Tool 15: Equitable Protection of Intellectual Property

This tool is designed to help research partners identify any intellectual property (IP), as created through research partnerships, and to consider how to equitably attribute, protect and share this. Intellectual property refers to creations of the mind, which can be traded as commodities. Protecting this, through mechanisms such as copyright and patents, enables academics to claim moral and economic rights to their creations. However, IP protection mechanisms can also restrict access to the property.

In academic research, IP includes scientific publications, datasets, research instruments and samples, as well as patents on inventions such as medicines, technologies, and processes. It may be categorised as background IP (i.e. IP that academics bring with them to a project) and foreground/project IP (i.e. IP that is created through the project). In academic research, ownership and/or (where applicable) economic rights to IP are often claimed (fully or partially) by the universities at which the research was conducted. However, individual academics maintain the moral IP rights, for example the right to be recognised through authorship.

The current movement towards 'open science' (i.e. opening-up access to IP created through publicly-funded research), means that academics are increasingly expected to share their data sets, and publish their articles, in open access formats. Conversely, academics are also being encouraged to commercialise IP such as inventions or evidence-based programs. Both the push towards open access, and the drive for increased commercialisation of IP, have important implications for equity in a research partnership.

Why use the Equitable Protection of Intellectual Property tool?

Being able to lay claim to and access the IP they have created, enables researchers to gain recognition for their knowledge work, and use it as a basis for future work. Understanding what IP is, and thinking about who should and should not be entitled to own and/or access IP, is an important early step to take in a research partnership before any IP is created.

This tool addresses equity by:

1. Increasing awareness of the different types of IP which might be created through a research partnership.
2. Providing a space for thinking about and discussing equitable IP ownership of and access.

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When to use the Equitable Protection of Intellectual Property tool?

Phase	Rating	Descriptions
Planning	•••	This tool is designed to be used in the planning stage of a research partnership.
Implementing	••	The tool can also be used in the implementing stage, when research partners are designing a specific project.
Disseminating	•	This tool may be adapted for use in the disseminating stage, for example to identify IP created through a specific research project.
Sustaining	••	The tool may also be used in the sustaining stage to think about IP that might result from future phases of the research partnership.

Ratings
••• Designed for this stage | •• Can be used as is in this stage | •Can be adapted for use in this stage

How long does it take to use the Equitable Protection of Intellectual Property tool?

Rapid approach

- This tool could be rapidly implemented by an individual in 15-30 minutes.

Intensive approach

- A more intensive, group-based implementation might take two-three hours.

What other resources do you need to use the Equitable Protection of Intellectual Property tool?

- Equitable Ownership of Intellectual Property Matrix template
- Face-to-face or virtual meeting space, with projection or screen sharing facilities.
- Facilitator and/or notetaker

Tips for using the Equitable Protection of Intellectual Property tool

- Use the results of the tool to develop a formal, legally binding IP agreement, with assistance from your institution's research office.

- In research partnerships involving non-academic partners, such as government departments, private companies and non-governmental organisations, use the tool to explore different expectations and understanding of equity in IP ownership.

- In preparation for using this tool it may be useful to read one or more of the following resources:

  - What is Intellectual Property? (World Intellectual Property Organisation)
  - What is Intellectual Property? (Oxford University)
  - For definitions of key IP terms see: Intellectual Property Quick Guide (University of Missouri System).

How to use the Equitable Protection of Intellectual Property tool?

- Display the IP matrix using a projector or screen sharing facility.
- Introduce the meaning of IP and other key terms (e.g. copyright, patent), drawing on definitions in the recommended background readings (see above).
- Ask participants in the meeting if each type of IP included in the matrix is anticipated from the research partnership.
- For each type of IP, discuss equity of ownership and access, as well as the action required to enable this (see below for suggested questions).

Suggested questions to explore when using the Equitable Protection of Intellectual Property tool

The key questions to explore are included in the IP matrix. For each type of IP, these are:

- Who should have moral ownership rights?
- Who should have economic ownership rights
- Who should have access rights?
- How should access be granted?
- What needs to be done to enable these ownership and access rights?

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Expected outputs and outcomes from using the Equitable Protection of Intellectual Property tool

Outputs
- A completed Equitable Ownership of Intellectual Property Matrix

Outcomes
- Increased awareness of the range of IP that may be created through the partnership.
- Mutual understanding of what equitable ownership and sharing of research IP might look like in the partnership.

Completed example of the Equitable Protection of Intellectual Property tool

Download the [Equitable Ownership of Intellectual Property Completed Example](#).

A group of psychology and public health researchers from three countries, Australia, Vietnam and Nepal, have formed a partnership to develop evidence-based parenting programs. The Principal Investigator from Australia brings background IP to the project, in the form of a virtual program designed to enhance parents' skills for providing their babies nurturing care, while promoting parental mental health and wellbeing. The program was designed to improve infant development outcomes and reduce postnatal depression. Through experimental research, this has been shown to do so, in the Australian context.

The research partnership has been formed to enable the existing program to be adapted and tested for use in Vietnamese and Nepalese contexts. The intention is that this would build on the existing program and support the design of further parenting programs. In the first stage, the partners intend to apply for government funding from a Globally Northern country. This would fund adaption and testing of the existing virtual program in the Nepalese and Vietnamese contexts.

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Assuming the program achieves its intended effects, the researchers intend to publish the program as a website and smart phone app. This would be openly accessible to parents who want to enrol in the program. The website and app will also be used to host the virtual program for the Australian context The researchers also anticipate publishing scholarly writing that will detail the program development and the methods and results of their experimental research. They will also create a dataset from testing the program.

The partners agree that IP resulting from their partnership should be made openly accessible, partly because this is a funder requirement. The partners also believe that restricting access to those who can afford to pay will decrease the impact of the program, because people who want to use, and may benefit from the program will not be able to access it. This includes parents and practitioners in the Globally Southern partner countries. While embracing 'open science' in principle, the partners recognise that funding to enable open access publication of the program, as well as scientific articles and/or books detailing their results and methods and their data, will be required to ensure open access to IP from the project is equitable. Unless funding is received, the partners from the Global South may not be able to afford to publish (and claim the moral rights to) their IP. This differs from the Globally Northern partner whose institution has open access agreements with publishers and an existing open access data repository.

References and further reading for the Equitable Protection of Intellectual Property tool

- Horn, L., Alba, S., Blom, F., Faure, M., Flack-Davison, E., Gopalakrishna, G., Masekela, R. (2022). Fostering Research Integrity through the promotion of fairness, equity and diversity in research collaborations and contexts: Towards a Cape Town Statement (pre-conference discussion paper).
- University of Missouri System. Intellectual Property Quick Guide. https://www.umsystem.edu/media/aa/UIDP_IP_Quick_Guide.pdf
- World Intellectual Property Organisation. Universities and Intellectual Property. (Undated). Available from https://www.wipo.int/about-ip/en/universities_research/