MAINTAINING CONFIDENTIALITY OF INTELLECTUAL PROPERTY

Before discussing intellectual property with anyone not employed by UT Southwestern, it is important to establish formal confidentiality. This is accomplished through a signed Confidential Disclosure Agreement (CDA), a simple and routine document negotiated regularly by the OTD. The OTD should be contacted before any information is shared with anyone outside the University, whether they are employed by another university, a business, or an American or foreign government agency.

Even within the University, when intellectual property is being discussed, confidentiality is important. The confidential nature of any discussion and the necessity of maintaining that confidentiality should be stated clearly to all involved so that it is not transmitted beyond the University until you are ready for it to be transmitted. Discussing advances with colleagues is part of our core mission, but colleagues need to know when they can freely discuss topics outside the University.

The Office for Technology Development should be contacted before any information is shared with any person or entity outside UT Southwestern.

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Office for Technology Development
UT Southwestern Medical Center
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**WHAT ARE THE BENEFITS OF DISCLOSING TO UT SOUTHWESTERN?**

Properly timed disclosure is enormously important and yields many benefits, including:

- Putting colleagues and the general population in possession of scientific and medical advances.
- Compliance with reporting obligations, including private foundations and the federal government.
- Potential financial return for the institution and inventor(s) through licensing.
- Potential sponsorship for additional laboratory research.
- Potential research collaborations with industry.

**PRESENTATIONS**

Seminars and presentations can constitute an enabling public disclosure if enough information is provided to allow a knowledgeable colleague to reproduce the invention. Even if no transcripts are available (e.g., Gordon Research Conferences) and the conference supposedly provides for “confidential disclosure,” a member of the audience may be able to re-create the invention from notes taken during the presentation. Thus, the presentation might be considered an enabling public disclosure, which would damage patent rights if presented prior to patent application filing.

**PRIVATE CONVERSATIONS**

Even a simple conversation can be considered a public disclosure if it leads to public use. Often inventions are inadvertently disclosed at conferences when scientists discuss exciting discoveries. A method or technique discussed with a colleague, who takes the idea back to the laboratory, incorporates it into a project, and uses it publicly or publishes details of the invention could jeopardize patenting. You may tell a colleague that what you are about to say is confidential, but without a CDA, you have no proof of that.

**ELECTRONIC COMMUNICATIONS**

Electronic transfer of data is possible. This creates potential for public disclosure due to the unguarded nature this type of communication, enabling information to be broadcast globally.