

SOLVING IP OWNERSHIP CONTROVERSIES

8.30	Welcome and Introduction	Overview of the day.
9.00	Ownership of IP issues in specific relationships	Ownership of IP in various contexts considered: Who owns the IP as between: employer and employee, academic scientist and employer, student and university, company director and company, shareholder and company, government employee and government, visiting scholars, clinicians, etc. What are the rules in various countries? What are the exceptions?
10.00	Joint ownership of IP and its unexpected commercial implications – laws in specific countries considered	Joint ownership of IP suggests that the joint owners have equal and mutual rights over the jointly owned IP. But that is not the case. Unharmonised laws in different countries can result in one joint owner being disadvantaged, or even all the joint owners being disadvantaged. The implications of joint ownership of patents, copyright, confidential information etc, in various countries considered. Why there is a need to know joint ownership rules of other countries. The adverse financial and bargaining implications of joint ownership.
11.00	Morning Tea	
11.30	Rights of First Refusal and Options to Negotiate a License	When are they used in combination with IP ownership and rights controversies? Their legal status considered. What obligations do they impose. Implications of unharmonised laws in relation to rights of first refusal and options to negotiate. Consequences of breaching obligations considered in different countries. The adverse financial and bargaining implications of rights of first refusal and options to negotiate.
12.15	Ownership of IP and rights over IP in collaborative relationships and strategic alliances	Dealing with IP ownership in collaborative relationships including university / university, company / university, and company / multinational. IP Ownership models including ownership based on inventorship, improvements, category, etc. Operation, advantages, disadvantages of each model. Factors influencing choice of model.
1.00	Lunch	
2.00	Ownership of IP between a university / research organisation and a company	Ownership of IP as between a university / research organisation on the one hand, and a company on the other hand. Specific contractual relationships considered: consulting contracts, contract research, sponsored research, collaborative research etc. Alternative ownership models considered.
3.00	Afternoon Tea	
3.30	Practical Exercise	Participants are allocated into groups. Each group is presented with a different case study / fact scenarios for a different type of relationship / collaboration, and different drivers and motivations operating that influence the negotiation of the ownership of IP. Groups will need to identify “best outcomes” that each party would prefer, and likely “negotiated outcomes”.
4.30	Practical Exercise Report back	Groups will present their case studies and the results of their findings.
5.00	Close	