

**Department of
Veterans Affairs**

Memorandum

Date: Sept 4, 2001
From: Chief Research and Development Officer, VA Central Office (12)
Subj: Intellectual Property, VA WOC Appointee IP Agreement
To: Director, VA Medical Center (00/151)

1. The Department of Commerce issued an opinion letter on July 30, 2001 to the Department of Veterans Affairs (VA), Office of General Counsel, specifically stating that joint ownership may arise for an invention by a person who holds a joint appointment with the Department of Veterans Affairs and a university. This should help allay concerns about intellectual property ownership for dual appointment personnel. The Bayh-Dole Act requirements do not preclude joint ownership of an invention by a university and the Department of Veterans Affairs. The letter from the Department of Commerce is attached.
2. Also attached is a new VA-WOC Appointee Intellectual Property Agreement developed by the VA Office of General Counsel. Effective October 1, 2001 this document must be executed for new WOC's conducting research in your facility. In addition, the document must be executed at the time WOC's are renewed. The document provides advance information to WOC's requesting research access to VA facilities and resources about their rights and responsibilities as it relates to any intellectual property developed in a VA facility.
3. I remain committed to clarifying and supporting the rights and obligations of all researchers working in VA facilities. Both the inter-institutional agreement (IIA) and VA WOC Appointee Intellectual Property Agreement contribute to this end. These agreements will help enhance the maturation of VA-university affiliations and facilitate a more enduring partnership.
4. If you have questions or need additional information, please contact Robert W. Potts, Director, Technology Transfer Program at (202) 254-0264.

John R. Feussner, M.D., M.P.H.

Attachments (2)

cc: VISN Directors
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