The major thrust of the Technology Transfer Office's activity is directed towards patenting and licensing of the inventions originated at Dartmouth College and its professional schools.

1. **Invention Disclosure Form**

It is a duty of each employee, who believes that he or she may have created an invention, to promptly report it to the Technology Transfer Office by filing a Dartmouth College Invention Disclosure form. This form is intended to provide necessary information to start evaluations of patentability and commercial potential of the invention, as well as to ensure compliance with Federal regulations, in case the invention has resulted from the sponsorship by the Federal Government and to determine whether any rights to the invention belong to a private sponsor.

An Invention Disclosure should be witnessed by a person who is capable of understanding the invention.

Inventors also should keep accurate records (such as signed and dated laboratory notebooks) of the invention, from the time of the invention's conception and throughout the course of its development. Fulfillment of these requirements is very important in determining precisely who the inventors are and when the invention was made.

2. **Patentability Determination**

After the invention is reported to the Technology Transfer Office, public disclosure dates are verified to determine whether foreign and domestic patent protection is possible and whether accelerated patent work is necessary.

At present, U.S. and Canadian patent laws allow for a patent application to be filed within 12 months of publication or other public disclosure. *Foreign patent laws do not allow this grace period,* and in the rest of the world public disclosure before a patent application is filed renders the invention unpatentable. However, by treaties with most industrial countries, public disclosure does not cause loss of foreign patent rights if a U.S. patent application is filed prior to disclosure.

Investigators are strongly encouraged to submit invention disclosures to the Technology Transfer Office at least four months in advance of pending publication, poster presentation, oral presentation at a conference or a seminar or other public disclosure. Investigators should also be aware that while certain seminars may be closed and under confidential settings (such as Gordon Conferences) many university seminars and conferences are open to the general community.

After it is determined that patent rights were not forfeited as a result of public disclosure, the Invention Disclosure is forwarded to an outside patent counsel for further patentability evaluation.
3. **Commercial Potential Determination**

If the invention was determined patentable from the legal perspective, the Technology Transfer Office evaluates its commercial potential. Since patent filing and prosecution is costly, the decision to pursue an application has to take into account financial considerations. Who will use the invention, where will it be used, is it a significant improvement or a minor one, is it a market of hundreds or thousands of customers or a few dedicated dozens - in other words - what is the commercial value of the invention? Information provided by the inventor is very important in this process, as the inventor is best aware of potential applications and existing markets for an invention.

With the inventor's help the Technology Transfer Office compiles a non-confidential description of the invention and sends it for review to selected companies in the pertinent field; the mailing list could be as large as 200. To evaluate the commercial potential of an invention, the Technology Transfer Office also posts the description of the invention on appropriate Internet sites, including its own Web page. The help of outside consultants might sometimes be utilized. If the technology appears patentable and the feedback from the marketplace positive, the Technology Transfer Office takes necessary steps to obtain patent protection and find a commercial partner.

If it is determined that it is not feasible to invest Dartmouth resources into patenting and commercialization of a particular invention, the Technology Transfer Office offers to reassign the title to such invention to the inventor if he or she so desires. If such an invention has been conceived under Government sponsorship, the Technology Transfer Office requests the Government's permission to reassign the invention to the inventor.

4. **Marketing**

Once the decision to proceed with an invention's patenting and commercialization is made, the Technology Transfer Office launches an extensive marketing campaign, including: mass mailings, advertising in appropriate databases and technology transfer newsletters, creative collaboration with various business assistance programs, networking, and participation in relevant trade shows. The descriptions of Dartmouth's licensable technologies are sometimes disseminated to participants of conferences in a pertinent technical area. In some instances a technology transfer broker might be engaged to market a technology.

After an interested commercial partner has been identified, the Technology Transfer Office prepares a Confidentiality Agreement in order to disclose proprietary information to such entity. If after review of the proprietary data a company wishes to pursue the invention's commercialization, the negotiation process begins. Once both parties agree upon license terms, the Technology Transfer Office prepares a written agreement which becomes a legal document obliging the parties to abide by the agreed upon conditions.
5. Licenses

The most common avenue for commercialization of a new technology is a license to an established company with an appropriate market. A license is a contract whereby Dartmouth College retains ownership of the patent, and the private company obtains the right to use the patent to make and sell products or processes. By making and selling these products or processes, companies create jobs, build factories, invest into new equipment -- in other words, contribute to the economic development of their region and the nation. Because licensed technology provides a financial benefit to private companies, Dartmouth College asks to share in that benefit.

The sharing usually takes place in the form of various license fees ("license issue fee", "license maintenance fee", "patent claim issue fee", etc.) and an ongoing payment linked to actual sales of products or services -- "running royalties". Inventors share in license revenues according to the Dartmouth College Patent Policy.

Two other important aspects of licenses are "Due Diligence" and "Indemnification". As a beneficiary of public research funds, Dartmouth College must require concrete proof that the technology it licenses is actually being successfully brought to the marketplace. Specific milestones and performance guarantees are included in license agreements in a so-called Due Diligence provision to ensure that technology is not lying dormant or the license to a Dartmouth patent is not simply used to block the competition.

The purpose of the Indemnification clauses is to shift financial risk for liability arising from the use of licensed products or processes produced by the licensee from Dartmouth College (and the inventor) to the licensee.

Complete texts of Dartmouth’s standard license agreements can be found at the Technology Transfer Office Web Site or obtained from the Technology Transfer Office directly.