University research centers in foreign countries – Case Studies

Bridging the Bay
March 24, 2016
Berkeley in Singapore – BEARS
CREATE

Campus for Research Excellence and Technological Enterprise

- MIT
- ETH Zurich
- TUM
- Technion Israel IT
- Hebrew University
- Ben-Gurion University
- Berkeley
- Peking University
- Shanghai Jiao Tong U
- Cambridge
National Research Foundation

- Funding two large programs
  - Singapore-Berkeley Building Efficiency and Sustainability in the Tropics (SinBerBEST)
  - Singapore-Berkeley Research Initiative for Sustainable Energy (SinBeRISE)
- Prime minister’s office
Funding

• Provided by NRF to Singaporean company (BEARS)
  – Portion could be used directly at Berkeley (standard IDC)
• NRF provides “rent free” space at CREATE
• BEARS allowed to perform work for companies in Singapore
• Five year initial period of funding
• Currency fluctuation
Corporation

- Formed under Singapore law
- UC is the sole member of the company
- Governing board – 10 members
  - Two co-chairs
  - Five appointed by NRF
  - Five appointed by Berkeley
- UC funds not used
  - No irrevocable dedication of assets
- UC guidelines on foreign operations
Use of Grant Funds

- Ramp up costs
- Salary and benefits
  - Includes housing, tuition, tax, moving costs and related expenses
  - Director, admin staff, researchers, postdocs, grad students to meet residency requirements
  - Tax – researchers don’t suffer tax penalty
- Travel
- Equipment
- Office operating expenses (HR, book-keeping, consultancy fees)
- Ramp down costs
- Costs approved by Governing Board
Residency

- BEARS director expected to be physically based in Singapore
- PI requirements:
  - One year over the 5 years of the program
  - Extended stay of at least 6 months
  - Residency stays of at least 4 weeks (aggregated to 6 months)

Ownership
- Follows US patent law – i.e., follows inventorship
- Management by Sg TLO – Nanyang Technical Univ. (NTU)

Licensing
- Disclose to NTU TLO (copy to BEARS and home institution)
- Each Singapore institution & UCB grants NERF cross-license
- Revenue 15% fee and 1/3:1/3:1/3 inventors, owner, BEARS
- US funding and license rights – only case-by-case

Licensing, cont.

- HHMI involvement – review
- BIP – list based on personnel
  - availability – building efficiency in the tropics
  - six month delay if unencumbered
    - not licensed
    - not in negotiations
    - that would prevent the grant of a NEx to a licensee

Licensing, cont.

- IIA with NTU TLO
- minimum terms of license agreements (ours and HHMI’s)
- arbitration in Sg, UNCITRAL rules

Collaboration

- third parties with permission from the sponsor
- and consistent with policies and rules of participants
Operational Issues

Subaward to campus
- BEARS to Berkeley
- Form of agreement

Delegations
- Disbursements
- Execution of contracts for goods and services based on template
  • Purchased or provided
- Execution of contracts for goods and services after campus approval
- Execution of research agreements and subawards after campus approval
Tsinghua Berkeley Shenzhen Institute
Shenzhen
Special Economic Zone
Tsinghua at Shenzhen

- Graduate school campus
- Multiple Universities
- Proximity to corporate sponsors and manufacturing centers
Features

• Non-profit joint research and education institute
  – Separate legal entity
  – Funded by Shenzhen Municipal Government
  – Owned and operated by Tsinghua and Berkeley on 50/50 basis
  – Shenzhen seats on Governing Board

• Co-equal leadership
  – 3 centers, each with co-directors

• Use of Name

• Termination
Negotiation Challenges

- Memoranda of Understandings
  - Series of agreement-like documents
  - Nonbinding?
- Two-party Agreement with Tsinghua
  - Chinese regulations on joint institutes
- Three-party Agreement with Shenzhen
  - Meant to confirm the funding and terms of the two-party agreement
  - Matching terms
    - Term of agreement
    - Termination
    - Structure of legal entity
Operational Challenges

• Intellectual Property
  – Follow UC policy?
  – Category of IP related to “state security, state interest, or public interest” will be owned by the state or freely licensed by the state
  – Initial determination by Chinese counsel
  – Monitor IP regulation development

• Export Controls
  – US Export Controls
  – PRC Export Controls
  – Fundamental Research
  – Review by counsel
Operational Challenges

• Academic Personnel Policies
  – Students enrolled at THU or UCB; no joint degrees
  – Faculty time spent away from campus
  – Oversight of labs and projects in Shenzhen and in Berkeley

• Financial considerations
  – Faculty paid as consultants; responsible for own taxes
  – Although consultants, UCB faculty agree to assign inventions made at TBSI to Regents