



Case Studies in Biodesign Ethics

Ownership of IP across Fellows

The Program in Biodesign includes four fellows from different backgrounds with different skill sets. They are to work together to find medical problems worth solving, jointly contribute to solutions to those problems. The solutions are discussed as a group with the program directors and executive faculty in weekly meetings. Teams of faculty and fellows work together in varying combinations to implement, modify and finalize the solutions. Part of the process being taught is the patenting of intellectual property and the issues around whom should be included on a patent application. Some of the faculty members attend few of the discussion sessions. A faculty member suggests only those contributing to the final form of the "solution" should be included on the application as recognition of the expected varying intellectual contribution of individuals. Another faculty member believes such a policy will cause competition and potential secrecy among the members of the group regarding their new ideas. This view suggests the team process is the key factor in invention within this program and all inventors should be listed equally. This leads to discussion of definitions of when an invention occurs.

- Should all members of the fellowship class be included on all patent applications?
- If not, what criteria should be used for inclusion in the final patent application?
- Should the faculty contributing to the process of invention be included as inventors on the patents coming from this process/program?
- What is the primary goal of the academic innovation program: teaching a team approach to innovation or teaching ways for the individual to innovate?

Assume eventually there may be some financial gain to those developing patented ideas/methods/products within this program.

- How can competition and secrecy among class members be avoided?
- Should there be some incentive to develop intellectual property as a value beyond learning the process of innovation in this program?
- How can the IP be kept within the University system rather than left undeclared until the student leaves the program?
- Should any part of the royalty fee gained by the University from the I.P. developed within the program be returned to the program for continuation of its' efforts?