

AB Nexus – A Quick Guide to Intellectual Property

Q: What is an invention?

Simply put, an invention is any new and useful process, device, method, composition of matter, or an improvement of the same. Specific examples of inventions include drugs, devices, manufacturing processes, algorithms, software code, a collection of content/data, etc.

Q: What is a public disclosure?

Any non-confidential sharing of the details of an invention that provides information sufficient for an individual skilled in the relevant art/technology to reproduce the invention. A public disclosure could occur, even inadvertently, in any country and in many settings such as in a poster session, submission of a meeting abstract, online posting of a pre-print, a grant application, an oral presentation, a journal publication, or an investor pitch.

Q: What is intellectual property (IP), and why is IP useful?

Intellectual property (IP) is a general term for certain intangible assets that allow the owner to prevent others from using an invention. The most common forms of IP include patents, copyrights, trade secrets, and trademarks, and each covers different types of inventions and conveys specific rights to the owner. IP rights can be incredibly important to the investors and strategic partners that will help develop your invention into a product, as such IP rights allow one to block competitors from using the invention for at least a limited time.

Q: When is the best time to reach out for assistance?

You should definitely ask for assistance before any potential public disclosure of your invention, and while it's not required, it's helpful if you reach out at least 30 days in advance of such disclosure to allow adequate time to obtain IP protection. That said, we encourage you to connect with either CU Innovations or Venture Partners as early as possible if you think you have made an invention or even if you have a great idea for an invention. Each campus office can provide advice about the IP protection and commercialization strategy for your potential invention, and it's a good opportunity to learn about resources available to advance the technology.

Q: What are the risks of public disclosure before the IP is protected?

The act of making key information about your invention available publicly, even if you can show that no one actually reviewed the information, can potentially block you from obtaining IP rights and protections (e.g. patents) in your invention. For example, to obtain a utility patent on a new drug, the drug must meet three basic criteria. It must be (a) useful, (b) novel, and (c) non-obvious. Once you have made a public disclosure of the drug and/or its use, it no longer meets the novelty requirement, and it may be impossible to obtain any patent protection whatsoever. Thus, there may be no way to secure investment in the program and bring your drug to market.

Q: Which campus do I work with for IP and other aspects of commercialization?

Investigators will disclose new inventions to the commercialization office at their respective campus (disclose to CU Innovations for Anschutz campus [here](#), and to Venture Partners for Boulder campus [here](#)).

A single, lead commercialization office will be assigned for each invention. The assigned commercialization office will be communicated to all inventors following disclosure, and will be based on the following criteria:

- Does the invention build on a portfolio already managed by one commercialization office?
- Are there resources or relationships at one commercialization office that best align with this specific invention?
- If there is a lead investigator, on which campus does she/he/they reside?

Terms of the license offered to candidate licensees, including for investigator-founded startup companies, will be set in collaboration between CU Innovations and Venture Partners, regardless of which is the lead commercialization office.

Note to faculty: University IP policy and practices apply to faculty participating in the AB Nexus program. Your participation in the program does not change how future royalties will be handled on your respective campuses.

Additional Questions?

Please reach out to:

1. Anschutz: Heather L. Callahan, Director of Licensing, CU Innovations
heather.callahan@cuanschutz.edu
2. Boulder: Marta Zgagacz, Director of Licensing, Venture Partners
Marta.Zgagacz@Colorado.EDU