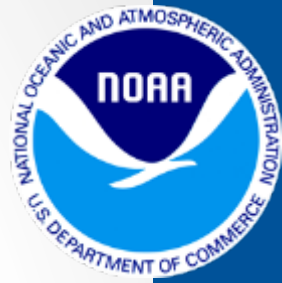




Intellectual Property & Software Transitions

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Why this Briefing?

- NOAA is using more and more community and collaborative development to meet the mission
- Hidden Intellectual Property (IP) issues can trip up an otherwise solid transition plan
- Open Source licenses may impact use/adoption of new technology

It used to be, if you took the text from a published book, changed a few words and sold it as your own, it was called plagiarism. Now, with software, it is called a best practice.

Hendrik Tolman



IP and Ownership Scenarios

- **Federal Employee-Developed:**
 - Gov't may patent and license a technology
 - Written works (software) are **Public Domain** - no domestic ownership (copyright) or licensing rights.
- **Grantee-Developed:**
 - Governed by the Bayh-Dole Act
 - University has first right to patent; may also copyright students' software and license to others
 - Gov't has paid up license to use or have used... for 'gov't purposes'
- **Contractor Developed:**
 - Subject to the IP rights in the contract



License Scenarios

- **Open Source License:**
 - Allow use/modification at no cost, with restrictions
 - Various types of license exist (e.g. - MIT, GNU)
 - When multiple licenses are incorporated, most restrictive license must be used
 - Not the same as Public Domain
- **Exclusive/Non-Exclusive Licenses:**
 - Enabled by an ownership right (patent, copyright)
 - Allows use, usually in exchange for considerations (financial or other)
 - May be revoked by licensor, has legal teeth



Some Key Considerations

Transition to Operations:

- Have we resolved all ownership questions before we transition co-developed products into NOAA operations?

Public Good vs Licensing:

- What are the limits of the Government Use license?
- How do we balance income, collaboration & mission requirements?

Derivative Works:

- How can we ensure derivative works properly credit both NOAA and the collaborators?



Questions/Discussion