

Colorado Agricultural Research Foundation



*Prospectus
of Purposes, Aims,
and Organization*

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THIS booklet is an outline of the purposes and aims of the Colorado Agricultural Research Foundation, a nonprofit corporation established at Colorado State College to promote agricultural research. The booklet attempts to set forth the reasons why the Foundation will benefit Colorado and its people and how the citizens of Colorado can aid in this purpose.

Purpose and Function of the Corporation

An institution such as Colorado State College of Agriculture and Mechanic Arts exists for the purpose of educating the citizens of the State in the best and newest methods of agriculture and mechanic arts. It has at its command an accumulation of information; its library and its staff of teachers and research workers constitute a source to which the farmer, the manufacturer, and the merchant can turn when faced with new problems of production, processing, marketing.

It frequently happens in universities and experiment stations that the solution of new problems results in new technical methods, or new machinery, or instruments that might be of benefit to the public. Often these are never marketed and their value is lost.

Other Foundations

In several institutions in the U. S. A., notably Wisconsin, foundations have been established to patent machines, formulae, and methods invented by members of the staff or to copyright books written by faculty members. The burden of expense is borne by the foundation; the inventor or author receives a small percentage of any profit from sale or production and the remainder is used as a fund for carrying on other useful research.

Such a foundation is productive because the proceeds are put back into the business, so to speak, and the result is continued productive research. It is stimulating and encouraging to the researcher who often cannot afford to take out a patent.

Avenue for Endowments

The Foundation also furnishes an avenue by which endowments from companies or from public-spirited individuals can be made productive.

A concern might wish a machine tested or a new method invented. A fruit grower might wish honest and impartial tests of a new variety. The Foundation is prepared to render such service; it assigns the investigation to a competent person and guides the research. The Foundation's share of any profits accruing from the invention are used to carry out investigation on further problems.

Formation of the Colorado Foundation

With these things in mind, several members of the Colorado Agricultural Experiment Station staff have formed a nonprofit corporation by virtue of Chapter 41, Article 13, of Colorado statutes annotated 1935, to be known as the "Colorado Agricultural Research Foundation."

The particular business and objectives for which the Foundation is founded are as follows:

1. To provide the machinery and means by which scientific discoveries, processes, and inventions of the faculty, staff, students, alumni, and employees of the Colorado Agricultural Experiment Station and Colorado State College may be developed, applied, and patented.

2. To make such utilization or disposition of such discoveries or inventions as to insure their usage for the best interests of the public and for further stimulation of scientific investigation.

3. To promote experiments, tests, and investigations; and to employ individuals or organizations to do these things for it.

4. To prosecute or aid in prosecution of applications for patents, both foreign and domestic.

5. To receive independent donations, bequests, or assignments of inventions or patents or money or property in trust.

6. To enter into contracts or agreements with inventors or applicants for patents for rendering aid in obtaining, perfecting, or maintaining patents.

7. To acquire and sell inventions or rights thereto, receive and collect royalties, and prosecute infringements.

8. To acquire and possess all powers with respect to copyright for articles, pamphlets, and books as enumerated for patents.

The Foundation may receive gifts and bequests, and may use proceeds of such for further research.

A Service Organization

The Foundation is first of all a service organization. It is to be (1) of service to agriculture, (2) of service to those who contribute to the Foundation, (3) of service to research scientists, and (4) of service to the general human welfare of the people of the state.

Service to Agriculture

Progress in agriculture is directly dependent upon agricultural research. Since the invention of the cotton gin there has followed an unending chain of discoveries and improvements in farm machinery. Since the time of our grandfathers the progress made in home appliances and conveniences has been even more amazing. Results of research in crops, livestock, and other agricultural fields have been extensive, even though more gradual and less spectacular.

Public support of research has been decreasing relatively for some time. It is evident that this trend will continue for many years to come. Organization of the Colorado Agricultural Research Foundation came in response to recognition that agri-

cultural research must not suffer curtailment if progress is to be maintained.

Service to Contributors

Persons or corporations desiring answers to specific problems which can be worked out by agricultural scientists have in the Foundation an unbiased agency through which to achieve their purpose.

Organizations, individuals, or other foundations who may wish to arrange to have certain problems, projects, or studies of fundamental interest and value initiated and conducted in the Rocky Mountain region will find this Foundation eager to be of service in their behalf. It may often occur that public funds will not be available nor may they be properly used in the initiation, organization, or continuance of certain studies. Under such conditions the services of the Foundation in such matters may be of very great value.

Donors to the Foundation have two sources of satisfaction. First, is the satisfaction of contributing to the progress and welfare of their fellow Americans. Second, is the possibility of establishing a permanent memorial to themselves or to their loved ones.

Service To Research Men

The Foundation is of service to research men:

1. To protect discoveries, patents, processes, and designs, and to copyright materials for research men. (The term "research men" is used here in its broadest application. The farmer who invents a better farm machine or develops a better farm product is a research man.)

2. To arrange financing on development of a patent and provide legal clearance on all patents.

3. To act as a clearing house agency on information on patents needed and on whether a process or discovery is patentable.

4. To provide trust funds from royalties, or income equities for those who assign royalties to the Foundation and retain a proportion for their own income or estate.

5. To assist research men in marketing a patent left with the Foundation for development.

6. To foster, encourage, and promote the professional development of research men and the graduate training of young men entering the research field.

Service to the General Human Welfare of the People of the State

The sum total of advancement, learning, and discovery when put into application adds up to the American way of life. The discoveries and accomplishments of research that we are now utilizing have lengthened our life span and increased our comforts and enjoyments. The surface has barely been scratched in this regard. Colorado is primarily an agricultural state. Agricultural research is vitally important to the continued progress of the people of the State.

Some Reasons For the Organization of the Foundation

Some years ago the Association of Land Grant Colleges and Universities appointed a committee to investigate the status of discovery and invention in institutions of higher learning. Some of the recommendations of this committee follow in summarized form:

Some individuals hold that discoveries made by members of experiment station staffs and the staffs of other public-supported institutions should be made available to the public through a public use patent. However, experience has shown repeatedly that such a patent given to the public is most effectively withheld from the public. The reason for this is not hard to find. No business organization is willing to put up the funds necessary for the development

and introduction of a public-use patented article or process when they know that any other individual or organization can step in and rob them of all their effort and money as soon as the article is ready for commercial introduction.

When the patent right is invested in or assigned to an organization bound by trust agreement or its articles of incorporation to see that such discovery or invention is developed and made available for use by the public, that organization may enter into a contract with a reputable business firm or firms to insure the actual introduction of the discovery for public use. By such an agreement such firms could be protected against the piracy of other business organizations during the developmental period.

This committee of the Association of Land Grant Colleges and Universities recommended that some organization independent of the educational or research institution be made responsible to handle the commercial development of patents. In agreement with this recommendation the Colorado Agricultural Research Foundation, a corporation to serve without pecuniary profit, has been organized to serve the public.

This foundation will enter into a contract with the discoverer or inventor, make application for and obtain the patent, and arrange ways for introducing it to the public. *The income from the use of such patents after the equity of the inventor has been cared for is to be used as a revolving fund to be put back again into research effort so that new advances and discoveries shall become available for the use of the public.*

Patent Protection for New Plants

It is common knowledge that mechanical devices and manufacturing processes may be patented. It is not as generally recognized that under the Townsend - Purnell amendment to the Patent Act approved May 23, 1930, new plant varieties also may be patented.

Plants on Which Patents Are Obtainable

Originators or discoverers of new varieties of plants reproduced vegetatively (by cuttings, buds, and bulbs rather than from seeds) may obtain exclusive rights for 17 years to reproduce and sell their creations. Fruits, berries, many kinds of flowers and ornamental plants, and a few vegetables can be patented. Potatoes and plants propagated from tubers are excluded.

Patents can be obtained on plants which have not been known, used by others before discovery or development by the applicant, nor described in any printed publication, either here or abroad, more than 2 years prior to date of patent application. No plant actually introduced to the public prior to May 23, 1930, will be eligible for patent. Varieties developed or discovered prior to May 23, 1930, and distributed to others for purposes of experimentation or propagation, and not sold, may be eligible for patent.

The only safe way is to take out a plant patent on any new worthwhile variety after it has been developed to the point that all of its new and highly desirable qualities are established. Occasionally some other person may have obtained cuttings from the new plant, or may actually create or discover a closely similar plant and by applying for a plant patent may greatly complicate the task of obtaining the patent for the rightful originator or discoverer.

The Foundation stands ready to be of service to originators of new plants. It will make impartial tests of such new plants and determine their desirability and adaptability. If such a plant proves worthy, the Foundation may proceed to obtain a patent on a contract basis with the discoverer.

Questions and Answers

QUESTION: What is the primary purpose of the Colorado Agricultural Research Foundation?

ANSWER: To build up and safeguard a continuing fund for the support and advancement of agricultural research.

QUESTION: Do other educational institutions have such foundations?

ANSWER: Yes. As previously indicated, the plan of organization of this foundation is similar to the Wisconsin Alumni Research Foundation associated with the University of Wisconsin.

Research foundations vary in objectives and scope. An illustration of one with quite specific objectives is the Colorado Foundation for Research in Tuberculosis which maintains laboratories at Colorado College at Colorado Springs. The George William Hooper Foundation for Medical Research at the University of California contributes largely toward the maintenance of research laboratories in the medical school of the university. This foundation has somewhat broader objectives. The Food Research Institute maintains laboratories associated with Stanford University. The Mellon Institute of Industrial Research maintains laboratories and fellows associated with the University of Pittsburgh. It is intended that the Colorado Agricultural Research Foundation shall combine desirable features of various existing foundations. Its purpose is to serve Colorado and the Rocky Mountain West in building a research program in agriculture, home economics and the mechanic arts.

QUESTION: What have foundations similar to the Colorado Agricultural Research Foundation achieved?

ANSWER: Some similar foundations in other institutions in the United States are making possible as large as half-million-dollar annual research programs, with outstanding results. The Wisconsin Alumni Research Foundation is probably the outstanding example; more than 50 research men are working there on funds and with equipment provided by income from the foundation.

QUESTION: How are the funds necessary for the functioning of the Colorado Agricultural Research Foundation obtained?

ANSWER: It is expected that the major part of the funds will come from patentable discoveries and inventions of the staff of the Colorado Agricultural Experiment Station and Colorado State College, but

it will also come from contributions of public-spirited citizens.

QUESTION: Is it justifiable to patent discoveries and inventions of persons on the public payroll such as members of the staff of the Experiment Station and the College?

ANSWER: A committee of the Association of Land-Grant Colleges and Universities recommended such patenting so that the public would get the maximum benefit from such discoveries and inventions, for only through such patents can the development and final utilization of the discovery or invention be assured.

QUESTION: Who can participate in the Foundation?

ANSWER: Any interested individual.

QUESTION: Can I work with and through the Colorado Agricultural Research Foundation in patenting or copyrighting a discovery or invention even though I am not a member of the staff of Colorado State College.

ANSWER: Yes. The Foundation is prepared to make honest and impartial tests of any device, process or product in the agricultural, engineering, or home economics fields. It is also prepared to enter into a contract with any individual or corporation on a share basis to obtain a patent or copyright and insure the usage of the discovery or invention. The discoverer or inventor will benefit financially as well as obtaining the satisfaction of seeing part of any profits used to perpetuate progress in Colorado and in America.

QUESTION: What types of discoveries, inventions, and copyrightable material can be handled through the Foundation?

ANSWER: Anything in the agricultural, engineering, or home economics field. For instance patents can be obtained on novel dress designs, new varieties of plants, new farm machines, new food processing methods, and so forth. Books, articles, and other writings may be copyrighted.

QUESTION: How could I contribute funds to further the service of the Colorado Agricultural Research Foundation?

ANSWER: Outright anonymous gifts are acceptable. The Foundation prefers, however, to establish memorials in the name of the donor or some individual or firm named by the donor when such procedure seems feasible.

QUESTION: Can a person not an employee of the College help in this Foundation?

ANSWER: Yes. Several types of membership in the Foundation are available. Any person interested in furthering the objectives of the Foundation is invited and urged to participate in its program. The strength of the Foundation will increase as the number of individuals participating in its program increases.

QUESTION: Is a bequest to the Colorado Agricultural Research Foundation in a worthy cause?

ANSWER: We Americans have profited more than any other people from the fruits of research, for it is upon research plus our great natural resources that our phenomenal progress has been based. We have come to the place in our national development where we must consider strict conservation of our resources. We can no longer progress through exploitation of these resources. Research is the only remaining path up which our children can go to better lives. Donors to the Colorado Agricultural Research Foundation are helping to assure continued progress for Colorado and America—for their children and their children's children. A bequest to the Foundation may be set aside as a memorial to the donor.

QUESTION: How am I assured that my rights and the rights of the public are protected when I make a contribution to or enter into an agreement with the Colorado Agricultural Research Foundation?

ANSWER: The articles of incorporation of the Foundation were drawn up by a deputy attorney-general of Colorado after the plan had been studied and approved by the State Board of Agriculture, the President of Colorado State College of Agriculture and Mechanic Arts, and the Director of the Colorado Agricultural Experiment Station. These articles of incorporation provide all the necessary legal safeguards.

QUESTION: If I should invest funds through the Colorado Agricultural Research Foundation to be used for financing a research project, how am I assured that these funds will be safe and used for the purpose outlined by me?

ANSWER: The donor may stipulate the manner in which the funds may be invested. He is assured that no pressure group may influence the manner in which the returns shall be spent. When the endowment is great enough he may ask that the funds be held and spent as a permanent memorial to the

donor. He may also be assured that sound investment advice will be sought and used in handling the investments of the Foundation. If the donor desires, the use of these funds may be assigned for a definite period only.

QUESTION: May a person contribute a sum for use for research work for a definite purpose, the contribution to terminate when the objective has been reached?

ANSWER: Yes. Many contributions for specific research problems are set up in this way.

QUESTION: May land, improved farms, or any other property be turned over to the Foundation to aid in its research program?

ANSWER: This is a desirable method of making a contribution. It must be remembered that if the Foundation is to be able to handle these to the best advantage the title must rest in the Foundation. The Foundation will enjoy certain freedom from taxation because it is a non-profit corporation organized in the public interest.

QUESTION: Would it be possible to deed land to the Foundation for a definite period of years?

ANSWER: Such an arrangement may be made.

QUESTION: How long will the Colorado Agricultural Research Foundation continue to serve the public in patent matters? How long will it continue to promote scientific research in Colorado? What are its long-time objectives?

ANSWER: This Foundation is to be perpetuated indefinitely for this purpose. Public support of research effort has been decreasing relatively for some time. The life-blood of a progressive state, the new frontier, will be found in such scientific investigation. We must create new frontiers or perish. The objective of this Foundation is to keep these frontiers forever for our state and nation. This Foundation will make these institutions which create our new frontiers more and more nearly self-supporting.

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