

# Intellectual Property: A Laboratory Asset

## FAQs of Protecting LANL's Intellectual Property

### How can my ideas produce value for the Laboratory beyond my programmatic contribution?

As a researcher employed by Los Alamos National Laboratory, you create technologies that have inherent scientific value. They can also have financial value in the commercial marketplace. Your intellectual property is valuable to industry and can be licensed for commercial development. In fact, technology transfer between the Laboratory and the private sector is a federal mandate. But technology transfer cannot happen unless we appropriately protect our intellectual property.

A company will not invest the time or money to develop a technology into a product unless it can expect a protected position in a market. Our patents and copyrighted software equate to revenue for companies as well as generate funding for the Laboratory and you, the inventor.

The patents and copyrights that fuel technology transfer provide an inflow of royalties and research funds from industrial partnerships. They can also preserve a technology base for further research without causing the Laboratory to pay royalties for something created here but protected by someone else!

### Doesn't the Laboratory's intellectual property belong to the Department of Energy and Los Alamos National Security, LLC?

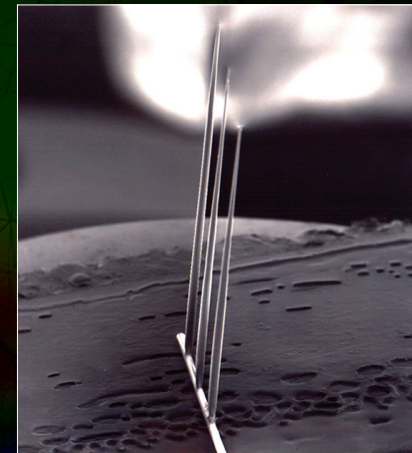
Yes, it does. However, DOE and LANS have agreed that income received from patented inventions and copyrighted works software, etc.) will be returned to the Laboratory.

A portion of the license income is distributed to the inventor(s) as well as to the division in which the technology was developed. Licensing and royalty fees are determined during licensing negotiations.

See License Income Distribution Policy (P 833) on the Web at [policy.lanl.gov](http://policy.lanl.gov).

### How do patents and copyrights help my division?

Patents and copyrights can lead to commercial value for a division's technology when outside parties license inventions and software. A technology portfolio can help a technical division expand its research opportunities, both commercially and programmatically, engage its staff, and enhance its reputation.



*A new method for fabricating microelectronics, Lasonix (a 2008 R&D 100 Award winner) can be used to form standard semiconductor microcircuits in vertical arrays, conductive interconnects, and hybrid integrated circuits in three dimensions. Shown are potential electric field emitters for microvacuum electronic devices.*

### As a researcher, how can I protect my work?

Keep a laboratory notebook and version control your software! Professionally record and track the progress of your research. Document what you have done and intend to do. This is the first step in the intellectual property protection process. For inventions, a hardbound, page-numbered, notebook is the only universally accepted medium for invention record keeping. The notebook must include dates and witness signatures. For software, keep track of authors who contribute and modifications to source code, and track use of any external software, including open source.

For detailed instructions on keeping a notebook visit: [www.lanl.gov/partnerships/intellectual\\_prop/notebooks.shtml](http://www.lanl.gov/partnerships/intellectual_prop/notebooks.shtml)

### As a manager, how can I help my employees protect their work?

Managers must ensure that their employees properly protect the Laboratory's intellectual property. Managers can help employees identify potential inventions, which may be

- a new or improved machine, material, or process;
- a unique solution to a problem; or
- a novel combination of existing technology to obtain a better, faster, or cheaper result.



## Contacts:

Technology Transfer Division 665-9090

Lab notebooks  
Disclosures  
Patents  
Copyrights  
Commercialization  
Licensing

Laboratory Counsel - Intellectual Property 665-3766

Patent Applications

## General information:

<http://www.lanl.gov/partnerships>

*The background graphic represents SOLVE, a software application for creating 3-D images of protein molecules. These images are in high demand in the biotech and pharmaceutical fields. Royalties for SOLVE have been averaging over a quarter of a million dollars annually.*

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**As a manager, how can I help my employees protect their copyrights (software, schematics, scripts, libraries, etc.)?**

Managers can help employees identify copyright protected works, which may be in the form of commercially deployable software or a research tool.

Inventions and copyrights must be disclosed to the Laboratory as required by the LANS-DOE Prime Contract and the employment contract. When managers review, sign, and approve invention and copyright disclosures submitted by their staff, they are ensuring

- completeness and clarity of the submittal;
- timeliness of the disclosure;
- an opportunity for the group to build and grow a patent portfolio; and
- commitment of the inventor's time to help prepare a patent application or copyright assertion.

For information about the patent and copyright process visit:  
[www.lanl.gov/partnerships/intellectual\\_prop/](http://www.lanl.gov/partnerships/intellectual_prop/)

### Who decides whether an invention will receive a patent?

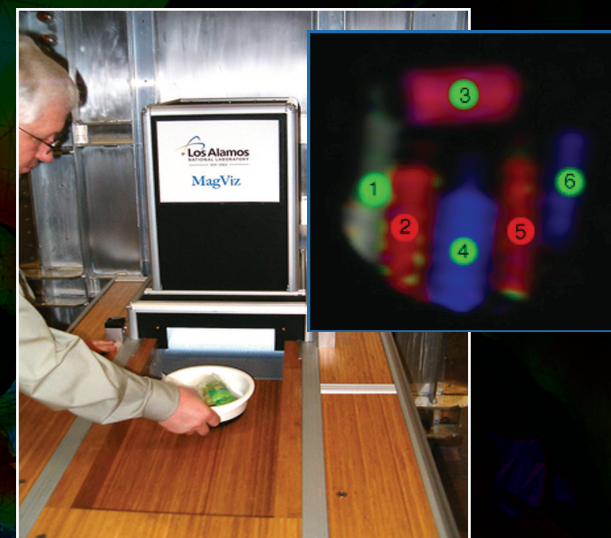
Laboratory invention disclosures are reviewed and selected for patenting within the scope of available resources by:

- assessing an invention's commercial potential through the Technology Transfer (TT) Division;
- performing a patentability assessment through the Laboratory Counsel.

Once a decision is made to file a patent request, Laboratory Counsel files a patent application with the U.S. Patent & Trademark Office. The USPTO determines what submissions receive patents.

### Who decides whether my software has commercial or programmatic value?

Copyrighted software is reviewed by the TT Division software team. Contact the team at [software@lanl.gov](mailto:software@lanl.gov) prior to sharing your copyrighted software with other organizations or anyone outside the Laboratory.



*MagViz scans liquid items such as those travelers typically carry on aircraft and assesses them for threat materials by matching the proton signals from the scanned items to those in a database of benign and "threat" liquids. This MRI image shows six liquid-filled containers, along with their computer-generated tags: green for benign liquids, red for threat liquids, and yellow for undetermined liquids. The liquids are (clockwise from the top) sunscreen, benzoin peroxide, high-volume hydrogen peroxide (explosive), hand sanitizer, high-volume hydrogen peroxide (explosive), and shampoo.*

### Who can help me with this process?

TT staff is available to assist with disclosures, technology and market assessments, patent searches, and industry inquiries. TT can guide you through the process from invention conception and software creation through technology commercialization.

### Is it only about money?

No, the Laboratory's reputation for excellence—earned with almost 70 years of scientific contributions—is our most important asset. Our reputation helps ensure trust in our ability to generate exceptional work and meet the challenges of a rapidly changing world. It also allows us to attract new employees, program sponsors, and collaborators. Patents and copyrights ensure that we get credit for our work and assure sponsors and collaborators that we are responsible for the careful handling of knowledge—ours and theirs!