

ANU COLLEGE OF MEDICINE, BIOLOGY &
ENVIRONMENT AND ANU COLLEGE OF LAW
PRESENT:



FREE WORKSHOP

THE DUTY TO INVENT: INTELLECTUAL PROPERTY AND SCIENTIFIC RESEARCH

Keynote speaker:

Professor W. Graham Richards CBE

Visiting Fellow, Computational Proteomics and Therapy Design
Group, JCSMR and
Head of the Centre for Computational Drug Discovery, Oxford

Friday 5 June 2009, 9.30am - 1.30pm

Innovations Building Lecture Theatre (Bldg #124), cnr Garran and Eggleston Rds, ANU
The Workshop is free.

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In the past year, there has been much debate over the ownership and commercialisation of intellectual property (IP), which is created by scientific researchers in universities, and research institutions, such as CSIRO. The workshop seeks to explore the challenges faced by academics, researchers and other stakeholders, focussing on issues of ownership and protection of IP, and particular issues raised by distinctive scientific fields, taking Chemistry, Information Technology, the Physical Sciences, Biotechnology, and the environment as examples. It will also compare the position in Australia with that in the UK. There is no charge for this workshop, which is open to academics and students, legal practitioners and patent attorneys, business managers and policy-makers, academics and researchers.

- Professor Graham Richards: UK Technology Transfer Experience: Setting up a spin-out company
- Paul McGinness : Australia - UWA v Gray court case
- Professor Jim Williams: Commercialising research in physics: steps in identifying opportunities and models for for commercialisation
- Connell O'Neill: Information Technology convergence and the patent system
- Alison McLennan: Recent developments in synthetic biology research and IP
- Dr Matthew Rimmer: IP and climate change: inventing clean technologies

The views expressed in this lecture are those of the presenter and do not necessarily represent the views of The Australian National University

ANU COLLEGE OF MEDICINE, BIOLOGY & ENVIRONMENT

WORKSHOP PROGRAM

9.30 – 11am SESSION 1:

Comparative Perspectives from the UK and Australia

Keynote presentation:

Professor Graham Richards (Oxford and ANU);
UK technology transfer experience: setting up a spin-out company
(see Abstract Page 3)

Paul McGinness (Minter Ellison);
Australia - UWA v. Gray court case

Professor Jim Williams (RSPSE);
Commercialising research in Physics: steps in identifying opportunities and
models for commercialisation

Q&A discussion with a panel of the speakers.

11-11.30am MORNING TEA BREAK

11.30am – 1pm SESSION 2:

Comparative Perspectives – examples from different scientific fields

Connell O'Neill (Blake Dawson);
Information Technology convergence and the patent system

Alison McLennan (ANU College of Law);
Recent developments in synthetic biology research and IP

Dr Matthew Rimmer (ANU College of Law);
IP and climate change: inventing clean technologies

Q&A discussion with a panel of the speakers.

1 – 1.30pm LIGHT LUNCH

WORKSHOP ON THE DUTY TO INVENT: INTELLECTUAL PROPERTY AND SCIENTIFIC RESEARCH

Keynote presentation by Professor Graham Richards, Oxford University
UK Technology Transfer Experience: setting up a spin-out company

Setting up a university spin-out company has three components: the science; the money and the people. The first of these is the simplest. The money can only be raised if the IP is protected and then more often from angels than from VCs. The steps will be illustrated with examples from the speaker's own experience, especially the division of equity between the scientists, the university and the investors. [www.isis.ox.ac.uk]

Background to Workshop

In the past year, there has been much debate over the ownership and commercialisation of intellectual property, which is created by scientific researchers in universities, and research institutions, such as CSIRO.

In the case of *University of Western Australia v Gray (No 20)* [2008] FCA 498, Chief Justice French held that 'a duty to research does not carry with it a duty to invent'. His Honour suggested that universities 'might well consider the alternative of deriving benefits from inventions produced by their staff by offering highly competent and experienced commercialisation services in exchange for a negotiated interest in the relevant intellectual property'.

The controversial ruling has resulted in much debate over the ownership and commercialisation of intellectual property in respect of scientific research, and also public-good use. There has been a reconsideration of the respective roles of academics and researchers, universities and research institutions, industry and commercial partners, funding agencies, and government.

In this volatile environment, there has been much debate about whether there is a need to reconfigure policies, guidelines, and laws governing intellectual property and publicly funded research. Universities and research institutions in various jurisdictions have been forced to scrutinise their intellectual property statutes and guidelines, and mechanisms for technology transfer and commercialisation. The National Principles of Intellectual Property Management for Publicly Funded Research have become outdated, and require revision. The Federal Government is considering whether to introduce a statutory defence for experimental use under patent law. A group of major United States research universities developed a guide, *In the Public Interest: Nine Points to Consider in Licensing University Technology*, in 2007.

This workshop seeks to explore the challenges faced by academics, researchers and other stakeholders in the commercialisation of scientific research, and the ownership and the protection of intellectual property. It will offer a comparative approach to the topic – counterpointing the situation of Australia with the position of the United Kingdom. It will also explore the particular issues raised by the distinctive scientific fields of chemistry, information technology, the physical sciences, biotechnology, and the environment.

The keynote speaker is Graham Richards from Oxford University. Graham's visit is sponsored by an ANU Travel Grant for Visiting International Academics. In addition to a distinguished career in chemistry, Graham has had a parallel career as an inventor and entrepreneur. He was involved in founding the University of Oxford's technology transfer company, Isis Innovation Ltd, and was subsequently its director for 20 years, and has founded several spinouts himself. He has recently published a book "Spin-Outs: Creating Businesses from University Intellectual Property".

The workshop will be of interest to academics and students, legal practitioners and patent attorneys, business managers and policy-makers, academics and researchers.