Thank you for the opportunity to comment on the draft IP toolkit. The University of Newcastle (UON) recognises that in the context of a knowledge-based economy, the research sector cannot operate effectively in isolation; the triangulation of industry, the research sector and government is critical to a successful innovation system, especially as a mechanism for transfer of science and technology into the commercial sphere.

Against this backdrop, UON makes the following comments in relation to the specific questions raised in the Draft IP Toolkit Consultation Paper:

1. **Does the draft IP Toolkit offer useful guidance and tools to simplify and improve discussions on IP in research collaborations?**

   UON encourages initiatives that support collaboration with business and industry and recognised that the IP Toolkit provides a useful framework in respect of many aspects of the collaboration process, particularly in relation to issues or challenges that might arise during the course of the collaboration. For example, it could be useful as a template for business and research partners to establish project boundaries and expectations early to avoid complicated future discussions.

   a) **What is the most useful part and why?**

      The toolkit appears to have covered many of the key steps involved in establishing and maintaining a healthy collaboration and would be useful for first-time collaborators. In particular, the case studies provide a valuable method of communicating the benefits of industry and research partnerships.

   b) **What is the least useful part and why?**

      The model agreement appears to be pitched at a relatively sophisticated level and one that would require both parties in collaboration to seek legal advice. UON has its own legal counsel that is well experienced in working with industry partners, drafting contracts and third party agreements, however, in many cases this might not be available and a more simplistic approach would be welcome. Similarly, the IP toolkit is a significant document encompasses many facets and UON can see the value in an abridged version of the toolkit.

2. **Are there any gaps in the information provided?**

   Although the IP toolkit appears to be quite comprehensive, unique nature of research collaborations and the unforeseen challenges that might arise throughout product or process development means that it unlikely that the IP toolkit can capture and/or provide advice in relation to every scenario or collaborative relationship.

3. **How could the draft IP Toolkit be improved for the target audiences of SMEs and researchers?**

   UON recommends that an abridged version be produced that includes key steps or collaboration milestone. This would allow the benefits of industry and academic collaboration to be set out in...
a simplistic form that both parties can appreciate. In addition, a shortened and simplistic collaboration agreement model should be considered and more emphasis on a key term should be developed as a more user friendly version particularly for SME’s.

4. Any other comments or suggestions for improvement?
UON recommends that consideration be given to the following to improve the IP toolkit:

- The preparation of an abridged version that provides a snapshot of the processes to inform development of the collaboration, e.g. a straightforward flow chart around the IP considerations in research collaborations projects, a streamlined Term sheet with key aspects emphasised such as purpose and scope, milestones, expectations and obligations, warranties and liabilities, publications, IP ownership for project IP and background IP.
- The paper is silent on ethics requirements that may be different for certain projects involving animals and humans that may strongly influence the project and data sharing. While it is recognised that the requirements may vary vastly depending on the nature of the project, some reference to ethics should be included.
- The tool-kit should highlight how to define and cover only the relevant background IP needed for the project.
- Generally discussions of this kind occur after a confidentiality agreement has been signed, which can be onerous to prepare. UON believes there is value in including a simple confidentiality template as a starting point for discussions.