CUNY Procedures for Conflict-of-Interest (COI) Review Related to Licensing of Intellectual Property

In accordance with Section 4.3.3 of CUNY Conflicts of Interest Policy, investigators responsible for developing, discovering, or creating any University-owned intellectual property who have become aware of a Company’s acquisition or intention to acquire ownership of or a license to that intellectual property must disclose if they have a Significant Financial Interest (SFI), as defined by CUNY Policy, in the company acquiring the license.

Equity Ownership and Intellectual Property (EOIP) Disclosure

Each CUNY investigator who has become aware of a Company’s acquisition or intention to acquire ownership of or a license to investigator developed, created or discovered intellectual property must also complete the Equity Ownership and Intellectual Property (EOIP) Disclosure Form and submit a signed copy of the completed form to the College Conflicts Officer (CCO).

Review Process

1. The CCO shall review the EOIP disclosure for completeness and accuracy of information, and attach any other relevant materials and/or review comments.

2. Every positive disclosure of a SFI shall be reviewed in accordance with the following procedures:

   a. The CCO shall submit the complete package to the CUNY Conflict of Interest Administrator and the CUNY Technology Commercialization Office (TCO) if the CUNY investigator has disclosed either or both of the following in the EOIP disclosure form:

      i. CUNY affiliate will represent the Company as a founder, CEO, President or other decision maker; and/or

      ii. Company is a CUNY Spinoff.

   b. Upon receipt of a disclosure of a conflict related to the acquisition or intention to acquire ownership of, or a license to CUNY-owned IP, the TCO
Director or their designee shall provide the following to the CUNY Conflict of Interest Administrator:

i. a short description of the company acquiring or intending to acquire CUNY-owned IP;

ii. the names and titles of the person(s) representing CUNY and the person(s) representing the company acquiring or intending to acquire ownership of or license to the CUNY-owned IP in negotiations; and

iii. a signed attestation from the person(s) representing CUNY in the license negotiation stating that they have no significant financial interest in the company that is acquiring or intending to acquire or license CUNY-owned IP.

c. The CUNY Conflict of Interest Administrator will forward materials collected as a result of any positive disclosures to the Conflicts Committee.

d. The Chair of the Conflicts Committee will review the disclosure. Upon review, the Chair may take one of the following actions:

i. Accept the documentation provided by TCO with no further action required;

ii. Require additional action based on an actual or potential conflict of interest; or

iii. Refer the case to the Conflicts Committee due to significant concerns regarding an actual or potential conflict of interest.

e. The CUNY Conflict of Interest Administrator will communicate the Chair’s and/or the Committee’s decision to the PI, TCO and the CCO.

f. The investigator is required to comply with the determinations and requirements issued by the Chair and/or the Conflicts Committee.

3. Should there be a contract, subcontract or collaborative project between the Company and a CUNY affiliate proposed, the CCO and the PI must follow CUNY’s COI Disclosure, Oversight and Management Procedures for individual conflict of interest.