

RESPONSIBLE CONDUCT OF RESEARCH EXERCISE

CASE 1

Please read and discuss over lunch

In Dr. Bill's NIH-funded lab, he studied longevity in drosophila, and successfully isolated new genes highly expressed in fruit flies that live significantly longer than typical.

Dr. Bill was contacted by a large pharmaceutical company, also interested in longevity, to be a consultant. The company was establishing a drosophila colony and asked for Dr. Bill's help. He was invited to the company's research labs 3 times/year, each time paying for his travel and a \$2,000 honorarium. After a year, Dr. Bill was asked to serve on their Scientific Advisory Board where he received company stock worth about \$12,000 as well as a \$180,000 "gift" to his lab to cover a postdoctoral fellow to work on collaborative projects. After a year, Dr. Bill was spending 15% of his effort on the company collaboration, 60% on NIH-funded projects, and the rest on teaching and committee service. The trips to the company increased during this time, and sometimes Dr. Bill had to get other faculty members to cover his lectures because of his travel schedule.

At a recent company meeting, Dr. Bill and the Board could see a potentially patentable product emerging from their collaborative research which could slow the onset of aging in humans. If successful, this could be quite lucrative. The Scientific Advisory Board is contemplating whether or not to publish their findings, and how to protect the intellectual property (IP) rights. The Board asks Dr. Bill which parties need to be represented in the patent - Dr. Bill, his postdoctoral fellow, and/or his institution?

Dr. Bill feels that, while his research group contributed to the invention, the direct experiments related to the product IP were not performed by any NIH-funded personnel. He also reasoned that he spent much effort at night and on weekends on the company's project, and rationalized that he fulfilled his teaching, service, and research efforts at the school during this time period, so all extra efforts he made were on his own behalf. Therefore, he feels his IP interests should be represented, but not the school's interests. Dr. Bill also feels that the postdoctoral fellow was getting his training on this project, and so should not get any IP benefit for his participation in the project.

DISCUSSION:

Thoughts on who should be listed on the patent and why? Does Dr. Bill have a conflict of interest in participating in this project? What are the conflicts? When should IP/patent rights be discussed and determined in a collaborative project? In your opinion, does the school have any IP/patent rights? the postdoc? is collaboration between academia and industry a good thing?