



Protecting Intellectual Property at the EPA

What Is Intellectual Property?

“Intellectual property” refers to any product of the human intellect, such as an idea, invention, expression, business method, industrial process, chemical process, and others that have value in our marketplace.” The EPA Federal Technology Transfer Act (FTTA) Program works with the Office of General Counsel to manage Intellectual Property created within or in collaboration with the EPA Research Laboratories.

What Are the Traditional Forms of Intellectual Property?

Patents

A patent is a grant or property right given by the government to the inventor, and is the most common form of Intellectual Property used by the EPA FTTA Program. A patent excludes others from making, using or selling the invention for a period of 20 years. Examples of inventions by EPA employees that can be patented include: pollution control or prevention equipment and methods; surveillance or monitoring equipment and methods; and treatment techniques and chemicals, e.g., bioremediation. EPA generally receives its employees’ patent rights, and can then grant exclusive or non-exclusive invention rights to others through a license agreement. This allows outside entities to license EPA patented products and methods, providing them with the business development opportunity for marketing the technology. By licensing government invented technologies, they can be made publicly available in the shortest possible time. Under EPA policy, EPA laboratories and inventors can receive royalties from the licensed technology.

Trademarks

A trademark is “Any word, name, symbol or device or any combination thereof adopted and used by a manufacturer or merchant to identify his goods and distinguish them from those manufactured or sold by others.” EPA uses trademarks for voluntary programs, such as Labs21 to identify participation in a program, and EnergyStar, which identifies products that meet certain energy efficiency standards.

Copyrights

A copyright is a form of protection provided to the creators of original works of authorship including literary, dramatic, musical, artistic, and certain other intellectual works, both published and unpublished. A copyright protects the original expression of an idea, not the idea itself. Work produced by government employees cannot be copyrighted in the United States. EPA grantees can copyright their work. Except for publication in scholarly journal articles, EPA contractors must obtain consent from the government to assert copyright. In some situations, the contractor can assign copyrights for the work to the Agency.

Trade Secrets

Trade secrets protect any information, design, device, process, composition, technique or formula that is maintained as a secret and gives its owner a competitive business advantage. EPA does not have trade secrets, but can protect the trade secrets of our partners as confidential business information under FOIA.

Where Can I Get More Information About Intellectual Property?

Check out the United States Patent and Trademark Office’s website at www.uspto.gov.

For information on copyrights, see <http://www.copyright.gov/>. Or you may contact the EPA Federal Technology Transfer Act Program Staff: Sarah Bauer, (202) 564-3267, bauer.sarah@epa.gov, or Kathleen Graham, (303) 312-6137, graham.kathleen@epa.gov.