



**Intellectual Property Ownership Advisory Committee**  
**Monday, November 29, 2010 1:00 p.m.**  
**General Assembly Building, 6th Floor, Speaker's Conference Room**

- Call to Order; Roll Call
- Discussion of the Commonwealth's Intellectual Property Policy (§ 2.2-2822)

The Advisory Committee inquired into the status of the development of guidelines by the Secretary of Administration's Office. The Committee learned that the guidelines are still being developed.

Before the Advisory Committee felt that it could proceed with any legislation recommendations regarding the state's intellectual property policy, it felt that it needed clarification from policy makers as to the purpose behind the policy. The Committee questioned whether the goal was to protect the state's return on the investment of taxpayer dollars, to achieve a clear catalog of intellectual property assets, or to encourage entrepreneurship.

Members of the Advisory Committee discussed various issues related to the 2010 legislation, including the following:

- The timelines set forth in the Code for the requirements of filing for patents should be reviewed;
- Policy makers should consider including incentives for state employees to disclose intellectual property developed in the scope of their employment, likes at state universities. It was suggested that perhaps incentives could be worked into the guidelines;
- It was questioned whether the specific inclusion of Creative Commons Licensing and Open Source Software in the Code of Virginia was appropriate, as these are private solutions to sharing intellectual property (as opposed to protecting intellectual property, like copyrights, trademarks, and patents), and are subject to change. Instead, it was suggested that the concepts should be referred to generically;

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- It was suggested that a more concrete threshold should be included in the Code for seeking intellectual property protections, as the current standard was difficult to discern;
  - It was suggested that the state Code might be contrary to federal law governing ownership of patents.
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- **Development of Recommendations to JCOTS**

Ultimately, the Advisory Committee declined to make any legislation recommendations to JCOTS this year, and instead to wait for the publication of the Secretary's guidelines before proceeding further.