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SUBJECT: iEdison RFI; Docket No. 191126-0092

Request for Information Regarding the Interagency Edison System for Reporting Federally Funded Inventions

The Council on Governmental Relations, the Association of American Universities, the Association of Public and Land-grant Universities and the Association of American Medical Colleges—four of the leading organizations representing research institutions—appreciate the willingness of NIST to assume responsibility for the Interagency Edison (iEdison) system for reporting federally funded extramural inventions and modernizing and rebuilding the system. It is a legacy system that long has been characterized by inadequate funding and staffing, cumbersome reporting procedures, and inconsistent funding agency reporting requirements. Changes and updating are badly needed. We appreciate the opportunity to provide comments and suggestions to NIST as it proceeds to modernize and improve the system.

Our associations are not direct users of the system. However, virtually all of our member institutions and organizations are users. We have solicited feedback from them and also encouraged them to submit comments directly to NIST.

Attached are representative comments that we have received from our members. Many provide a variety of technical details regarding their experiences and challenges in using the system. We note that the RFI requests specific details of this kind.

We have not attempted to summarize these details since it appears more helpful to NIST to have the benefit of the specific comments. However, several common themes have emerged in the comments as well as in discussions with our members. We want to call these to NIST's attention:

- Lack of agency uniformity both in iEdison participation and in reporting rules and standards is a clear concern. As an example, NASA uses the e-NTR for invention reporting. Although meeting the needs of intramural NASA requirements, it is difficult for extramural users to navigate and report via the e-NTR system. Another example is the Air Force, which is listed as an iEdison agency but which does not review or use the system and uses separate invention reporting forms. Investigators and administrative staff spend time, energy, and resources complying with different sets of rules, regulations, and policies that address common core issues and concerns. Additionally, for those agencies that are system users, practices vary widely with regard to agency rejections for lack of complete matches between invention reports and publications, unpatented materials and waiver rights, document uploads, and response times to requests. A common theme is a need for an updated contact list for participating iEdison agencies.
- “New” vs. “Old” Bayh-Dole invention reporting. iEdison is not set up to identify whether or not the grant(s) reported for the technology fall under the Bay-Dole 1980 regulations or the revised Bayh-Dole 2018 regulations. There are now two distinct sets of compliance rules depending on the date the grant was issued or renewed. iEdison does not currently have the fields necessary to handle the new 2018 Bayh-Dole compliance regulations. Requesting an extension of the 10-month deadline for filing a non-provisional application under the new regulations is technically problematic. Users often are required to request extensions and make other submission requests via external email systems or add details to the remarks sections or via document uploads. The system also is not set up to deal with multiple provisionals, which often are involved in patent prosecution.
- A myriad of challenges regarding the government support clause. There is no way to clear an iEdison notification about a missing or incorrect support clause if a patent or application has expired. When a clause is rejected, iEdison adds a rejection language to the record. Often the language is cryptic and unclear. This is a particular problem with provisional applications. Since a provisional application cannot be amended, end-users cannot resolve iEdison rejections based on incomplete or inaccurate language. Even once a correct statement is filed with a subsequent non-provisional, the rejection does not clear within iEdison.
- Error Messages. Users often have to attempt logging in multiple times in order to bypass error messages to get into iEdison. There are many areas within iEdison where users are restricted in their ability make corrections and/or updates to the data. This includes the date of first publication field as well as the ability to delete uploaded documents that were done in error. Corrections require users to correspond with agencies outside of the system via phone or email in order to make corrections and/or properly report required compliance data. We expect NIST will receive comments from users with examples, including screenshots.

- **Abandoned Cases.** While not as common a concern, this has been a source of particular frustration for COGR members. As stated in a comment that COGR received, it is nonsensical to upload missing or further correct government support clauses and confirmatory licenses for abandoned cases that are, in some cases, several decades old. We suggest a five to ten-year cap from the date a case is abandoned. Even so, should this continue to be necessary, the process for uploading and accepting a corrected government support clause and confirmatory license needs improvement. Batch uploading would reduce the time needed to search for and upload each case.

Given the magnitude of the challenges that NIST is facing with iEdison, we suggest that NIST consider establishing a stakeholder user group both to help develop the final specifications and to participate in the initial testing of the redesigned system. Our associations would be happy to assist NIST with the establishment of such a group.

Again, we appreciate the opportunity to comment. Please contact Robert Hardy, Director of Research Security and Intellectual Property Management (COGR) at rhardy@cogr.edu if you would like more information or have questions.

The Association of American Medical Colleges (AAMC) is dedicated to transforming health care through innovative medical education, cutting-edge patient care, and groundbreaking medical research. Its members comprise all 154 accredited U.S. and 17 accredited Canadian medical schools; nearly 400 major teaching hospitals and health systems; and more than 80 academic societies. The Association of American Universities (AAU) is an association of 60 U.S. and two Canadian preeminent research universities organized to develop and implement effective national and institutional policies supporting research and scholarship, graduate and undergraduate education, and public service in research universities. The Association of Public and Land-grant Universities (APLU) is a research, policy, and advocacy organization with a membership of 235 public research universities, land-grant institutions, state university systems, and affiliated organizations in the U.S., Canada, and Mexico, that is dedicated to strengthening and advancing the work of public universities. The Council on Governmental Relations (COGR) is an association of over 180 research universities and affiliated academic medical centers and research institutes. COGR concerns itself with the impact of federal regulations, policies, and practices on the performance of research conducted at its member institutions.