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**Subject:** Re: intellectual property policies/procedures - amended

David,

In response to your request, attached is a four page document, plus two appendixes, that compares Cornell IP policies and practices to those at Stanford and MIT, where the information for the latter has been garnered from their websites and my personal conversations with my counterparts there.

In my assessment our IP policy is essentially identical to those at MIT and Stanford with respect to IP ownership, distribution of revenue, and acceptance of open source release of software. We are currently more permissive, or more lax, with respect to fCOI and COC management relative to faculty owned businesses. Prior to the adoption of the new fCOI policy we were extremely lax across the Ithaca campus, and far out of compliance with federal regulations. We are ahead of Stanford and MIT with respect to hosting an on-campus incubator. We are well behind MIT and Stanford in not having any funds currently available that can be committed to the maturation of Cornell IP in startup companies (such as the MIT Deshpande Center). Of the three institutions, Cornell is the only one that has the stated goal of promoting regional economic development via its technology transfer operations and hence only we have a set policy of favoring licensing of our IP to local startups and existing companies in the region.

Of course Cornell's performance in the technology transfer area considerably lags those of Stanford and MIT, both in the eyes of the uninformed public and in reality. Much of the difference in perception, as the Tech Campus proposal demonstrated, has to do with the fact that our biggest component of technology transfer, our graduates, leave upstate NY and do their entrepreneurial work elsewhere, in the Boston and Bay areas and elsewhere. The difference in reality has to do, in my assessment, not at all with our policy and current procedures, but has everything to do with:

1. Our history

This includes a history of having a very poor performing and very unimaginative and cautious technology development office prior to 2007.

2. Our location and our intellectual climate.

Until recently Cornell did not attract many faculty with a strong interest in technology transfer. This is not all bad, since, at least in the eyes of some, a strong focus on fundamental advances and long range seminal research, rather than on short term commercially oriented development is a very important part of building a bright future for the world. Certainly many of the areas where Cornell has excelled over the years have been in the fundamental sciences, physics, astronomy, biology etc. where technology invention with commercial prospects do not abound. The fact that for many decades, until quite recently, CS has strongly emphasized computer theory over applications did not help either, nor did the fact that Cornell engineering had several largely lost decades after WWII when the emphasis was on UG teaching rather than on building our research reputation and graduate programs, contrary to what was happening at MIT and Stanford during those years. We are still paying the price for starting to emphasize research excellence across the Engineering college several decades later than our competitors. (I note however that we have a much better reputation and record for educating and caring for our UG students than does, at least in my opinion, Stanford where the faculty are much more outwardly focused and externally engaged. We may lose that with all the focus on NYC and that might be a regrettable loss.)

Another contributing factor is that fact that our percentage of NIH funded research relative to our total research expenditures is way below that of our Ivy+ peers, while we are number two in NSF, discovery science, funding which does not, as indicated above, translate so readily into tech transfer results as does NIH and DOD funded research

Finally in the contract colleges, until recently, the emphasis has been on developing science and technology for the benefit of the state "stakeholders" and on giving it away, with no public claims for credit, rather than on commercializing it for societal benefit.

Now we are at a situation where we are trying to change or at least expand our focus. This takes time. It takes fifteen to twenty years to turn over a faculty. It takes decades to have a lucky strike such as DNA sequencing or a Google. And public perception is definitely a lagging indicator.

Despite the perceptions of the public, of our trustees and some faculty, I think it is clear upon close inspection that change is happening. There has been marked improvements in CCTEC operations and metrics as I have reported regularly the past several years. More and more of our young faculty want to really do things that have major potential for technology impact, and not just have a SBIR company in their garage for personal income augmentation. With focus, patience and strong and persistent leadership in Ithaca, at Cornell NYC Tech and at WCMC, we will get there. It will not happen overnight, or within a year, but it is in progress and will happen.

Bob