






## WHEN SHOULD A TECH TRANSFER OFFICE USE AN OPEN SOURCE COMMERCIALIZATION STRATEGY?

### Consider Open Source If the Project is:


	<p>OR</p> 		
<h3>NOT UNIQUE</h3> <ul style="list-style-type: none"> <li>Open source reduces differentiation</li> <li>Companies tend to compete on price</li> </ul>	<h3>MODULAR ASSETS</h3> <ul style="list-style-type: none"> <li>Modular assets can be divided, strategically priced &amp; open sourced</li> </ul>	<h3>NETWORK EFFECTS</h3> <ul style="list-style-type: none"> <li>Primary value of most software is the user base</li> <li>Open source is a way to increase users</li> </ul>	<h3>NEEDS DEVELOPMENT</h3> <ul style="list-style-type: none"> <li>Programming is expensive</li> <li>Open source is a way to add developers w/o adding costs</li> </ul>

### OTHER SITUATIONS



#### ALREADY OPEN SOURCED

Technology disclosures may come months or years after a faculty member already released open source. Additionally, funding agencies may require open source release for different projects.



#### COLLABORATION MORE VALUABLE

Collaboration between large entities, funding organizations and other universities is significantly easier in an OSS collaboration. Academia may value the collaboration more than the asset.

### SPONSORED RESEARCH DUE DILIGENCE



#### Federally Sponsored

- Confirm any OSS Requirements in the Federally Sponsored Research Agreement.
- Review the grant proposal, often PIs include their intention to open source the grant output in their proposal.
- Some federal agencies have proposed rule changes to require OSS release.



#### Industry Sponsored

- Confirm any OSS Requirements in the Sponsored Research Agreement.
- OSS requirements in commercial grants are becoming more common. Companies find it simpler/cleaner than a NERF.
- Check for backdoors into pre-existing patent portfolios via the proposed OSS license.

#### Note:

UMN interprets grants that require "Open Source" to require a license listed on the Open Source Initiative ([OpenSource.org](http://OpenSource.org)).



When NOT to Open Source!

#### Patented Software:

At UMN we are unlikely to release patented software open source. This is primarily because we see a patent as an investment in the power to exclude, open sourcing counters that investment.

#### GPL v3.0 & Apache v2.0:

GPL v3.0 & Apache v2.0 now have a patent clause that provides a royalty free, non-exclusive patent license to the licensee if contributed source infringes.