



Office of Sponsored Projects & Industry Partnerships

Background Intellectual Property Guidance

Office of Sponsored Projects & Industry Partnerships
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What is BIP in sponsored research?

Background Intellectual Property (BIP) consists of inventions, patents, and software that have been developed before the beginning of the proposed project.

In most cases, companies work with LBNL under a CRADA or WFO with the ultimate goal of selling a commercial product. In order to be able to sell that product, the company must make sure that it either owns or licenses all the intellectual property (IP) covering it. IP in this case typically includes patents to inventions or copyrighted software. While the company will be made aware of and has contractual rights to future IP arising from a CRADA or WFO, there may exist previously created IP at LBNL in that same area of interest (after all, the company comes to LBNL because of its track record and expertise in that area). Pre-existing LBNL IP that is also necessary to commercialize the product is called BIP (Background IP).

If such BIP exists, then the company needs to negotiate two separate contracts with LBNL: (a) with OSPIP (Office of Sponsored Projects & Industry Partnerships) a CRADA or WFO for the proposed research which addresses among other things future IP and (b) with TTIPM (Technology Transfer and Intellectual Property Management) a license agreement securing rights to existing BIP needed for commercialization.

Frequently, BIP is based on work previously done by the same people involved in the CRADA or WFO, but it can also stem from work by other people currently or previously working at LBNL. In order to determine whether there might exist BIP, find out first who at LBNL has worked or is working in the general area of interest and then check with TTIPM whether those people have disclosed corresponding inventions or software.

A list of IP that appears to be somewhat related and therefore might be BIP will then be provided to the company. If appropriate, more detailed information can be provided under a NDA (non-disclosure agreement) to the company, so that the company can determine whether or not it wishes to negotiate a license to any of the BIP. Note that only the company can make this determination because only the company knows the details of the anticipated product or service.

PIs will be requested to provide information on BIP on the Sponsored Projects Proposal form (SPPF) for all WFO and CRADAS.

Please see:

[RAPID Topic: PI Worksheet for Determining Non-Federal WFO Sponsor IP](#)