Policy:

The University of Kansas Medical Center Research Institute (KUMCRI) ensures, concurrent with University of Kansas Medical Center (KUMC) guidelines, that faculty, staff, and students may freely publish research results. At the same time, KUMCRI acknowledges the need to preserve intellectual property and to safeguard the proprietary information of both the sponsor and University.

Purpose:

Dissemination of research results is the right, obligation, and in some cases, a specific requirement of faculty, staff, and students. The University safeguards and reserves the right to publish and disseminate research results. Authors and researchers are entitled and encouraged to share their research articles to in order to foster greater communication of knowledge. Most government grants and cooperative agreements specify or imply that research publication is expected and an obligation of the funding. The National Institutes of Health (NIH) requires that the author’s final version of any peer-reviewed journal article that resulted from NIH-funded research be submitted to PubMed Central.

However, based upon the terms of agreement with the sponsor, a limited time may be given to the sponsor to review the information before publication or presentation. If confidential or sensitive information relating to intellectual property resides in the material proposed for publication or presentation, the sponsor will have an additional amount of time in order to proceed through the patent application process, or applicable protections.

Ultimately, the University must adhere to a standard of openness and a policy that prohibits secrecy in research.

Procedures:

- A deferment of upward to forty-five (45) days can be placed on publications and presentations if a patent or copyright belongs to the sponsor and/or the University. This deferment allows the responsible entity time to review and comment upon the publication.
- If a patent is to be filed on the subject matter contained in the material proposed for publication or presentation, a deferment of upwards to ninety (90) days can be imposed in order to permit time to file a patent application.
- **As of April 7, 2008,** all articles arising from NIH funds must be submitted to PubMed Central upon acceptance for publication.
- **As of May 25, 2008,** NIH applications, proposals, and progress reports must include the PubMed Central reference number when citing an article that falls under the policy and that is authored or co-authored by the investigator, or arose from the investigator’s NIH award.

Definitions:

**Copyright:** a Copyright is a form of protection provided to the authors of “original works of authorship” including medical, scientific, literary, dramatic, musical, artistic, and certain other intellectual works, both published and unpublished.

**Intellectual Property:** Property from original thought protected by law: original creative work manifested in tangible form that can be legally protected, e.g. by a patent, trademark, or copyright. These creative works can be shared or can enable others to recreate, emulate, or manufacture them.

**Patent:** a property right granted by the Government of the United States of America to an inventor “to exclude others from making, using, offering for sale, or selling the invention throughout the United States or importing the invention into the United States” for a limited time in exchange for public disclosure of the invention when the patent is granted.

**Research:** A systematic, intensive study intended to increase knowledge or understanding of the subject studied, a systematic study specifically directed toward applying new knowledge to meet a recognized need, or a systematic application of knowledge to the production of useful materials, devices, and systems or methods, including design, development, and improvement of prototypes and new processes to meet specific requirements.

**Sponsor:** Individual or organization that provides funds to a project.

**Responsible Parties:**

This policy shall apply to all KUMCRI staff, KUMC faculty, staff, postdoctoral fellows, students, trainees, and any other persons at KUMC, University of Kansas Physicians Incorporated and its affiliates, and KU Hospital staff involved in conducting and/or coordinating or managing research at KUMC.
Exemptions:
The U.S. Government may have contracts that require confidentiality where security considerations in the national interest are involved.

Related Policies and Links:
PubMed Central http://www.pubmedcentral.nih.gov/

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