

Intellectual Property Frequently Asked Questions

What is intellectual property at MaineHealth?

At MaineHealth, Intellectual Property (IP) refers to any idea or invention you have created that has the potential to become a patent, trademark, copyright, or trade secret.

What is new in the 2020 Intellectual Property Policy?

With more innovation happening across the MaineHealth system, the policy was changed to cover all the MaineHealth entities. As part of the policy, an Intellectual Property committee will be established to better evaluate incoming ideas. This committee will also assist in exploring the best commercial pathways for these ideas. Also, a review process has been established based on the size of any potential monetary investment MaineHealth makes in its IP.

Why should I protect my invention?

You should protect your idea for a few reasons. It is expensive to bring an idea to a commercial outcome. No one will invest to cover those expenses without proper Intellectual Property protection. Also, without protection, anyone could copy your idea after you've done all the hard work to bring it to market.

How do I protect my invention?

Come see us in the Innovation Center. We will discuss your idea and help determine if you have something that can be filed as a patent, copyright, trademark, or a trade secret.

What if my invention is a software application?

Software and apps are very difficult to get patent protection. Apps and software can be copyrighted quickly. One can simply do something like this "© Maine Health, 2021, all rights reserved" and you have copyright protection.

What is considered MaineHealth Intellectual Property?

The Policy applies to discoveries, inventions, or innovations that constitute, or have the potential to become, "Intellectual Property," and that were made by MH Workforce members in whole or in part in connection with their employment with MH; or regardless of employment, through any use of MH facilities, equipment, personnel, or information.

Can I publish my idea prior to protecting it?

You will lose all rights and ability to pursue a patent if you publicly present your idea in advance of protecting. This includes publications, presentations at conferences, or abstracts that get published

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prior to a conference. You can also lose rights if you offer to sell a product prior to filing a patent. An internal data review or the review of grant applications are **not** considered a public presentation.

What if my invention is a hit and produces royalties? What's in it for me?

MaineHealth would like to provide the incentive for its employees to be innovative. The institution has established the Innovation Center to improve your chances of success with your idea. MaineHealth may invest in patents, provide educational opportunities, and potential investment via the Innovation Fund. In return, after legal expenses are recovered, MaineHealth will share 40% of the proceeds to the inventor(s) and 20% to the inventor's department. The remaining will be used by MaineHealth to further the research and innovation efforts across the institution.

Does it matter if my IP comes from work funded by a Federal grant or a company?

Yes, it does. If it was funded by the government, MaineHealth is obligated to report your invention and grant number to the agency that funded the work. An annual report is managed by the MaineHealth Intellectual Property & Technology Transfer Office. The government reserves the rights to "march in" and use the invention if Federally funded. This rarely happens, but we often have to explain this to a potential licensee. An invention conceived using company funds as part of a sponsored research project would be subject to the intellectual property sections of that sponsored research agreement.

Can I form a company around my idea?

Yes, this is often the only way to move an early stage idea forward. We expect inventors to be transparent so that MaineHealth can manage any potential conflicts of interest or commitment. Typically MaineHealth will license the intellectual property into the new company for a small amount of equity and royalties. At some point, MaineHealth expects the company to raise enough money or generate enough sales to reimburse the past patent expenses. The Innovation Center team can help guide you through the company formation process and assist with resources that would help grow your company.

Who will help me with the intellectual property process?

Come see us in the Innovation Center (MGB5633 at Maine Medical Center in Portland, ME) or email us at innovation_center@mainehealth.org and we will be happy to walk you through the process one on one.