

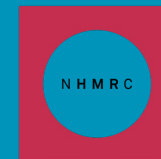
# Intellectual property: IP issues and examples

Spring Seminar Series – Session 2

14 September 2023



Australian Government  
National Health and  
Medical Research Council



NHMRC ACCREDITED  
RESEARCH TRANSLATION  
CENTRE



# Acknowledgement of Country

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Health Translation Queensland acknowledges the Traditional Owners and their custodianship of the lands on which we meet.

We pay our respects to their Ancestors and their descendants, who continue cultural and spiritual connections to Country.

We recognise their valuable contributions to Australian and global society.



# SUPPORT A FIRST NATIONS VOICE TO PARLIAMENT



**ULURUSTATEMENT.ORG**

The Uluru Statement from the Heart in May 2017 was addressed to the Australian people and invited the nation to create a better future.

We support a First Nations Voice to Parliament, enshrined in the constitution.

We will share in this historic legacy by voting yes in the referendum to be held later this year.

For more information:

<https://medicine.uq.edu.au/yes-2023>



# Introduction

## Today's presenters

- Sabine Sand, Research Partnerships Manager, UQ Faculty of Medicine
- Brigitte Asprey, Research Contracts, Griffith University

## Session topic

- IP issues and examples





# Overview

## Summary of last session

- Understanding IP position at law with no contract
- Potentially altering that position via contract

## What we will further explore today

- How the contract governs the project/activity
- Are there any related contracts/arrangements to the project that also need to be considered?





# IP overview

- Copyright – written works and software
- Patent – inventions e.g., devices, compounds
- Trade Marks – words, phrases, logos
- Designs, plant varieties, circuit layouts
- Confidential information





# Types of contracts

- Funding agreements
- Industry agreements
- Research agreements
- Employment agreements
- Student agreements





# Case study 1

Prof Samuel (Griffith) and Prof Fred (UQ) are doing a research evaluation of a UniQuest-owned psychology program that motivates people to do daily exercise to improve their mood.

Participants will be identified by their GPs and referred to Prof Samuel for information about the study and to provide their consent to participate in the study.

Once consented participants involvement in the study is to undertake the psychology program via an app “the intervention”, and then respond to surveys (online) at certain timepoints at the beginning, during and after the intervention.

Survey data will be aggregated analysed and written up for academic publications and conference presentations







# Issues?

## **Background IP**

- Intervention App

## **Project IP**

- Survey
- Data from surveys – qualitative, quantitative and deidentified
- Publications - articles, conference presentations

## **Commercialisation**

- Unlikely due to the nature of the project





# Case study 2

Dr Lucy is employed at the Princess Alexandra Hospital (PAH) and is undertaking her PhD at UQ.

Lucy's PhD supervisor is Professor Jane from the UQ Faculty of Medicine.

Professor Jane is the lead investigator on a research project. Dr Amanda from the PAH is a co-investigator on a project with Jane.

Amanda and Jane have a current research project that they are undertaking at the Princess Alexandra Hospital. Amanda is collecting patient samples and data.

Jane will be receiving de-identified data and samples from Amanda as set out in the patient consent form and SSA.

Lucy wants to analyse the data and samples for her PhD studies.

All parties intend to publish. Lucy's publication will be part of her thesis.





# Issues?

## **Student**

- Check the enrolling institution IP policy for students – may require a Student IP agreement
- Check the hospital employer IP policy and employment contract

## **Project IP**

- Data, analysis and publication
- Ownership of IP as between university, hospital employer and student – governance agreement
- Student IP in thesis





# Case study 3

Griffith had conducted a survey at GCHHS to better understand employee satisfaction levels of gastroenterology clinicians.

Griffith CI has a conjoint appointment at GCHHS (GU Teaching Hospital).

Griffith CI discussed the study with a colleague at UQ, and the two now plan to work together to expand the study across more gastroenterology clinicians across South East Queensland.

Study participants are clinicians at a number of hospitals. They will be contacted via email through a professional organisation for gastroenterology clinicians. The email will provide links to a patient information and consent form.

Once consented, the study participants will be sent a link to an online survey with results to be stored securely at Griffith.

Results will be analysed and written up for academic publications and conferences





# Issues?

## Background IP

- Survey
- Data

## Project IP

- Data collected from Surveys at new sites
- Academic publication

## Third Party Interest

- Conjoint appointment







# Case study 4

Lucy and Jane are conducting a new project at Princess Alexandra Hospital and The Prince Charles Hospital. Lucy is still doing her PhD.

This project builds on the outcomes from the last research project, including patient samples and data collected for that project. Additional data and samples will be collected from TPCH for this project.

Lucy and Jane are hoping this project will generate some valuable IP.

Lucy receives funding from The Prince Charles Hospital Foundation for her project.





# Issues?

## **Student**

- Check the policies again – policies can change over time
- Check the student agreement again – may need a signed variation

## **Background IP**

- Check the terms of the last research agreement for use in new project
- Check HREC approval and last agreement for new use of samples and data

## **Project IP**

- New agreement will need terms that allow for commercialisation

## **Funding**

- Terms may stipulate IP ownership and commercialisation requirements e.g., sharing of commercialisation revenue





# Closing comments

Check the contracts and policies at your institution

Different institutions have different requirements

For questions about contracts and IP:

- HHS – Research Governance Officer
- Research Institutions e.g., Research Contracts Officer, Grants Officer, Business Manager, RPMs





**Health Translation  
Queensland**

Thank you for your time.

Any questions?

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