

# Publications and Other Public Disclosures

*Iowa State University is committed to the public disclosure of the results of its activities. All public disclosures should take into consideration the impact of the disclosure, including patent protection. In addition, consideration must be given to the contractual requirements for disclosures made utilizing industry funding. These issues are further addressed below:*

## What is a public disclosure?

A public disclosure by an ISU employee occurs every time information about a research project is shared with individual(s) that are *not* ISU employees and who have *not* signed a confidentiality agreement to receive the information. A public disclosure can be a formal presentation, an informal discussion, a published journal article, information posted on a web site, and even notes jotted on a napkin and shared during a social event. For clarification, University seminars are considered public disclosures because they are open to the public, while a lab meeting would only be a public disclosure if people external to the lab and ISU are included.

## What are the contractual obligations prior to a public disclosure?

If industry has provided funding for the research, the research contract will contain specific information about the obligations to the company prior to a public disclosure. These obligations typically include allowing the company to review the public disclosure *prior* to when it occurs. The purpose of this review is to determine if any company-confidential information has been included in the disclosure (this only applies if there is confidentiality language in the research contract or a separate confidentiality agreement has been signed) and to determine if there is a patentable information that the company would like protected before it is disclosed.

The results of the research are not considered confidential information. The company can not prevent you from disclosing the information, but can delay the disclosure until the information is properly protected, usually by a provisional patent.

It is very important to remember that the contractual obligations apply to *all* public disclosures and not just journal submissions.

## How can a public disclosure affect patentability?

Public disclosures of information which may be important to a patent application and/or materials related to an invention, made without the protection of a confidentiality agreement will likely have an effect on patent protection. In the United States, a patent application may be filed up to one year following the first (non-confidential) public disclosure of the invention. However, in foreign countries, the patent application must be filed prior to *any* public disclosure. International patent protection may be important to a company when determining the commercialization strategy; as more companies focus on international markets, this issue becomes more important. The impact of public disclosure applies to all research, regardless of the funding source.

All public disclosures that contain information that describes an invention should be reviewed by ISU's Office of Intellectual Property and Technology Transfer (OIPTT) prior to disclosure.

## Additional information

Additional Tip Sheets regarding confidentiality include Volume 1:9 and Volume 2:9 located at [http://www.biotech.iastate.edu/Industry\\_resources/tip\\_sheet\\_index.html](http://www.biotech.iastate.edu/Industry_resources/tip_sheet_index.html). A statement of ISU's Principles and Guidelines governing sponsored research and scholarly activities can be located at [http://www.ospa.iastate.edu/principles\\_and\\_guidelines.htm](http://www.ospa.iastate.edu/principles_and_guidelines.htm).

If you have any questions about this tip sheet please contact: Lisa Lorenzen, 2810 Beardshear, Phone: (515) 294-0926, Email: [llorenze@iastate.edu](mailto:llorenze@iastate.edu)

Office of the  
Vice Provost  
for Research  
and Advanced  
Studies

Office of  
Biotechnology

August 2003