Invention Reporting Timeline: At a Glance

Employee agreement to disclose all inventions: At time of employment

Election of Title to Invention: Within 2 years of reporting invention to agency

Provide confirmatory license to govt: Along with report of initial patent filing

Issued Patent: At the time of patent issue

Utilization Reports: Annually, when required by agencies

Final Invention Statement & Certification: Within 90 days after the project ends

Invention Report Within 2 months of inventor's initial report to orgn.

Non election of Title to Invention: Within 2 years of reporting to agency

Initial Patent Application Within 1 year of election of title, unless there is an extension

Request for extension of time: Prior to any statutory bar

Changes in patent status: At any time in the process but prior to established deadlines
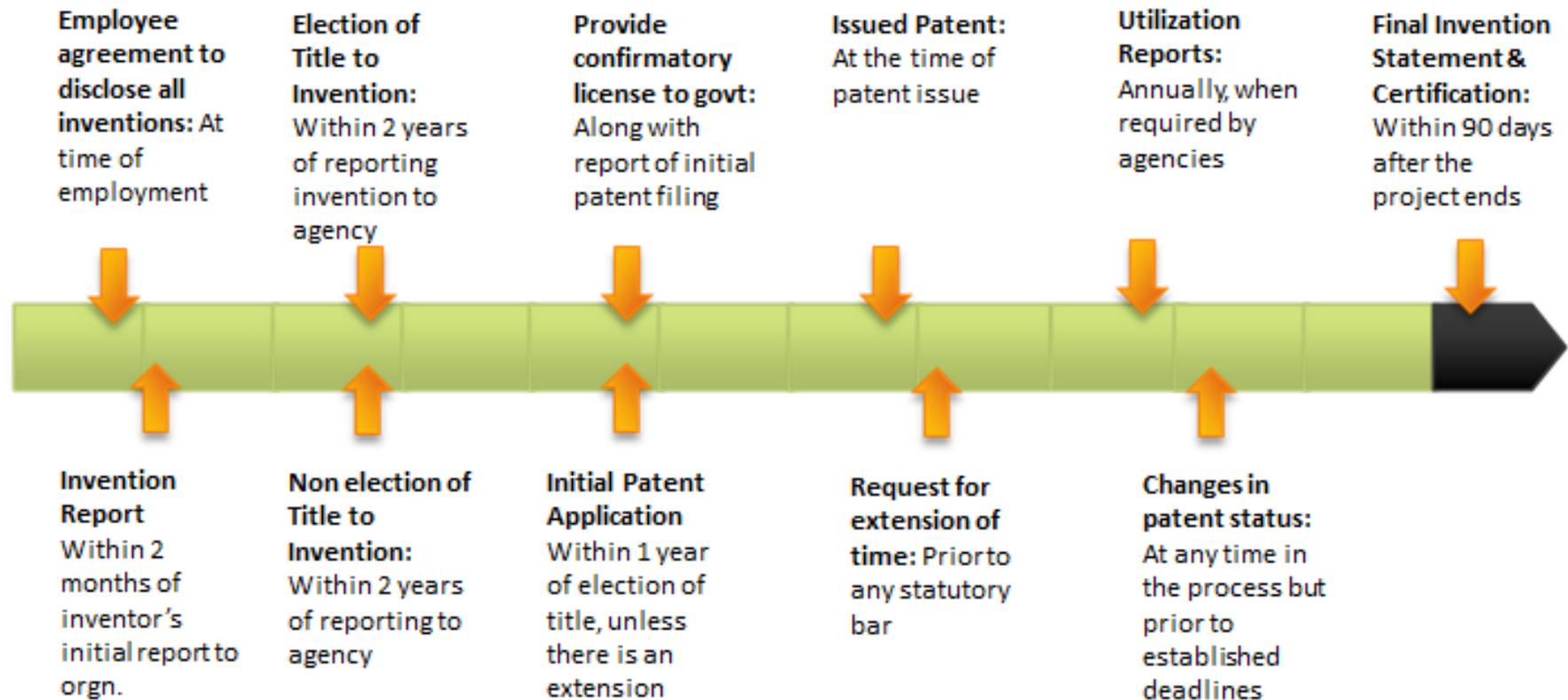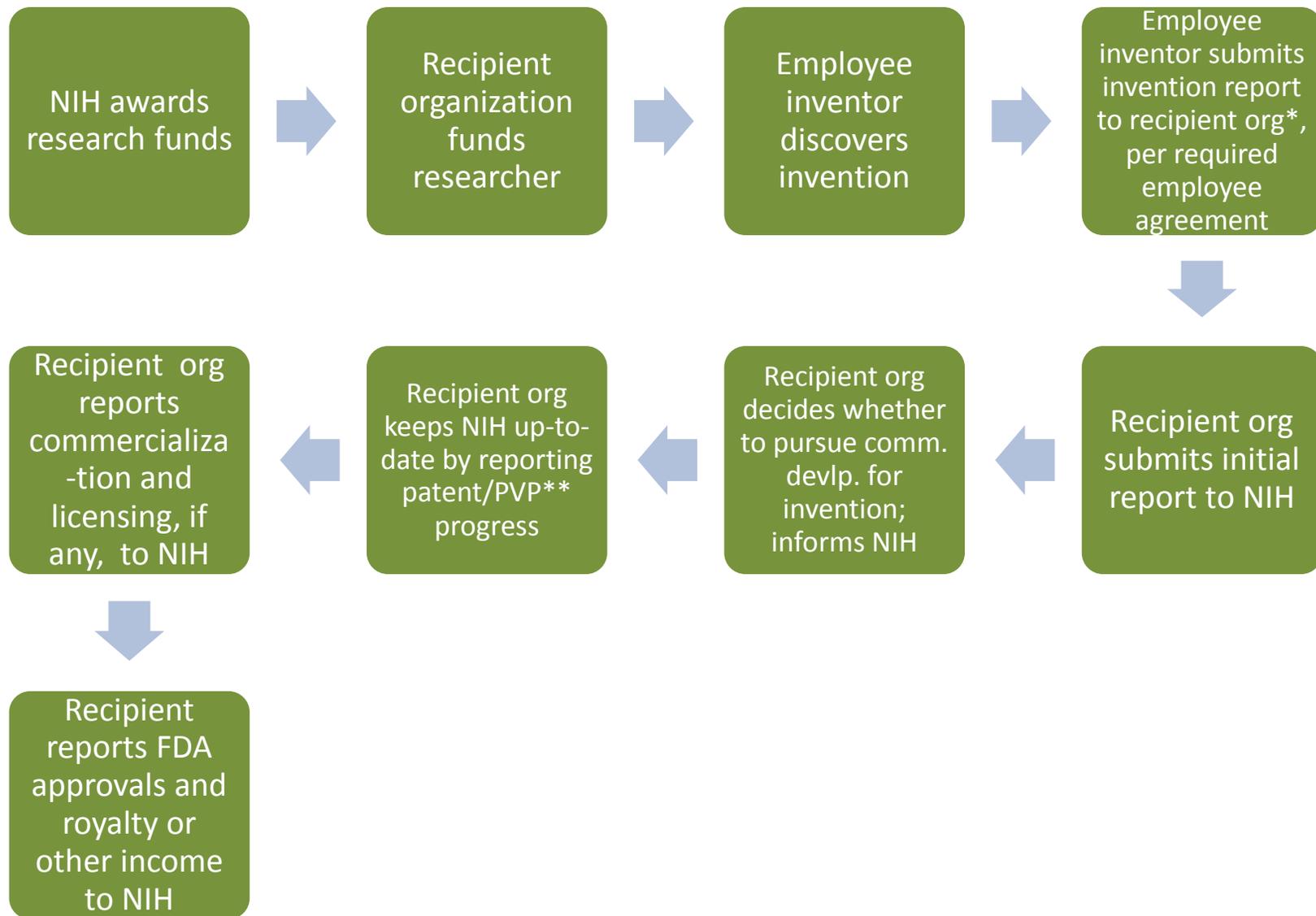
Notes: Subcontractors have the same reporting timeframes as the prime grantee/contractor organization.
An inventor can request rights to the invention when the grantee or contractor organization elects not to retain title.

eRA Communications Office; April 28, 2014

RECIPIENT PROCESS: Invention Reporting (using NIH as example)

NIH awards research funds → Recipient organization funds researcher → Employee inventor discovers invention → Employee inventor submits invention report to recipient org*, per required employee agreement

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Recipient org submits initial report to NIH ← Recipient org decides whether to pursue comm. devlp. for invention; informs NIH ← Recipient org keeps NIH up-to-date by reporting patent/PVP** progress ← Recipient org reports commercializa-tion and licensing, if any, to NIH

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Recipient reports FDA approvals and royalty or other income to NIH

*usually to the office responsible for technology licensing at the recipient organization
**Plant Variety Protection

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electronic Research Administration (eRA)

iEdison

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About eRA

eRA
A program of the National Institutes of Health

Provide a confirmatory license that gives government certain rights to invention

A funding recipient can retain the rights to a federally funded invention as long as the recipient complies with certain conditions, including submitting a confirmatory license to the government. Basically, the recipient must provide to the government, within one year from the election of title, a nonexclusive, nontransferable license for the invention to be used for limited government purposes.

Licenses can be generated from a public area (no log-in required) or a secure area (log-in required). From the secure area, iEdison automatically populates the form with existing information.

Basic Tasks

- Generate confirmatory license from public area
- Generate confirmatory license from secure area

Resources

- iEdison online help
- iEdison user guide (PDF)

Policy

- Bayh-Dole Act Regulations
- Intellectual Property Policy