Evaluation of Computer Software Guidelines

Function: Technology Transfer - Evaluation

Procedure   Related Policies and Guidance: SUNY Patents and Inventions Policy; Guidelines for the Administration of Industrial Relationships;

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Background

These Guidelines for the Evaluation of Software are intended to support high-quality, focused and efficient service to the SUNY research community. Technology Transfer (TT) professionals from across the system that have experience in evaluating software technology have collaborated to produce these guidelines. The RF makes these guidelines available to help administrators evaluate software invention disclosures and assess the marketability of the disclosed software technology. These guidelines are a living document that will be modified based on user experience and further aligned to meet best practices adopted by SUNY's technology transfer professionals.

Guidelines and Recommendations

The initial step to assessing the marketability of any software invention requires a thorough review of the resources utilized to develop the software invention submitted by faculty.

This review can be conducted by employing the following mechanisms based on local preference:

- Requiring creators of software technologies to complete an [RF Software Technology Addendum](#) in addition to the campus New Technology Disclosure (NTD).
    - The Software Technology Addendum is submitted to the Technology Transfer Office at the time the NTD is submitted. The Addendum enables the TT case manager to conduct an initial assessment of the software technology, which enables efficient and thoughtful engagement of the software development team when a more formal assessment process commences.
- Ensuring that TT case managers address the items impacting the ultimate licensing of the disclosed software technology with the development team and document the findings in the Inteum case file.

    Whichever method above is chosen the following information should be gathered from at least the lead creator or inventor of the software technology by the TT professional to facilitate a thorough assessment of the software technology:

1. An understanding of where the code related to the software invention originated from.
    - Does the software invention incorporate code that is or was publicly available?

2. An understanding of the circumstances that led to the development of the subject invention.
    - Was it developed as part of a sponsored program?
    - Did any grants or contracts with third parties fund any phase of development of the software technology?

A lists of the grants numbers and copies of any related contracts should be obtained and reviewed.

- Did anyone outside of SUNY play a role in the development of the software invention?
- What space or equipment was used to develop the software invention?

3. An understanding of what the software invention does.
   - What problems does the software invention solve?

4. Whether or not the software invention incorporates Open Source or other third party software.
   - What obligations, if any, are committed to by incorporating the Open Source or third party software incorporated into the software invention?
   - All of the agreements related the Open Source or third party software incorporated into the software invention.
   - A list of the Open Source of third party software components that are incorporated in the software invention.
   - An assessment of what percentage of the software invention is new code or pre-existing code (i.e., third party code, Open Source)

5. Whether or not the right to use the code related to the software invention has been provided to any person or organization that is not part of SUNY or the RF.

6. An understanding of all of the individuals who were involved in writing the code for the software invention.
   - Contact information and the roles of all individuals should be provided

7. A flowchart diagramming the process steps the software uses to solve the given problem.

8. Whether or not any non-software knowledge resources were used in the developing the software technology (e.g., subject matter experts, scientific or engineering literature).

9. Whether or not the software invention incorporates any linked content made available through a web portal.
   - Is the information in the linked owned or controlled by a third part?

The responses to the questions and inquiries above will enable TT professionals to understand the extent to the RF's ownership and control over the software technology that is being disclosed. Further, depending on the information provided by the lead creator or inventor of the software technology, the TT professional will help identify the barriers and constraints, if any, that the RF will have to consider when developing the software technology's commercialization strategy with the development team.

Forms
RF Software Technology Addendum

Change History

Date	Summary of Change
March 1, 2017	New Document