Intellectual Property and Knowledge Transfer – a question of value(s)?

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Four Pillars of the Intellectual Property Office

• Building economic understanding

• Shaping domestic and overseas policy

• Reaching out to business

• Administering statutory rights
What is IP?

“the currency of innovation”?

What are IPR for?

“IP’s greatest value would not lie so much in being a weapon against competitors, but rather serving as a bridge to collaboration with other [firms]” Marshall Phelps

Vice President IP Microsoft
English HE institutions - IP and knowledge exchange measures, 2003-2008

• Lambert Review of “Business University Collaboration” 2003
  – “Best forms of knowledge transfer involve human interaction…some universities overvalue their IP…lack of clarity over IP ownership”
  – “Lambert Agreements”

• Lord Sainsbury “Race to the Top” (2007)
  – “it will no longer be necessary to start every report of this kind with the dreary statement that, while the UK has an excellent record of research, we have a poor record of turning discoveries into new products and services”.

  – UK world leader in knowledge transfer – 5 out of 7 metrics

• “The Intellectual Property Regime and Knowledge exchange” (2010 PACEC)
  – IP a barrier in 12% interactions; 19% in STEM subjects

• Dyson Review “Ingenious Britain” 2010
  – “To help this collaboration flourish by providing an environment free from the barriers of adversarial negotiations over IP”…… “unrealistic expectations”
Key issues for IP and knowledge transfer:

• Overemphasis on IP?

• Expectations – value and values?

• Economic benefit vs revenue generation?
IP ownership disputes in university – business collaboration

Jacob L J Court of Appeal, March 2006*

“Many disputes of fact are likely to arise-who thought of what and who suggested what to whom.....It is all too understandable that one man is likely to overestimate his input at the expense of the others, even where he is fundamentally honest.

“Disputes about this sort of issue can readily become overheated and prolix....Such disputes are all the more likely where the parties relationship has not been reduced to writing.”

“Parties to these disputes should realise.....they can be protracted, very very expensive and emotionally draining....exploitation of the invention will be stultified by the dead hand of unresolved litigation”

“This sort of dispute is particularly apt for early mediation”

*IDA Ltd v University of Southampton 2006 RPC 21 page 567 et. seq.
• IPO research: “Disentangling knowledge transfer: Maximising university revenue, or social and economic benefit, or both?”

• Who we asked:
  – Knowledge Transfer Officers
  – Researchers
  – University Senior Management (Vice Chancellors)
What they all said:

- Economic benefit prevailing driver
- Multi-faceted and dynamic
- People - cultural environment
- Can’t ignore revenue
- Performance and incentive
- Alignment with career development
IPO activities in knowledge transfer:

• Policy development with Dept. Business, Innovation and Skills

• Lambert IP Group Secretariat
  – European Cross Border Decision Guide

• European Research Area Knowledge Transfer group
  – international agreements and metrics

• International collaborative R&D – China and Brazil

• Handbook on strategic management of IP for public research organisations