



Strengthening  
University-Industry  
Partnerships

# Breakout Session: Sponsored Project Agreements with Commodity Boards

## Panelist:

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# Sponsored Project Agreements with Commodity Boards



## Agenda

- Background: What are Commodity Boards?
- How do Commodity Boards Relate to Industry-University Collaborations?
- Which Commodities and Industry Sectors are Included?
- Types of Contracting Vehicles
- What Contracting Challenges Exist?
- Audience Open Discussion

# Sponsored Project Agreements with Commodity Boards

## The Basics of Commodity Boards

- What's a Commodity Research and Promotion Program (commodity board)?
- What's the governance structure of a commodity board?
- What are the goals of a commodity board?
- How do commodity boards accomplish these goals?
- What's the difference between federal and state/regional programs and boards and councils?



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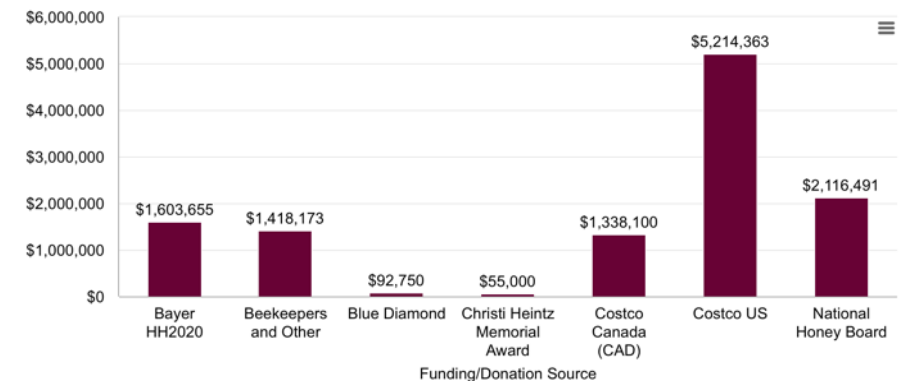
## Example of a Research and Promotion Program

- What is the National Honey Board?
- How are we funded?
- What's the structure of the organization?
- What are our goals?
- How do we partner with Universities?
  - Research
    - Honey Bees
    - Advancement: Processing / Innovation
  - Marketing Partnerships



### Project *Apis m.*

Research Funding Sources



# Sponsored Project Agreements with Commodity Boards

## Research and Promotion Boards

American Egg Board

American Lamb Board

American Pecan Promotion Board

Cattlemen's Beef Board

Christmas Tree Promotion Board

Cotton Board

Fluid Milk Processors Promotion Program

Hass Avocado Board

Highbush Blueberry Council

Mushroom Council

National Dairy Promotion & Research Board

National Honey Board

National Mango Board

National Peanut Board

National Pork Board

National Potato Promotion Board

National Watermelon Promotion Board

Paper & Packaging Board

Popcorn Board

Softwood Lumber Board

United Sorghum Checkoff Program

United Soybean Board

# Sponsored Project Agreements with Commodity Boards

## Why Collaborations with Commodity Boards are Important..



- The UIDP hosted a Commodity Boards Roundtable at the National Academies on June 11, 2015.
- The establishment and nurturing of relationships with commodity groups and by extension the commodity producers they represent and support, in the majority of cases, form linkages between universities and industries associated with the specific commodities.
- Building a collaborative bridges with the various commodity groups is a top priority and allows for a deeper connection with the producers of the State of Kansas and the industry sectors they associate within.

# Sponsored Project Agreements with Commodity Boards

## Maintain Transparency and Continuity of Communication



- Clear, abundant upfront communication and coordination among commodity board and university representative(s) and negotiator.
- University side includes faculty member(s), sponsored programs, tech transfer, foundation seed (or similar), agriculture unit liaison... maybe others.
- Establish and maintain an agreeable cadence of communication throughout the duration of the project/period of performance
- Steward commodity board relationships carefully. They are long-term, high-visibility, and high-value. The producers (and maybe the state) are paying attention.



# Sponsored Project Agreements with Commodity Boards

## Common Contracting Sticking Points...



- Intellectual Property terms
- Publication
- Insurance and Indemnification
- Budget Limitations (Salaries, Equipment, F&A)
- Use of Deliverables
- One-size Fits All Agreement Templates
- Who Do you Negotiate With? Remember the Oversight Provisions.
- Internal Coordination/Communications
- Commercialization/Licensing Terms
- Governing Law

# Sponsored Project Agreements with Commodity Boards

## Common Contracting Sticking Points...Intellectual Property

### 7 CFR Part 1260 - Beef Promotion and Research

#### § 1260.215 Patents, copyrights, inventions and publications.

(a) Any patents, copyrights, inventions or publications developed through the use of funds collected by the Board under the provisions of this subpart shall be the property of the U.S. Government as represented by the Board, and shall, along with any rents, royalties, residual payments, or other income from the rental, sale, leasing, franchising, or other uses of such patents, copyrights, inventions, or publications, ensure to the benefit of the Board. Upon termination of this subpart, § 1260.211 \* shall apply to determine disposition of all such property.

(b) Should patents, copyrights, inventions or publications be developed through the use of funds collected by the Board under this subpart and funds contributed by another organization or person, ownership and related rights to such patents, copyrights, inventions or publications shall be determined by agreement between the Board and the party contributing funds towards the development of such patent, copyright, invention or publication in a manner consistent with paragraph (a) of this section.



# Sponsored Project Agreements with Commodity Boards

## Common Contracting Sticking Points...Intellectual Property

- Points of consideration
  - ✓ Due to budget line-item restrictions, Commodity Boards never fund a project at the full cost of performance.

So, contract verbiage should reflect a negotiated IP stance, such as:

**4.1 General** Institution shall own work done, learning generated, property created and results produced under this Agreement, including information, processes, inventions and know how developed or discovered (collectively **Intellectual Property** or **IP**). Institution shall, at its expense, take reasonable steps necessary to protect, perfect and preserve all rights in IP, including, among other things, maintaining appropriate confidentiality, and diligently prosecuting patent applications and registering copyrights and trademarks and service marks. Institution shall promptly provide NCBA with copies of all documents associated with the process for obtaining patents and registrations for IP.

# Sponsored Project Agreements with Commodity Boards

## Common Contracting Sticking Points...Intellectual Property Licensing

**4.2 Licenses** Institution grants NCBA a non-exclusive, irrevocable, paid-up license throughout the world to use and permit others to use all IP.

**4.3 Approvals** Neither NCBA nor Institution shall sell, license, sublicense or otherwise transfer any IP without the other's prior written consent, which consent shall not be unreasonably or unseasonably withheld.

**4.4 Benefits** In the event IP is licensed, sold or otherwise transferred, Institution and NCBA shall share equally in all revenues or benefits of any form derived from such transaction, net of, that is after reimbursement of Institution for its direct out of pocket costs related to protection of IP, including patenting prosecution and maintenance costs, and of Institution and NCBA for their direct out of pocket costs associated with licensing.

Closing Thought on IP: Proactive due diligence is required to determine if existing third-party IP rights are in play for co-funded projects.

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