ECU Research Commercialisation

Principles and Guidance

1. **First and foremost ECU must adhere to its purpose, vision and strategic priorities and honour its commitments and obligations.**
    - ECU's performance in the areas of teaching, learning and research must be prioritised ahead of commercialisation.
    - Research commercialisation principles, policy and process at ECU must be aligned and supportive of these imperatives.
    - Obtaining School approval is a critical requirement for entering into the research commercialisation process.

2. **Research commercialisation is complex, difficult and challenging.**
    - It requires a range of skills, which are rarely found in a single person; hence a team approach is required.

3. **Research commercialisation is a lengthy process that at the best of times will span months, but is more likely to span years.**
    - A significant commitment is required from the key inventors.
    - Research commercialisation efforts are focused on innovations that have demonstrated technical veracity (i.e. are proven to work reliably) and have a clear development pathway to achieving a market-ready product, service or licensable IP.
    - If significant research or proving is required ECU may prioritise other opportunities closer to marketable outcomes.

4. **There are considerable difficulties and expense in developing and launching new products and services, changing customer behaviour in order to facilitate sales, and scaling an emerging business. Therefore:**
    - Only innovations that address a clearly identifiable customer problem or need will be selected.
    - A new product or service must have a value proposition that displaces other offerings, so that ECU's focus is on innovations that can demonstrate sustainable competitive advantage.
    - Priority will be given to innovations aimed at business/corporate customers as consumer markets and marketing of consumer products and services tend to be more expensive and less targeted.

5. **Research commercialisation efforts often do not result in successful outcomes, significant returns or profit, even when it appears there is significant potential and no obvious reasons for failure at the outset.**
    - The vast majority of granted US patents, for example, do not generate commercial returns.

- Statistics from the UK suggest only approximately 1% of research discoveries are likely to result in successful commercialisation outcomes.

6. More often than not, commercialisation is not the most appropriate means of maximising the translation and impact of research.

- If the opportunity does not meet the criteria for research commercialisation support, ECU may be willing to facilitate the translation of the research outcomes into practice. The Office of Research and Innovation provides assistance in regards to research translation. Researchers would be referred to an appropriate contact within ORI in these instances.

7. Research commercialisation activities may have the potential for generating community benefits, however, ECU will rarely commercialise for the purpose of generating profile.

- There are other means of raising profile and achieving public good that are more efficient and effective.
- For this reason, ECU will only invest in commercialisation where the prospect of significant commercial returns is high, irrespective of other benefits.

8. **ECU has limited resources and funding to support commercialisation.**

- It is impossible to commercialise every innovation arising from research.
- ECU will prioritise the commercialisation of highly significant "breakthrough" innovations with strong commercial potential.
- Given the high level of uncertainty and many unknowns, particularly in the early stages, "good practice" encourages a staged process for determining commercialisation potential and to develop and implement appropriate strategies to ensure the most efficient use of limited resources.
- All research commercialisation decisions, including progression through the commercialisation process, are at ECU's discretion.
- The key stages in the process are:
    i. Pre-disclosure (Self-Assessment)
    ii. Invention Disclosure and School Approval
    iii. Commercial Potential and IP Protection Assessment
    iv. External Assessment and Co-Funding Support
    v. IP Protection, Strategy Development and Planning
    vi. Strategy Implementation and Secure Returns
    vii. Measure, Monitor and Manage Returns
    viii. Exit or Close the Project

9. **ECU prioritises licensing IP to established players in the market ahead of formation of a start-up company.**

- Focus will be upon commercialisation pathway most likely to maximise the returns.
- Start-ups require considerable effort in planning, resourcing, structuring, funding and governance. Other considerations include conflict of interest and conflict of commitment for researchers and should therefore only be considered where there is no viable licensing option available.

10. ECU should not be the lead investor in research commercialisation.

- ECU will focus upon co-investment with other parties (e.g. private investors, industry and government agencies) in order to facilitate research commercialisation where appropriate.
- Only in exceptional circumstances will ECU invest ahead of others, or alone, when pursuing a promising research commercialisation opportunity.
- Funding can only be obtained by receiving the necessary approvals in advance of expenditure being incurred. This will apply to both internal and external funding sources.

11. ECU is the owner of all IP created through research undertaken by ECU employees, including if those employees are also students.

12. Disclosure of significant discoveries, innovations and inventions is a compulsory obligation for all ECU employees.

13. Students own their own IP unless it is assigned via a written agreement.

- However, to participate in funded research projects students must agree to assign their IP to ECU.
- Students must be given the opportunity to seek independent legal advice before entering into any agreements and must not be coerced or pressured in any way.

14. Inventorship is neither discretionary nor negotiable.

- It is a matter of fact and its determination is governed by law.
- There are circumstances where such laws can trump the conditions agreed to within contracts.
- It is rare, given the collaborative nature of research, for there to be a single inventor.
- Failing to list an inventor can have a negative impact on the validity of a patent and may seriously jeopardise the ability to fully commercialise the IP.
- A suitably qualified professional will be required at the appropriate time to make a determination on Inventorship prior to patent filing.

15. **Patenting is not necessarily the most appropriate strategy for protecting IP or for facilitating research commercialisation**.

- Information to make this decision is often not available at the outset. Therefore, decisions in this regard are not made until later in the process.
- No patent can be filed on ECU IP without the approval and/or involvement of the School, Office of Research and Innovation (ORI), Finance and Business Services Centre (FBSC) and Office of Legal Services (OLS).

16. Research Commercialisation practices can be compatible with publishing and/ or dissemination.

- It comes down to timing, i.e. delaying disclosure long enough to devise and implement an appropriate IP protection strategy.
- Notwithstanding, in the face of considerable uncertainty, career advancement, particularly for junior academics, needs to be considered and balanced with the likelihood of deriving benefits from commercialisation.

17. Disclosure and dealing in research outcomes can preclude the protection of IP and diminish and even preclude the ability to commercialise. ECU employees need to be mindful of their obligations under the ECU IP Policy with regards to disclosures pertaining to ECU confidential information and intellectual property.

18. IP is the key to research commercialisation.

- At times, IP is the only tradeable asset or legally enforceable right available on which to base agreements in relation to research commercialisation.
- ECU will focus on research commercialisation opportunities with protectable IP and/or sustainable competitive advantage.

19. Encumbrances and other conditions may already be imposed on IP before its creation due to agreements and arrangements in relation to the inputs into the research process.

- Access to third-parties' background IP, software, biologicals, libraries and other research tools, collaboration and funding through grants, contract research, consultancy or salary stipends may all involve conditions imposed on the IP created during a research project.

20. People and knowledge are just as important as IP.

- Rarely will all knowledge be captured in writing whether that be a patent or otherwise, hence the need for commitment from the key inventors.

21. There are many things inventors can do to improve the likelihood of research commercialisation success.

- The request for information from inventors regarding the market and any contacts they may have will greatly assist chances of success.