



Newsletter

September 2009

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About the National Health Sciences Centre Ltd

The National Health Sciences Centre Ltd (NHSC) – is a not-for-profit ACT registered company whose charter is to foster scientific collaboration and commercialise health sciences research in the ACT. NHSC has a successful track record of ACT health IP commercialisation and has developed new revenue streams from the successful commercialisation of research. (www.nationalhealthsciencescentre.com.au) The National Health Sciences Centre works closely with academic, government research, health, pharmaceutical and biotech sectors and has a highly experienced board. NHSC has successfully conducted IP audits, commercial assessments and IP commercialisation. NHSC has also contributed to the development of IP Governance Systems, IP management policies, and IP Awareness and Education. This newsletter is intended to raise awareness about health sector IP and to communicate with researchers, industry partners and stakeholders. For further information please contact: Dr Deborah Kuchler, Executive Chairman, Tel: 0418 726 622 Email: Deborah@DeborahKuchler.com

What is Intellectual Property?

Intellectual Property (IP) is often considered to be only patents and trademarks but it is important to note that IP is a collective term and includes seven different forms of IP.

• **Copyright Confidential Information**

Confidential information is information and materials of a commercial nature (and may include information of a personal or commercial nature) that is not readily available to the public.

Example: Laboratory or Design Workbooks, Trade Secrets

• **Copyright**

Copyright is a form of IP that protects the expression of an idea, but not the idea itself. In Australia, copyright is governed by the Copyright Act 1968 (Cth) where an exclusive set of rights are automatically granted upon creation of an original copyright work for a limited period of time.

Example: Databases, Marketing and Promotional materials.

• **Domain Names**

Domain names are sequences of words which are translations of numeric internet protocol addresses.

Example: Web address

• **Patents**

A patent is a form of IP that protects an invention. A patent grants a set of exclusive rights to the patent owner to commercially exploit the invention for a limited period of time. The grant of a patent is governed by the Patents Act 1990 (Cth) in Australia.

Example: Biological Materials (methods & uses)

• **Plant Breeder's Rights**

Plant Breeder's Rights is a form of IP that protects a registered plant variety. In Australia, plant breeder's rights are governed by the Plant Breeder's Rights Act 1994 (Cth) where an exclusive set of rights are granted to the registered owner for a limited period of time.

Example: Plant varieties

• **Registered Designs**

A registered design is a form of IP that protects the overall appearance of a new and distinctive design. In Australia, the Designs Act 2003 (Cth) grants a set of exclusive rights to the registered design owner to commercially exploit the design for a limited period of time.

Example: Medical Devices or Biophysical Apparatus

• **Trademarks**

A trademark is a form of IP that is a 'sign' used in trade to identify and distinguish a business's goods and services from other businesses.

Example: Graphical Designs, Words or Names

Extracted from Biotechnology Intellectual Property Management Manual, 2008, Blattman, A. et.al.

IF YOU THINK YOU HAVE HEALTH IP OR YOU HAVE ANY QUESTIONS ABOUT RESEARCH
COMMERCIALISATION - CONTACT THE NATIONAL HEALTH SCIENCES CENTRE LTD

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What is Confidential Information?

Intellectual Property (IP) is an asset that must be carefully managed and protected. At times, opportunities to patent or commercialise IP can be lost due to disclosure of confidential information. Disclosure includes but is not limited to publishing results before securing IP protection. To maximise the benefit from the commercialisation of IP, individuals should be aware of what constitutes confidential and non-confidential information.

In the table below are case examples of common situations where a researcher and/or commercialisation manager may need to assess the risk for disclosure, and a recommendation is given as to whether the information being considered is confidential or non-confidential information. These examples act as a guide and can be applied to various situations.

Guidelines for Deciding when to Disclose or Withhold Confidential Information

Scenario	Non-Confidential Information	Confidential Information
I did a 5 year trial of my drug	X	
The results of the 5 year trial indicate that we should persist with the work	X	
The results of the 5 year trial were really encouraging and positive		X
The actual results of a 5 year trial of my drug were 6 people improved, 1 didn't etc.....		X
Additional information relating to my technology may be found in the published patent application at the USPTO website	X	
A copy of my unpublished patent application is attached		X
The invention in my unpublished patent shows how x can be used to give a y result		X
My most recent findings were published last year and I've attached a copy of the article for your review	X	
My latest unpublished data is / or shows that $x + y = z$		X
This technology may have additional applications not previously indicated/found and not defined in the Technology Investment Brief or the published patent application	X	
We have identified additional applications of our technology and these are.....		X
We intend to further develop our technology in areas that are new applications of the technology and in areas where other technologies are currently deficient	X	
We intend to develop our technology further by...		X
We have completed Phase 1 trials of our drug	X	
We have completed Phase 1 trials of our drug and our developmental strategy will be.... and the costs of further development will be ...		X

If you are in doubt about whether something is considered Confidential or Non-Confidential Information contact the National Health Sciences Centre Ltd for advice - lferris@nationalhealthsciencescentre.com.au or 0401 056 555.

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