

Software / Copyright Disclosure Form

GENERAL INFORMATION

Copyright is a form of intellectual property protection granted by United States law to authors of original works that are fixed in a tangible medium of expression. The medium need not be directly perceptible so long as it may be communicated with the aid of a machine or device; therefore, both computer software and documentation are copyrightable. A copyright owner has certain exclusive rights, including the right to reproduce, distribute, prepare derivative works, and display the work, and may authorize others to exercise those rights, too.

Copyright does **not** protect ideas, procedures, methods, systems, processes, concepts, principles, discoveries, devices, formulas, or algorithms (as distinguished from the way these things are expressed, described, or illustrated). Although not protected by copyright, these discoveries may be the subject of patent protection. **If you think that the software described below may implement a patentable invention, you should also complete the OTD Technology Disclosure form (see: <http://www.bu.edu/otd/files/2011/01/Form-Technology-Disclosure-Form-current-protected.pdf>) and submit these forms together.**

For more information about copyright, you can visit the U.S. Copyright Office website at: <http://www.copyright.gov/> or contact Office of Technology Development (OTD) at: 617-353-4550.

INSTRUCTIONS

The purpose of this Software Disclosure is to provide the basis for determining copyright ownership of Software. OTD will rely on your responses to explore commercial licensing opportunities for the Software. It is a legally important document, which should be read carefully before completing.

The following instructions apply to the correspondingly numbered sections:

1. Title of the Software.

The title of the work should be brief but technically accurate and descriptive and 10 words or less. In some cases this may be the first thing a potential licensee will look at. It should therefore describe some key feature, improvement, or key word that will catch attention.

2. Author(s).

The identity of the author of a copyrighted work depends on the particular facts and circumstances surrounding creation of the work. The author may be (1) the individual who has **actually created the work** (i.e., written any of the code, text, illustrations, or other tangible content) either independently or jointly with others (an individual who has contributed an idea but no tangible work of authorship, is not an author, although s/he may be an inventor), (2) where the work is prepared by an employee within the scope of his or her employment, the employee's employer, or (3) where the work is specially ordered or commissioned pursuant to a written agreement, the party who ordered or commissioned the work. Keep in mind that to the extent your software or other copyrighted work was created within the scope of your employment by the University or the work was specially ordered or commissioned under a written agreement with the University, the work is a "work made for hire" and the University is its author. For further information on "works made for hire," see <http://www.copyright.gov/circs/circ09.pdf> and feel free to contact OTD.

Please note that the authors of copyrightable software may be different from the inventors of a patentable invention expressed in that software because the subject of each differs.

If you have created software jointly with a person who is not affiliated with the University (a "non-BU author"), please also indicate the non-BU author's employer, whether the non-BU author has executed any assignments or other agreements with respect to the software, and whether any policies (such as the non-BU author's employer's intellectual property policy) or other restrictions may affect the non-BU author's rights in the software. Please attach copies of any relevant documentation and policies.

3. Contributions.

4. Sources of Funding and/or Support.

If the Software was created under a research project receiving funding from a government agency, nonprofit entity, or a commercial interest, the University may have obligations to report the work or provide certain rights to the sponsor. Please carefully consider all sources of funds used in the research that led to the creation of this Software and provide the requested information. Please use grant or contract numbers if available. **DO NOT IDENTIFY WITH UNIVERSITY BUDGET NUMBERS.**

5. Third-Party Materials.

Before considering marketing or licensing the Software, the University must determine whether the Software requires the use of any other party's protected materials and whether the University may obtain the required permissions or licenses to use third-party materials on mutually agreeable terms. Therefore, it is very important to identify whether the Software uses, embodies, or automatically accesses any third-party material, such as subroutines, modules, textual images or graphics, databases or libraries, etc. This includes identifying any content obtained via the internet, regardless of whether it was provided for **5.**

Third-Party Materials. *continued*

download at no cost, so that it can be reviewed for potential third-party rights. Identifying third-party material is extremely important to avoid unauthorized use and liability for violating third-party copyright, proprietary, or contract rights. It is also important to identify whether open source or public domain materials were used in the development of the Software, since this may commit the Software source code to open distribution and limit commercial opportunities for the Software. Before using open source software, you should make sure that it is consistent with the terms of any sponsored research funding terms for your research. For further information on the Open Source Initiative, see: <http://opensource.org/>

6. Important Dates.

You will need to provide the date of creation and the date and country of publication. The date of creation is the date when the work is first fixed in a tangible medium. If the work has been prepared over a period of time, the date should correspond to the date that an author completed the particular version. Publication is the distribution (or offer to distribute to a group of persons for further distribution) of copies of the Software to the public by sale, lease, or license. In the case of multiple versions, please list the publication date corresponding to the release of each respective version. A new version is copyrightable if it presents a separately published version of the software containing new, copyrightable authorship. If the Software has not been published, leave this section blank.

7. Copyright Notice / Registration.

Use of a copyright notice is no longer required, but may be beneficial. For information on the proper form of copyright notice, see: <http://www.copyright.gov/circs/circ03.pdf> and/or contact OTD.

An original work is automatically protected by copyright from the moment it is created and fixed in a tangible, perceptible form. However, taking the further step of registering the work with the U.S. Copyright Office does afford the copyright owner certain advantages. If you are considering registering your Software, please review the deposit requirements and options provided by the Copyright Office at: <http://www.copyright.gov/circs/circ61.pdf> and <http://www.copyright.gov/circs/circ66.pdf>. If appropriate, OTD can help register your Software with the U.S. Copyright Office.

8. Commercialization.

9. Written Description of the Software.

Please provide a description of the Software, including the medium for its delivery, language in which it is written, and compatible hardware platform(s). Also, include a statement of whether the copyright in the Software applies to: code, database, library, user or programmer documentation, graphics, screen display, or other copyrightable content. If the Software is fixed or encoded on a semiconductor chip, please disclose this; it will then be subject to protection under the Semiconductor Chip Protection Act, which provides a different form of intellectual property protection for mask work (see: <http://www.copyright.gov/circs/circ100.pdf>)

Once completed, please sign the document. Send the original to the Office of Technology Development, 53 Bay State Road, Boston, MA 02215.

Please note: Failure to submit to the Office of Technology Development an update to this form to show changes to your address, phone number, email address, and/or employment/enrollment status may lead to the forfeiture of royalty income.

Software Disclosure Form

When completed, return to Office of Technology Development
53 Bay State Rd, Boston, MA 02215 617-353-4550

OFFICE USE ONLY

BU Case #: 20-

1. TITLE OF SOFTWARE

Title

2. AUTHORS

A. BU/BMC AUTHOR INFORMATION:

Name*	Position (faculty, student, other); Title	School, department, or collaborating organization	Lab address, phone, fax, and email

* Please identify Primary Contact with (*)

B. NON-BU AUTHOR INFORMATION (e.g., Fraunhofer, other Universities, or Third Parties):

Name***	Position title	School, department, or collaborating organization#	Address, phone, fax, and email

+ If a Non-BU author assigned copyright to BU, please so indicate with (+), and in each case, please attach a copy of that assignment.

** If a Non-BU author has assigned or licensed copyright to another party, please so indicate with (**), and in each case, please attach a copy of that assignment or license.

If a Non-BU author's institution or employer has any policies (such as the non-BU author's employer's intellectual property policy) or imposes other restrictions which may affect the non-BU author's rights in the software, please so indicate with an (#) and attach copies or URLs of any relevant documentation and policies.

CONFIDENTIAL

3. CONTRIBUTIONS

A. PLEASE DESCRIBE WHAT SPECIFIC COPYRIGHTABLE CONTRIBUTION EACH AUTHOR MADE TO DEVELOPMENT OF THE SOFTWARE:

Author	Describe contribution to Software or other copyrightable content

B. IN ADDITION TO THE ABOVE AUTHORS, are there any other individuals who made a significant noncopyrightable contribution to the creation of the Software who you feel should share in the royalties?

For example, did someone contribute an idea that the authors expressed in the Software? If so, please identify them in the tables below, including a description of their noncopyrightable contribution:

Name	Position title	School, department, or collaborating organization	Address, phone, fax, and email

Name	Describe contribution to Software or other copyrightable content

CONFIDENTIAL

4. SOURCES OF FUNDING AND/OR SUPPORT

A. Was funding, space, or other resources from third parties such as Veteran’s Administration, Photonics, or CenSISS used? YES NO

If yes, give details here:

B. Was this work supported by a sub-contract? YES NO

If yes, please give the name of the primary institution and the sub-contract number here:

C. Was the Software created in the performance of a research project receiving funding from a government agency, nonprofit entity, or a commercial interest? Please identify below:

i. Federal Support: Check all that apply and provide details below:

NIH NSF DoD DoE Other None

Name of Agency	Contract or Grant Number	BU Source Number	Principal Investigator	Title	Project Period Dates

ii. Industry Support: Check all that apply and provide details below:

Sponsored Research Agreement SBIR/STTR Gift Other None

Name of Sponsor	Type (SRA, SBIR, etc.) and Number	Title	Project Period Dates

iii. Foundation Support: Describe details below:

Sponsored Research Agreement SBIR/STTR Gift Other None

Name of Foundation	Contract Number	Title	Project Period Dates

CONFIDENTIAL

iv. State Support: Check all that apply and provide details below:

MTTC MA Life Science Center MA Green Energy Other None

Type of Support	Contract Number	Title	Project Period Dates

v. Boston University Support: Check all that apply and provide details below:

Ignition Award (formerly TDA) BU-Fraunhofer Alliance Coulter Other None

Type of Support	Contract Number	Title	Project Period Dates

vi. Deliverable: Was the Software created as a deliverable under the research proposal supported by any of the above?
If yes, give details here:

YES NO

D. If none of the above are checked, I confirm no grant or sponsor funds were used

Signed

E. What University facilities, tools, or equipment were used to create the Software? For example, were any software development tools licensed to the University (other than standard desk top/office tools) used to create the Software?
Provide details here, and reference the URL or attach any license terms.

5. THIRD-PARTY MATERIALS

A. Is the Software a derivative work based on a preexisting work that is owned either by the University or a third party? YES NO

If yes, please provide details; e.g., in each case: identify the owner of the preexisting work and, if different, the authors; description of the preexisting material; description of the new material added to the preexisting work; and whether permission was provided to make this derivative work:

CONFIDENTIAL



B. Is any third-party proprietary software, data, library, graphic, survey, or other content embedded in the Software, used in the development of the Software, or automatically accessed or linked to by the Software? YES NO

If yes, please provide details (e.g., in each case: identify name of third-party, description of third party material, URL for license terms or attach a copy of the third-party license, clickwrap, or permission):

C. Was the Software created with open source tools or is any open source or public domain code, library, or other content embedded in the Software, or automatically accessed or linked to by the Software? YES NO

If yes, please provide details (e.g., in each case: description of open source or public domain material and URL for open source license terms):

D. Does the Software contain any government-authored material? YES NO

If yes, please provide details:

6. IMPORTANT DATES

Event Description	Country	Version(s)	Indicate for each of source code, object code, and documentation
A. Date(s) of creation of Software			
B. Years(s) of publication of the Software			

7. COPYRIGHT NOTICE / REGISTRATION

A. Are you currently using a copyright notice on the work? YES NO

If yes, please provide:

B. Has the Software been registered with the U.S. Copyright Office? YES NO

If yes, please provide copy of application and any registration certificate.

CONFIDENTIAL

8. COMMERCIALIZATION

A. What do you feel is the best method to commercialize the Software?

License to a company Start a new company Other

Please explain:

B. Possible Licensees: Do you know any companies that might be interested in using the Software? If you have a contact at any of these companies, be sure to give a name and telephone number. Of course, we will speak to you first before calling your contacts.

9. WRITTEN DESCRIPTION OF THE SOFTWARE

Please attach a detailed description of the Software using the outline below (you can use this form or attach a separate document). **EVEN IF YOU HAVE SUBMITTED A MANUSCRIPT OR GRANT PROPOSAL**, it is important that here you describe the Software in the following terms:

A. How many hours of time have been invested into writing the software?

B. Category of Copyright /Software (check all that apply):

Diagnostic/Prognostic	Improvement of Existing Device	Wireless
Screening Tool	Algorithm	Networking
Research Tool	Software	Internet
Imaging, Labeling, Detection	Survey Instrument	Circuit Design/Semiconductor Chip
Method/Process	Content	Manufacturing
Other (please specify):		

C. Brief Summary of the Software: This should be a short, relatively non-technical description of the Software. This should clearly summarize the purpose of the Software, possible applications and commercial products, what problems it solves, and advantages over current technologies (i.e., how it is faster, better, cheaper). Identify whether use of the Software will require support. This should be no longer than two paragraphs (think of it as an abstract). **PLEASE ATTACH SCREEN SHOTS OF THE SOFTWARE TO THIS DISCLOSURE.**

D. Medium/Language. Please include the medium for its delivery, language in which it is written, and compatible hardware platform(s).

CONFIDENTIAL



E. Copyrightable Content: Please describe the copyrightable content in the Software (i.e., code, database, library, user or programmer documentation, graphics, survey instrument, screen display, or other copyrightable content).

F. Background: Briefly summarize the state of the art and current problems in the field that led you to develop this Software. Think of this as the introduction to a paper or the background and significance section for a grant.

G. Advantages: Encouraging companies to invest in the commercial development of the Software will require that we describe for them its advantages over alternative products, processes, or services. Describe all of the advantages you can think of (i.e., what makes it faster, better, cheaper) and any key features you can think of that might make the Software more marketable. Feel free to be speculative; all of the claims in this section do not necessarily have to be backed up by data at this time. Also, indicate if the software is “robust” and how much further development is anticipated for commercial application.

H. Products and Services: List below as many actual or hypothetical products or services as you can think of that might result or benefit from your Software. Be adventurous; try to think of broader and narrower applications for the Software than those that immediately come to mind, as well as applications that are outside of your own field.

I. Prior Transfer: List below whether the Software has been provided to another party, including another academic institution or company, and if so, in each case please identify: the transferee, the medium (CD-ROM, DVD, internet download), whether the source code as well as the object/executable codes was provided, the proposed use of the Software, and whether the Software was accompanied by an agreement, i.e., material transfer agreement or license (exclusive/nonexclusive, field, etc.).

J. Software Code: If requested by BU, you must submit a CD-ROM or DVD containing a copy of the source and object/executable code for the Software as well as any accompanying use or programmer documentation.

PLEASE ATTACH SCREEN SHOTS OF THE SOFTWARE TO THIS DISCLOSURE.

CONFIDENTIAL

10. CERTIFICATION

I/We hereby certify that our disclosure above is true, accurate, and complete, and understand and agree that the University may rely on it, including for the purpose of licensing the Software. As an employee of Boston University, my/our copyrightable contribution to the Software may be considered a work-made-for-hire belonging to the University. To the extent it is not deemed a work-made-for-hire belonging to the University, I/we hereby assign all right, title, and interest in the Software to the University and agree to execute all further documents as requested by the University, to assign my/our rights in the Software to Boston University. Boston University and/or Boston Medical Center Corporation, as applicable, may share any royalty income derived from the Software with the author(s)/creator(s) according to the Contribution Agreement. I understand that failure to submit to the Office of Technology Development an update to this form to show changes to my address, phone number, email address, and/or employment/enrollment status may lead to the forfeiture of my share of any license income.

Author's Signature

Date

Author's Name (Print)

Home Address (street, city, state, and zip code)

Country of Citizenship

Author's Signature

Date

Author's Name (Print)

Home Address (street, city, state, and zip code)

Country of Citizenship

Author's Signature

Date

Author's Name (Print)

Home Address (street, city, state, and zip code)

Country of Citizenship

Author's Signature

Date

Author's Name (Print)

Home Address (street, city, state, and zip code)

Country of Citizenship

CONFIDENTIAL