AUTM
ANNUAL MEETING
2022
NEW ORLEANS

Everyone is sending me software!

How can I monetize this?

How can I protect this?

What is my risk in doing so?

Our topics for today...

Your options and risks

- Other Intellectual Property Rights Exist

- Necessary Diligence

- Valuation Models

- Open Discussion

Intellectual Property Basics

Intellectual Property Rights

Four Types of Intellectual Property Rights

- Patents

- Trademarks

- Trade Secrets

- Copyrights

Both Trade Secrets and Copyrights can be licensed

What about data?

- Data is not an "intellectual property" right

- A data point is a fact

- Data is oftentimes not protectable as IP, but it can be valuable

- So what do I do with data?
  - Proprietary data set
  - Trade Secret?
  - Contract restrictions

Licensing Trade Secrets

- Can be difficult in academic setting

- Difficult to maintain
  - Nature of academia
  - Faculty publications
  - Transient students

Licensing Copyrights

- Bundle of Rights
    - Reproduce
    - Distribute
    - Display
    - Modify
    - Perform
- Each right can be separately licensed
- Most common way to exploit software assets

Protecting Copyrights

- Rights spring into being

- Can register them at the Copyright Office

- Drawbacks...
    - Publicly disclose
    - Becomes part of Library of Congress
    - Can still block trade secrets to a certain degree

- Benefits...
    - Infringement lawsuits
    - Greater damages

- If licensing software, consider benefits and risks of registering

Software Licensing Models

Software Licensing: Proprietary

- Paper Licenses (wet ink)
  - User agrees by signing
- Click-Through
  - User agrees by taking some act
- Browse-Wrap
  - User agrees just by accessing

Software Licensing: Proprietary

- End user license agreement

- Terms of service

- Terms of Use

- What a License is NOT
    - Confidentiality Agreement is NOT a software license
    - Software license is NOT a confidentiality agreement

Software Licensing: OSS

- Open Source Licenses

- Copyleft versus open source

- What is the goal with the software asset?

  - Monetization?

  - Branding recognition?

Software Licensing: Hybrid Models

- Can combine open source licenses and proprietary licenses

- Certain uses for open source only

- Certain uses subject to proprietary licenses

Distribution Models

- App platforms
- Website distribution
- FTP feeds
- Platform pulls
- Media

SaaS as a Licensing Alternative

- Software doesn't get distributed

- Software remains hosted by the "licensor"

- Access provided via internet access

- "Service" not a "product"

Diligence

- Authorship

- Ownership

- Copyright Law

- Institutional Policies

- Funding Restrictions

Open Source Restrictions

- May restrict what you can do with your software

- Track the OS going in

- Easier than checking the OS after the fact

I want to monetize this, how do I value it to set license fees?

Valuation Models: Set License Fees

- Cost of Development
- Time to Development
- Cost of Replacement
- Cost of Replication
- Comparables

Thank you!

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