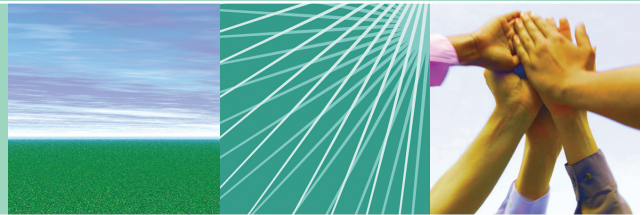




Understand the emerging innovation landscape

Enabling university and industry research



At IBM, we define innovation as the intersection of invention and insight. Today, innovation is a dual-value proposition: a balanced foundation of open and proprietary collaborations. Innovation is needed to address the world's greatest challenges and opportunities. The responsibility must be shared among business, government and academia. That's why in August 2005, IBM and the Ewing Marion Kauffman Foundation, a private foundation that focuses on advancing innovation and entrepreneurship, cosponsored a University and Industry Innovation Summit. In true collaborative form, thought leaders from the IT industry, academia and government came together to discuss a variety of research relationships and complex intellectual property practices that affect innovation.

Bridging the gap

The University and Industry Innovation Summit served as a call to action. Summit participants addressed collaborative innovation between industry and universities throughout computer science, its applications, IT software and the IT services disciplines, and worked to remove barriers to support collaborative research. The result was the creation of *Open Collaboration Principles*. These guiding principles provide a foundation for addressing intellectual property created through open-source software research. Designed to accelerate research, these novel principles state that intellectual property created in an open-source software collaboration should be made available free of charge for commercial and academic use.

Summit participants developing and adopting these principles include the Kauffman Foundation, Carnegie Mellon University, Georgia Institute of Technology, Rensselaer Polytechnic Institute, Stanford University, University of California at Berkeley, University of Illinois - Urbana-Champaign, The University of Texas at Austin, Cisco, HP, IBM and Intel. Additional collaborators include Georgetown University Law Center, the National Science Foundation, the Office of U.S. Senator Joseph Lieberman and the National Academies' Government University Industry Research Roundtable (GUIRR).

The Open Collaboration Principles are available for use by any and all universities, companies and enterprises.

For more information about the entire Open Collaboration Principles document with explanatory footnotes, visit www-304.ibm.com/jct09002c/university/scholars/news/open_collaboration.html and www.kauffman.org/items.cfm?itemID=662

Next steps

Pervasive acceptance of the Open Collaboration Principles by other universities and the IT industry, as well as the development of guiding principles for other research agreements, such as joint proprietary collaborations, remains at the core of the Summit team's continuing agenda. The goal is to collapse the time from concept or idea, to the commencement of research on that idea. Enabling faster research collaborations can allow for greater commercialization throughout the IT industry.

Open Collaboration Principles

Free & Open Collaborative Principles—purpose

This *Free Public Commons* model represents just one type of formal collaboration that can be used when appropriate and will coexist with other models, such as sponsored research, consortia and other types of university and industry collaborations, where the results are intended to be proprietary or publicly disseminated. This free and open collaboration principles document is the major underpinning of a policy for handling intellectual property rights arising from software-related collaborations between industry and universities under circumstances where the participants intend the results to be made part of a royalty-free public commons (a body of knowledge that can be freely used by the public). The nature of the public commons collaboration, including its purpose, scope and rules of operation, is generally decided by the founding participants. Some collaboration projects might involve a small group of participants, perhaps even one company and one university. Other collaboration projects may involve larger groups or be part of ongoing managed projects (such as Linux[®] technology or standards bodies).

Free & Open Collaboration Principles

A free public commons collaboration between industry and academic institutions should have the following attributes:

I. Fee free, community prepared, publically shared

The intellectual property created in the collaboration must be made available for commercial and academic use by every member of the public free of charge for use in open-source software, software-related industry standards, software interoperability, and other publicly available programs as might be agreed to by the collaborating parties (Free & Open Collaboration Projects).

If a participant in a Free & Open Collaboration Project owns or controls preexisting patents or patent applications necessary to implement the contribution to the software-related standard or the contributed open-source software in the Free Public Commons, to the extent it has the power, it will make the patents or patent applications available to the public without charge for implementing such standard or software. With respect to open-source software and open standards bodies having rules that permit, this obligation can be satisfied by the participant distributing the software under an appropriate OSI-compliant

open-source license. To the extent it has the power, the participant will also make background copyrights in any of its contributions to the commons available to the public without charge for use in the commons. To the extent that a participant knows that it can not make background copyrights and necessary patents or patent applications available to the public without charge, it will, in a timely fashion, inform the other participants.

II. Rules to protect both the public and the participants

A member of the public's rights to use the intellectual property can be terminated if they use their own intellectual property or assist other parties to attack the implementation of the Public Commons or the Open Collaboration Project itself.

Participants in the collaboration need not relinquish ownership of their intellectual property rights, nor will they be restricted from transferring ownership as long as the public's rights are preserved in the transfer.