date:</td>
<td>9/14/2012</td>
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</table>
Effective date: 11/20/2009
Next review date: 9/14/2015
Policy Area: Reporting to DOE
RPM Section (home) Conduct of R&D
RPM Section (cross-reference) Technology Transfer
Functional Division Research and Institutional Integrity Office
Prior reference information (optional) RPM, Chapter 10, Section 10.08

Source Requirements Documents

Implementing Documents
None