



Policy

Commercialising Project Intellectual Property



Date issued

16 May 2016

Target Group

Research Grant Interested Parties and Applicants

Purpose

The purpose of this policy is to advise Applicants regarding MRIWA's position in regard to commercialising Intellectual Property developed, improved, or modified during the Project (Project Intellectual Property).

Policy Statement

Details of the arrangements for managing intellectual property associated with a project are negotiated between the Participating Organisations as part of the contract (Conditions of Grant).

The template Conditions of Grant provides three draft options for arrangements regarding intellectual property:

- Version A, Ownership of IP by the Applicant;
- Version B, Ownership of IP by a Sponsor;
- Version C, Ownership of IP in partnership.

Lead Organisations, Sponsors and MRIWA will need to decide on which version of the IP arrangement will be used for the Project prior to finalisation of the Conditions of Grant.

In relation to the commercialisation of Project Intellectual Property:

1. MRIWA will consider options for the Institute to develop and turn to account any technology, software, resource or intellectual property and, for that purpose, apply for, hold, receive, exploit and dispose of any intellectual property consequent to any project in which it has invested.
2. While MRIWA will not normally take out provisional patents or patents in its own name or jointly with others, nor will it be involved in the financing of patent applications, there may be circumstances under which it is necessary and desirable to invest in a patent to safeguard the intellectual property resulting from a research project. As allowed for in its Act, MRIWA may then invest in a patent.
3. Provisional patents on any patentable products or processes developed from a MRIWA-funded research project may be taken out by the Lead Organisation at their expense, after consultation with MRIWA and the Sponsors and subject to the terms of the Condition of Grant.

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4. To promote the development and commercial exploitation of any new product or process within the State, MRIWA will encourage the Lead Investigator to enter into a commercial arrangement with a prospective Western Australian manufacturer or commercial organisation, with regard to the patenting and future commercial development, manufacture, and exploitation of the new product or process.
5. As MRIWA has IP rights, it may negotiate to receive a royalty or lump sum in return for waiving its IP rights, as part of any such commercial agreement. The magnitude of the royalty and duration of its payment would be negotiated on a case by case basis, according to the particular circumstances. MRIWA may decide to exercise this right, for example, if the intellectual property is sold to an overseas company for commercial exploitation offshore with little benefit accruing to WA.
6. Other types of IP, including such items as software, a data bank, etc., may be offered for sale by the Applicant or the Grantee, after consultation with MRIWA and the sponsors, and with their approval. The price and conditions of sale shall be agreed after consultation between the parties concerned.
7. MRIWA will always maintain the right to publish the final report, irrespective of the IP options chosen or negotiated.

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