



*Recommendations on Intellectual
Property & Knowledge Transfer For
Charity-Funded Research*

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Introduction

A core belief of the MRCG is that charity-funded research should be used for the public good; for the benefit of patients and to improve the nation’s health.

This document aims to provide guidance on the appropriate way to protect, manage and exploit intellectual property and to publicise research findings, generated in the course of a charity-funded research project.

Note: The recommendations within are intended as a guide only and are not a substitute for legal advice. Please note that the MRCG cannot take responsibility for any actions taken in reference to this document.

What is Intellectual Property (IP)?

Intellectual property, or IP for short, is the term used for creations of the mind, such as knowledge and ideas, which hold potential value. In the context of health research, it relates to novel ideas that have emerged from research, often with a view to improving health. In this context the most common form of IP is patents. Filing a patent application gives protection to an idea, preventing others from copying it. This protection increases commercial interest in an idea, thereby helping to ensure that the idea will be developed into a tangible product. Protecting IP is therefore a key component of advancing research for the public good and patient benefit.

OVERARCHING RECOMMENDATIONS

The MRCG recommends that **principal investigators and their host research institutions**:

- Appropriately protect IP, generated over the course of a charity-funded research project
- Take steps to commercialise IP and publicise research findings with potential for patient and public benefit
- Keep the funding charity fully informed at every step of the process

The MRCG recommends that **funding charities**:

- Play a role in raising awareness among the research community of the importance of protecting IP and actively work to ensure that IP emerging from charity-funded projects is used for the public good
- Acknowledge that, unless the organisation has extensive resources to dedicate to IP, it is usually not practical or desirable for a charity to own or exploit IP
- Ensure that grant terms and conditions clearly outline the charity's expectations around IP and the publicising of research findings
- Do not unreasonably delay or block plans for protecting IP or commercialisation of IP, unless counter to the organisation's charitable objectives or ethos

General recommendations

Managing IP

Generally, in the context of medical research, protection of IP will be through applications for patents. While there are exceptions (usually in the case of large research charities), IP will generally be owned exclusively by the research institution, which will have the financial means to exploit it. It is then the research institution's sole responsibility to make all filings and to pay for all costs associated with applying for registered IP. In managing and exploiting IP, Irish research institutions are required to adhere to national policy and guidelines, as set out in the [National IP Protocol](#).

The MRCG recommends that:

- The expectations for the protection and management of IP are clearly outlined in the grant terms and conditions
- Research institutions keep the charity informed of any IP application and share a copy of the filed application with the charity. [Charities can request to view draft applications prior to filing but should bear in mind that this might jeopardise applications, which are frequently time sensitive].
- Where a research institution does not intend to register or use any IP, then the funding charity should have a right of first refusal to protect, manage and exploit the IP. This right should not extend beyond six months.

Commercialisation of IP

In most cases neither the funding charity nor the research institutions will be in a position to commercially exploit IP by bringing drugs, devices, treatments or other medical advances to market. Accordingly, research institutions may need to licence foreground IP to industry partners, so that it can be used to provide health benefits to the public.

The MRCG recommends that:

- Charities should be kept informed of any IP licensed to third parties for commercial exploitation. Research Institutions should work with the charity to ensure that the IP is being used for the public good and does not conflict with the objectives of the relevant charity. [Charities can request to consent to the licensing of IP but should bear in mind that this might delay the process].
- In the case of charities wishing to benefit financially from commercialisation of IP, they should consider a clause in the terms and conditions agreed at the outset of the project, detailing their expectations in respect of revenue share. Through this process, the right of the research team and institution to receive compensation for their input should be acknowledged.
- The funding charity should endeavour not to delay or unreasonably prevent the commercialisation process, without strong cause.

Making research findings available

The MRCG encourages the publication of findings arising from charity-funded research, in the shortest possible timeframes, unless the research institution can demonstrate a legitimate reason why research findings should not be published (e.g. a disclosure which might then jeopardise an IP application).

The MRCG recommends that:

- Member charities should consider ensuring their right (through the contract agreed at the outset of a project) to publish the research findings (or to authorise others to do so), in the event of the research institution not making them publicly available.
- Any public statements or publicity relating to a collaborative research project should acknowledge the contribution of the charity and should be prepared in consultation with the charity, where appropriate.

Further information

For further guidance on IP and knowledge transfer in charity funded research, we recommend reading the Association of Medical Research Charities' document 'Benefiting from innovation: intellectual property advice for medical research charities': http://bit.ly/AMRC_IPguide

For guidance on wording to include in grant terms and conditions, we recommend considering the wording used in the Wellcome Trust's grant conditions (but charities should bear in mind that the Wellcome Trust has considerable internal expertise in IP).

<https://wellcome.ac.uk/sites/default/files/grant-conditions-2017-August.pdf>

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The MRCG retains the right to update these guidelines from time to time.

The Medical Research Charities Group is Supported by



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