Professional Development and Advancement for Licensing Staff

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Creating professionally capable licensing staff with the expertise and knowledge to meet the goals of the technology transfer office should not be left solely to a skills-training-as-needed approach. A well-developed professional-development program, along with an opportunity for advancement, will provide management with capable employees eager to participate in the achievement of the goals of the office. A well-executed program will also help curb employee turnover.

While this chapter provides several ideas on licensing staff training and career-path development, your personal program will be dependant on available resources and the mission and goals of your office. But be creative; even if you are a one-person office, training should be part of your planning process.

Why Devote Time to Professional Development and Advancement Opportunities?

So why does management typically spend little time on professional development and career advancement? Maybe it is the belief by most managers (89 percent)[1] that the reason employees leave is for more money. The reality is that only 12 percent[2] of employees actually do leave for more money. The majority (80-90 percent)[3] leave because of the current job, manager, culture, or work environment.

A survey conducted by the Saratoga Institute[4] asked employees who terminated why they left. The No. 1 reason was limited career growth or promotional opportunity (16 percent), No. 2 was lack of respect from or support by a supervisor (13 percent), and coming in at No. 12 was training (3 percent). When asked, "what did the company do poorly?" the

No. 1 reason was poor management with a variety of issues identified, No. 2 was lack of career growth and advancement opportunity, No. 3 was poor communication, and No. 7 was lack of training.

From this survey, training itself seems to be at least adequate. Simply training an employee with a set of knowledge-based skills, however, is not sufficient. Without a system of training focused on professional development, the employee will see little opportunity for career growth and perceive a lack of respect from or support by a supervisor, Nos. 1 and 2 in the survey.

Retention is not the only reason to devote time to professional development of staff. An empowered and engaged staff is more productive, better equipped to immediately address problems, thereby preventing their escalation, and creates a professional staff your "customers" are eager to contact.

Most technology transfer licensing staff manage heavy caseloads that affect several stakeholders. Management needs to provide the staff with the skills and tools to prioritize and manage caseloads and the pressures asserted on the staff by the stakeholders. Staff members need to know that actions they take or messages they give will be supported by management.

For example, the office may have a policy that a good defense is the best offense in approaching potential difficult situations. In that case, if license negotiations begin with Big Donor Co., there may be an expectation that individuals outside the office but within the organization be notified of interactions with Big Donor Co. The timing and method of that notification may also be important, for example, should notification occur at the time negotiations start or only if there are problems? Providing the necessary training to the staff conveys to the employee that management expects that they will be able to handle these situations. But the methods used to conduct that training will impact how well the information is conveyed and received: as a set of rules to follow or tools to empower the employee in pursuit of professional development. The latter promotes respect for the individual and demonstrates support by management.

Coaching as a Style of Training for Professional Development

Ongoing training is mandatory to ensure a competent technology transfer staff. The skills required in the profession are constantly changing: the laws governing the activities and operations, and, of course, the science that produces the technologies. The chapter in this manual called "Recruiting and Retention Strategies for Technology Managers" by Leah Nelson Guay, provides a good overview of the skill sets required of a technology transfer professional. However, providing skills-only training to employees is not enough.

A good professional-development training program will be a dynamic ongoing program to introduce new and creative ways of managing responsibilities, discuss new and proposed changes in law and policy, discuss institutional culture and changes, and obtain feedback from employees. How you approach the training will make a difference in the competencies and job satisfaction of the individual.

The No. 1 cause of performance problems in 60 percent of companies is poor or insufficient feedback from supervisors.[5] The model of coaching as a training process provides the follow-through, the feedback, and mentoring needed to overcome performance and job satisfaction problems. Utilizing the coaching method sends the message to employees that you value them enough to assure that they are empowered with the knowledge and tools to succeed.

The coaching model will have the following objectives above and beyond the learning of skills[6]:

- Inspire employees through a common vision.
- Empower employees to be more self-responsible, decreasing the need for control and oversight and developing mutual respect and proactive problem solving.
- Instill in the employee the understanding that he or she makes a contribution to the office and has an ownership interest in the success of the office.
- Encourage the strengths of the individual and recognize individual talents.

To create inspired and empowered employees, accountability should be clear and incorporated in the coaching process. An annual performance review should hold no surprises.

If coaching is your approach to training, performance feedback will be continuous, and concerns about accountability can be clarified immediately.

Using the example for a technology transfer office given previously, training for the skills for good communication is critical for the interactions between Big Donor Co. and the technology transfer office, i.e., how does the licensing associate properly manage expectations of the company? The employee may have good conflict-management skills developed through experiences in other technology transfer offices, the skills may be intuitive to the individual, or the employee may gain these skills through the training process in the current office. Regardless, to properly manage conflicts, the employee needs to know the expectations of management. If the individual is to identify and report critical situations for the benefit of the stakeholders, he or she needs to be trained to identify those situations. Setting up a set of rules is not possible, consequently, the coaching method of training will result in an employee better equipped to manage unusual situations.

There should be enough oversight by management in the training process so that coaching can occur as often as possible in real time. During the first phase of training and coaching, management will likely want the employee to take more of an observational role. It is very easy to avoid using the coaching method in this first phase. Management will be busy conducting the usual day-to-day activity and may assume that the observing-staff is interpreting management's actions correctly. That very well may not be the case.

Coaching requires one-on-one follow-up discussions about the actions taken or not taken. These one-on-one interactions give management the chance to discuss the goals and philosophy of the office and the university and how they affect recent activity. Instilling this broader understanding in the employee gives the message that you respect him or her and expect that he or she will be able to use this knowledge as he or she assumes more responsibility. When handling a problem that may have been mitigated by early intervention of one of the staff or notification to management, management needs to ask itself if it was lack of coaching, had this employee been empowered with the needed tools?

Tools and Resources for Professional Development

Following are categorical listings of professional development tools, resources, and activities that are worth considering. Many of these suggestions may be simplified or expanded to fit your budget and goals.

Institutional Operations and Culture

- Conduct discussions on the culture of the institution such as the mission and goals of the institution and the departments and centers on campus, the institution's strategic plan and how the technology transfer office fits into the plan, how technology transfer cultures differ among institutions, the perspectives of the many stakeholders of technology transfer within your institutional community.
- Provide a forum to exchange information about changes and new initiatives on campus that might impact the office, this activity will have additional impact if those initiating the change or new initiative can also be involved.
- Arrange for tours of the institution's centers and labs (not necessarily in the technical area of expertise of each licensing staff) to provide a broader understanding of the institution.
- Encourage employees to participate on relevant institutional committees.
- Arrange for informal informational meetings with the staff of other offices that impact the technology transfer office operations, such as sponsored programs.

Professional Organizations

- Provide time and payment for membership in and attendance to professional technology transfer meetings such as the Association of University Technology Managers (http://www.autm.net/), Licensing Executive Society International (http://www.lesi.org/), Council on Governmental Relations (http://www.cogr.edu/), National Council of University Research Administrators (http://www.ncura.edu/), and Technology Transfer Society (http://www.t2society.org/).
- Encourage membership in professional scientific and business organizations.
- Encourage membership and attendance at local and state organizational meetings.

Professional Skills and Operational Improvement

- Provide time off to take scientific, technical, or business courses from the institution.
- Encourage attendance at off-site educational forums:
  - AUTM and LES provide educational programs for all levels of experience.
  - Center for Professional Advancement provides hundreds of courses in more than twenty areas of applied industrial technologies (http://www.cfpa.com/index.asp).
  - World Intellectual Property Organization provides general and specialized training for professionals in the field of intellectual property (http://www.wipo.int/academy).
- Hold discussions or conduct surveys with inventors, licensees, or other stakeholders on customer satisfaction.
- Provide a forum for staff to share information about recent licensing transactions to share experiences such as creative approaches used to resolve difficult negotiations.
- Find a forum for updates on legal cases and legislation.

One forum that enables the staff to set aside time to concentrate on professional development is a retreat. A retreat may be a few hours or a day or two and is best held away from the office to help avoid interruptions. Topics should be timely and relevant to your office.

Following are some suggested topics and activities for a retreat:

- Invite an established startup-company executive to discuss key problems the company has managed and how interaction with the technology transfer office might have been helpful.
- Invite an attorney to discuss specific intellectual property issues, contract language, and recent legislation.
- Discuss the development of the institution's strategic plan and the role of the technology transfer office.
- Have licensing staff members discuss their most creative negotiation situation during the past year.
- Invite the office of sponsored programs (or equivalent) to discuss key topics.
- Discuss valuation using examples of recent licenses.
- Provide a training session on negotiations.
- Review export control.

Developing a Career Advancement Plan

As noted earlier, the main reason employees leave is the lack of promotional opportunity. A plan for advancement of licensing staff will also have benefits when searching for new employees as well as retention of current employees.

At Iowa State University, the first step in developing a career path for licensing associates was a review of the current licensing staff position descriptions and a discussion with human resources personnel. It was important to make human resources part of the plan to avoid any surprises for the technology transfer office or human resources.

Other universities were contacted to discuss their approach to promotional opportunities for licensing staff. Criteria among those interviewed fell within number of years of experience in marketing, licensing, negotiating contracts, and patent prosecution as well as experience related to scientific research and business development. For most of the universities interviewed, experience within the current office was also a criterion for advancement to the top end of the promotional scale. Another criterion was the level of difficulty of licensing cases successfully handled by the licensing personnel. Definitions were developed to describe the types of licenses that would fall into three categories: standard, nonstandard, and complex.

With the input from human resources and the survey of other universities, a list of the criteria for a new hire was first developed, then the identification of progressive responsibilities, duties, and expected experiences was charted. Based upon expectations of management and human resources, these criteria of responsibilities, duties, and experience were progressively expanded to arrive at three levels of licensing staff.

A table describing the plan developed for the promotion of licensing staff at Iowa State University is provided as Appendix A and includes the definitions used to categorize the levels of complexity of licensing cases to be successfully managed. Advancement to the next level of performance is dependent on a satisfactory performance of each of the responsibilities identified in the current level.

Appendix B is the criteria for complex agreements developed by Stanford. Thanks go to Sally Hines at Stanford for providing the criteria for use in this chapter.

Conclusion

Begin at the beginning...and go on till you come to the end: then stop.
Lewis Caroll, *Alice's Adventures in Wonderland.*

So, begin at the beginning and plan for the employee's professional development and advancement. Use the coaching method of training to give the employees the appropriate tools to be successful, and provide continuous feedback to let employees know how they are doing and to reinforce the goals and mission of the office and institution, and I would not expect an ending.

Notes

1. Leigh Branham, *7 Hidden Reasons Employees Leave* (New York: AMACOM, American Management Association, 2005).
2. Ibid.
3. Ibid.
4. Ibid.
5. Ibid
6. Coachinc.com, http://www.coachinc.com, 2002.

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Appendix A: Promotional Path for Licensing Associates at Iowa State University

	Licensing Associate I (P16)	Licensing Associate II (P17)	Licensing Manager (P18)
Salary range	$ - $	$ - $	$ - $
Education and experience	BS + four years industry or intellectual property commercialization experience or MBA and two years experience	BS + six years industry or intellectual property commercialization experience or MBA and four years experience. two years of experience must be in university intellectual property commercialization and independently, successfully negotiated ten nonstandard agreements	BS + eight years industry or intellectual property commercialization experience or MBA and six years experience. four years of experience must be in university intellectual property commercialization and independently, successfully negotiated ten nonstandard agreements and assisted in at least three complex license agreements
Responsibility	review and evaluate disclosed technologies perform in-depth market analysis identify potential licensees market technologies to industry	review and evaluate disclosed technologies perform in-depth market analysis identify potential licensees market technologies to industry	review and evaluate disclosed technologies perform in-depth market analysis identify potential licensees market technologies to industry
	participate in development of license strategies and license terms	recommend licensing strategies and license terms	recommend license strategy and license terms for complex agreements; develop and implement license strategy and license terms for standard and nonstandard agreements
	within one year, independently draft and negotiate standard agreements and nonstandard commercialization agreements where modifications are within established patterns with supervision, negotiate nonstandard agreements	draft and negotiate standard and nonstandard agreements	draft and negotiate standard and nonstandard agreements
	participate in negotiation of complex agreements	participate in negotiation of complex agreements	lead the preparation and negotiation of complex agreements
	participate in monitoring licenses and industrial relationships	monitor licenses and industrial relationships from a portfolio of licenses; assist in litigation activity	manage licenses and industrial relationships from a portfolio of licenses; participate in litigation activity

Classification of Agreements

Standard agreements: confidentiality agreements, software testing agreements, and option and license agreements with previously approved language

Nonstandard agreements: material transfer agreements, and options and licenses requiring negotiation within established patterns

Complex agreements:
1. Involves negotiating an agreement with a startup's venture capital personnel;
2. Requires a high level of creativity, attention and exceptional good judgment to handle a complex strategy due to one or more of the following: development of multiple fields of use, multiple licenses, several patents involved, or a platform technology with the potential for multiple products;
3. Involved in litigation or strong potential for litigation;
4. The case has the potential to generate $3 million to $5 million in royalty.

Appendix B

Stanford University

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Complex Case

Complex cases have one or more of the following attributes:

1. Requires exceptional good judgment and special attention because of the following: exceptional number of patent applications/patents involved, the level of royalty revenue (potential or actual), and/or the number of licensees involved.
2. Involved in litigation in which Stanford is either responsible or intimately involved and where Stanford's involvement presents a significant liability or revenue opportunity for Stanford.
3. Have new and complex intellectual property issues involved in the licensing such that creative solutions must be developed.
4. The case has either the potential to generate $3-$5 million or cost $1 million (in litigation costs or claims against Stanford) or have a major impact to OTL's licensing program.

Examples of complex cases include:

1. *Sondius program:* The technology consists of a portfolio of patents, trademarks, copyrighted works; licensees include a startup, major corporation, and other companies and the licensed fields of use are varied; the revenue potential is considered significant; Stanford invested significant resources into the development of the technology; the potential of litigation is relatively high.
2. *ARIM portfolio:* Involves twenty patents and copyrighted technologies licensed exclusively and nonexclusively to many companies; licensing strategy is to make the technology broadly available while encouraging investment in the technology.
3. *Incyte license:* Stanford is involved in a significant dispute with a company that is closely tied to Stanford; the issues resolve around inventor disputes, interferences, sponsored project issues, settlement discussions.
4. *Phycobiliprotein:* Complicated license strategy (exclusive license to ABI and BD, converting the ABI license to a nonexclusive; sued Coulter, generating over $3 million per year in royalties with the extensive management and monitoring of the licensees because the chain of distribution is often unclear; auditing; each license is separately and individually negotiated.

The licensing associate must have demonstrated exceptional good judgment, breadth of knowledge of patents, copyrights, and trademarks and the ability to independently resolve complex issues and deal with unusually difficult situations. The associate must use exceptional creativity in structuring win-win licenses in difficult and complex cases. Typically, complex cases present issues that have not been dealt with in the past and, therefore, require particularly creative solutions.