Office of Research

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1. Why should I disclose my discovery/invention/intellectual property to the University?

First, early disclosure of your discoveries to Rowan actually protects rather than compromises your rights. Once you publish or present information about your project, you may be ineligible to file an international patent. Under United States law you have one year from publication to file for a patent. It is to your benefit to disclose your discovery to the university so we can help protect your rights. Second, disclosure may be required under the University Intellectual Property Policy or by Federal Law.

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2. I think I have a new discovery, what should I do?

The first step in obtaining protection for a new discovery is to disclose it to Rowan. In order to get the technology transfer process started, faculty inventors should complete a copy of the Rowan Invention Disclosure Form and return it to the Office of Research & Sponsored Programs.

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3. I am not sure that my discovery is patentable. What should I do?
To obtain a U.S. patent for an invention, the invention must be:

1. novel (the inventor's original work)
2. useful (has some qualitative benefit)
3. non-obvious to one skilled in the art (i.e. existing technology does not suggest the invention)

If you think your discovery may meet these criteria, you should file an invention disclosure. If you are not sure, contact Sarah Piddington at the Office of Research & Sponsored Programs.

4. Why can't I publish information about my discovery?

As an academic institution, Rowan University encourages publication. But it is to your advantage to file a disclosure with the university at least three months prior to publication (if possible) in order to protect your intellectual property rights. In patent law, the word "publication" is defined more broadly than is typical in the academic world. Publication may include presentation in almost any forum (including poster presentations, doctoral theses, grant proposals once granted, on-line listings, offers for sale, newspaper articles, etc.). If you are unsure about whether you should "publish" (make public) your work, contact Sarah Piddington at the Office of Research & Sponsored Programs.

5. My invention is about to be published, what should I do?

Immediately contact Sarah Piddington at the Office of Research & Sponsored Programs.

6. I may not be the sole inventor of this discovery. Other faculty and students worked on this project. What should I do?

A person who contributed a basic idea that resulted in the development of the invention as it is claimed in the patent application is considered an inventor. A person who contributed only labor and/or the supervision of routine techniques, but who did not contribute to the idea - the concept of one of the embodiments of the claimed invention - is not considered an inventor. Do not confuse inventorship with authorship on a scientific publication. The courts have specifically held that authorship and inventorship have different criteria and are not equivalent. If more than one individual has shared in the invention of this discovery, each person's name should be listed on the disclosure form.

7. What happens to my Invention Disclosure when I return it?

Once the disclosure is received it will be evaluated by the university intellectual property committee to determine:

1. whether intellectual property protection is possible,
2. whether intellectual property protection makes economic sense.

You will be contacted by the Office of the Associate Provost for Research regarding the outcome of this review.

8. How do we get a Patent?

Following disclosure, the university Intellectual Property committee may, at its discretion, authorize a formal patent search to determine if patent protection may be available. You can also search
patents online free of charge at the United States Patent and Trademark Office (USPTO) or the European Patent Office before submitting the Invention Disclosure to the Office of Research & Sponsored Programs.

If it seems likely that the invention is patentable after the search, it will be necessary to prepare a written patent application to be submitted to the USPTO. The application as filed must provide a written disclosure of the invention which (1) shows the best mode of making the invention; (2) enables another skilled person to make and use the invention; and (3) specifically claims the invention (sets out what the invention is) in writing. The level of detail required is similar to an academic manuscript and these are routinely used as the basis for patent applications.

Once submitted, the patent application will be examined by the USPTO for novelty, utility, obviousness, best mode and enablement. If the application meets these statutory criteria, a patent will issue.

9. Who "owns" the patent?

Under US law, only the original inventor of the claimed subject matter, and their assignees, can apply for a patent. Rowan inventors under the Rowan Intellectual Property Policy are required to assign the rights to any patents made using Rowan resources to the University. In exchange, the University manages and licenses the patent on your behalf, and pays you a share of the royalties it earns from commercialization of the patent.

10. What happens after the patent is filed?

Filing the patent application is not the end of the technology transfer process—it is the beginning. Once the application is filed, the Office of Research & Sponsored Programs will work with you to identify potential commercial partners who may wish to participate in commercialization of the discovery through licensing or other forms of financing. You will be included in every step of this process.

11. I need to exchange information with another organization about my research, what should I do?

Exchanges of information can be protected by confidentiality agreements if these are executed before you talk to the other organization. In the absence of an executed confidentiality agreement, such an information exchange may be considered a public disclosure. In addition, Rowan urges you to never exchange any information with another organization — even under confidentiality — before you have first submitted your Invention Disclosure to the University. Contact the Office of Research & Sponsored Programs for details.

12. What if my patent was funded under a federal grant?

This needs to be reported (37 CFR 401) to the granting agency and disclosed in the patent. The Office of Research & Sponsored Programs will handle this for you following your completion of the invention disclosure form.

13. How do I get a Copyright?

A US Copyright is available for any work of original authorship which is fixed in a tangible medium
of expression and is reproducible (17 USC et. seq.). Examples of things which can be copyrighted include original works of computer software, books, stories, pictures, video performances, plays, musical recordings, sheet music, etc. While the copyright attaches as soon as the work is fixed in a final form which is reproducible, in order to enforce the copyright the copyright holder must register with the US Copyright Office and the copyright holder must serve notice. To serve notice, you should affix the following legend to the copyrighted materials "200X, Your Name, Rowan University, All Rights Reserved". The copyright term was recently extended to the life of the author plus 70 years, or for organizations to 95 years from the date of authorship.