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## **"Volatile Mix of Corporate Cash and Academic Ideals"**

By Jeanne DeQuine

How Florida student ended up in a chain gang

When a University of South Florida researcher claimed he owned a newly discovered water purifying process, the school sued him. Chemistry student Petr Taborsky was found guilty of theft and given a suspended sentence. But when he later patented his findings, Mr. Taborsky was jailed and spent two months in a chain gang.

This is an extreme case. Normally, a student with no prior record doesn't do manual labor with hardened convicts. But Taborsky's plight does highlight a growing bare-knuckle feud on American campuses over who owns an idea.

That fight has intensified as cash-short universities seek to bolster their budgets with corporate research alliances. The amount of private and government research money going to the University of South Florida, for example, has jumped fivefold in the last decade. And the trend is fueled by downsizing corporations eager to tap college labs for low-cost research and development.

"The whole situation is in a state of flux," says David Litster, Massachusetts Institute of Technology's vice president for research. The Cambridge-based university receives \$ 3.5 million of its \$ 850 million annual budget from licensing patents and copyrights. It currently faces a variety of research-related conflicts. One sticking point: What to do when a corporation wants research results withheld from the public.

"Universities are supposed to be open communities," says Dr. Litster. "The results are supposed to be publishable."

But Ralph Cavin at the Semiconductor Research Corporation (SRC) says, "That philosophy is in opposition to intellectual property - you don't publish the results - you hold them close." Many corporations say "We paid for it, we

should own it," says Dr. Cavin, a vice president at SRC, a North Carolina-based industrial consortium that orchestrates microchip research with universities.

Often inherent in joint-research projects is a conflict between a corporation's pursuit of profit and academia's goals of educating youths and pursuing truth.

In recent weeks, SRC has struggled with several universities, including MIT, over setting up a research center to explore ecologically sound ways to make microchips. The snags: How does a university protect an invention or idea built on previous research without compromising previous researchers' rights? And how do corporations protect themselves from being sued by previous researchers?

After what Litster calls "tense" negotiations, the parties resolved most points of contention late last month. But Karen Hersey, MIT's intellectual property counsel, remains cautious. "We don't know whether it's going to work. We're going to try it."

Critics of such joint efforts say that even when conflicts are absent, academia risks its integrity. "Universities are now filled with opportunists, entrepreneurial types who perceive the university as a new frontier for making profits," says Leonard Minsky, director of the Washington-based National Coalition for Universities in the Public Interest. "The university should not be pursuing the goal of profit," says Mr. Minsky, who calls the university "one of the two institutions we look to for ethics," the other being the nation's religious organizations.

In Taborsky's case, he claims he discovered a new way of purifying waste water from a kitty-litter type substance after working on a similar, corporate-sponsored USF project. He took his research notebooks from the lab.

But USF says the invention was part of his paid research. "What he did was steal property," says Henry Lavandera, a USF attorney.

A judge directed Taborsky not to use the data. But he applied for and received patents. After refusing to sign the patents over to USF, he was sent to prison, where he was placed on a chain gang. He has since been moved to a minimum-security work-release center in Tampa. The chain-gang punishment "seemed awfully heavy handed," says Larry Gilbert, director of technology transfer at California Institute of Technology. But the school probably owned the rights, he adds. Such disputes are rare at Cal Tech, he says. "Issues arise, but you sit down and talk to people and resolve them," he says.

Experts say very few university inventions make significant revenue. But as university funding decreases and the number of joint research projects grows,

Taborsky's case may become more common. SRC president Larry Sumney recently warned that this debate should not be shrugged off as a bureaucratic one: "How the intellectual-property controversy gets resolved will have an enormous impact on the industry."