



## BULLETIN

### > SOFTWARE LICENSING

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### **Sharing Copyrighted Software**

Copyrighted works include any expression that is fixed in a tangible medium. Much of the copyrighted material generated at the University is academic material owned by their authors, or subject to the CU policy on academic materials. Certain copyrighted works including software and other works that are not academic in nature may be subject to the CU policy on discoveries and patents, which means they are managed by the CU Technology Transfer Office.

#### **Question 1: Whether to share early versions?**

The creator must decide if he or she wants to share an early version of the software with others.

##### **There may be reasons *not* to share the software:**

- ♦ The software gives the research group a competitive advantage on grants and collaborations.
- ♦ The documentation is not sufficient to allow a user to figure out the software for themselves.
- ♦ The software is so complicated as to generate time-consuming requests for support from users.

##### **There are also reasons to share the software:**

- ♦ Some software gains value if more people are using it.
- ♦ User feedback can be valuable for planning future development.
- ♦ Some users may improve the software by submitting their own code.
- ♦ Early release of software can establish the lab as a leader in the field, and can establish a brand name for the software.

#### **Question 2: How to share the software?**

The creator must decide if he or she will share source code, or make the executable software available to others. Software can be shared in a variety of ways:

- ♦ Shared informally among a trusted group of collaborators
- ♦ Distributed for noncommercial purposes to anyone making a request
- ♦ Released under an open source license that gives others rights to commercialize the software themselves

The CU Technology Transfer Office has standard noncommercial use licenses, and can also provide advice on creative commons or open source licenses.

#### **Question 3: How to manage new collaborations?**

It is a good practice to appoint one project leader early on who is empowered by others on the project to work with the Technology Transfer Office on decisions about licensing the software and entering new collaborations.

As the software project grows to include a user community and collaborations with external developments, it is important to *centralize rights* to all of the copyrights associated with the core technology. Contributors should be asked to grant an unlimited license back to the University of Colorado to include their copyrighted code in any new open source or commercial distributions of the whole package. Contact the Technology Transfer Office for a Contributor License Agreement. This allows contributors to own the copyright to their contributions.

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# TECHNOLOGY TRANSFER OFFICE

UNIVERSITY OF COLORADO

Unpaid students may also want to contribute to the project. It is important to clarify that they have agreed to centralize rights to the copyrights on their contributions as well. They should either agree to the Contributor License Agreement or the Project Participation Agreement (see next section).

## **Question 4: How to manage revenue?**

The CU IP policy provides for 25% of licensing royalties to go to individuals at CU who have created the software. It is much easier to create a plan to manage downstream revenue at the point where new collaborators are joining the project rather than at the point where the project has generated revenue and there is a long list of individuals who have written parts of the code. Contact the Technology Transfer Office for a Project Participation Agreement, which asks all collaborators to waive their personal share of any revenue so that the project can use that money to fund future developments.

## **Question 5: How to manage success?**

It is a good idea to ask users to register on your website so that you can continue to communicate with them and offer new versions. Documentation of an active user community is also helpful when applying for additional federal funding for the project.

If a project is very successful in terms of quality of the software and number of users, there may be opportunities to increase growth by entering into commercial license agreements with for-profit distributors. These companies may be able to incorporate the software into their systems and distribution channels. They may add value such as creating a user interface and providing technical support. The Technology Transfer Office can negotiate for a royalty that would be paid to the University based on the sales of these distributors.

To learn more about TTO processes: <http://www.cu.edu/techtransfer/about/bulletins.html>

To download disclosure forms: <http://www.cu.edu/techtransfer/disclose/>

For more info or to submit a disclosure, email [ttocontact@cu.edu](mailto:ttocontact@cu.edu)

[www.cu.edu/techtransfer](http://www.cu.edu/techtransfer)