

The Regional Universities Network (RUN) welcomes the opportunity to comment on the Higher Education Research Commercialisation Intellectual Property (IP) Framework materials. While RUN itself does not have a view on the technical details of the agreements as part of this consultation we would again reiterate that we believe the framework and the associated materials does not support research commercialisation in Australia and we do not believe will incentivise collaboration. RUN is concerned about the time allowed for university legal teams to provide feedback on the materials, noting the very short consultation window allowed. We would also note that RUN is supportive of the submission from Universities Australia.

Who is RUN?

RUN is a national collaborative group of seven regional Australian universities: Charles Sturt University, CQUniversity Australia, Federation University Australia, Southern Cross University, University of New England, University of Southern Queensland, and University of the Sunshine Coast. This RUN submission does not prohibit RUN universities from making their own submissions addressing in detail any specific issues they have with the framework materials.

Will the templates incentivise collaboration?

RUN does not believe that the commercialisation agreement templates as provided will lead to greater industry university collaboration. RUN further question the assumption that the existence of the template agreements would adequately incentivise industry to approach universities for collaboration especially when some of the example agreements are longer and arguably more complex than agreements which some universities are already utilising. Research collaborations exist in many forms, but typically begin with informal discussions of shared interests or technical challenges between interested parties. They are based on a meeting of minds between researchers and industry, driven by the desire to work together to provide solutions to technical, economic, environmental or social challenges.

Collaboration is not driven by agreements, rather the agreement is a result of the collaboration. The commercialisation journey is complex and is a non-linear process that differs across industries, parties, and individual innovations and projects. The commercialisation journey involves both sides managing expectations and negotiating acceptable terms that result in unique agreements. These agreements go well beyond standard documents, templates and mapped processes and are highly customised to the needs of each party.

Utilising the agreements as a resource

RUN believes that the agreements should be used as a resource and not as compulsory agreements as this may deter collaboration between industry and universities. Standardised agreements will not account for the nuances in collaboration and commercialisation agreements currently negotiated between universities and industry. This is especially true for certain industries, such as the AgTech and creative arts sectors which traditionally attract low royalties. Furthermore, it is unclear how the mandating of standardised templates would enable multi-party agreements (those agreements with multiple university and industry partners), and international agreements which span differing legal environments.

Standardised agreements may act as a starting point or a useful resource for particular clauses, however it is unlikely that this will enable greater commercialisation and partnership between universities and industry. Evidence from overseas suggests that templates are best used as a resource, with the UK's Lambert IP Toolkit being used approximately unmodified 3% of the time, suggesting that while the templates are useful, they are not sufficient to cover the broad range of clauses that are needed to meet the needs of both industry and university partners. This is likely one reason why IP Australia's Toolkit has not been utilised as much as has been expected.