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A World of
Knowledge
Transfer

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University – Industry Collaborations: Can we increase effectiveness in developing or sharing new technologies from academia?

Scenario 1 is often that the KTO steps in after the R&D phase is over:

Downstream licensing roles for the KTO

- R&D has taken place
- KTO role is to (help) find partners from industry to drive innovation
- KTO role is to “Do the Deal”



This case study starts from a different stage: where an upstream alliance has been forged: a consortium

Scenario 2

- Sometimes possible to “problem solve” together
- “Open Innovation” and “Co-creation” are buzzwords of now, but were relevant concepts in academic/industry collaborations even 30 years ago
- Today’s case study will illustrate some of the key the challenges as well as opportunities/solutions



Setting the Scene

- Drug Development Challenge: *could we eradicate or reduce the use of animal models for New Chemical Entity testing?*
- A theoretical scientific solution was proposed by an academic centre, directly to several pharma companies, as the basis for and R&D project
- Partners from pharma were all interested: so could a consortium be set up?

Challenge 1

Surprisingly not 'is there cash? ', but **will pharmaceutical competitors find a way to collaborate “upstream”** with a legally binding contract, naming them all as collaborators?

Solution

- Clear scientific plan where the desired outcomes would be of industrial interest on a *non-exclusive basis*
- Clear proposal for roles of industrial partners
 - Provide cash
 - undertake validation studies to test results
- KTO would drive the structured negotiations for consortium agreement covering all the (usual) topics
- Establish a relationship quickly by bringing everyone together – F2F meeting to plan and agree
 - Science
 - Business

Challenge 2

Could a single consortium be negotiated and accepted (within reasonable timescales)?

- Clearly define partners and project goals
- Clearly define each commitment – time and funding
- No guarantee of success – just guarantee that effort will be applied
- Parallel negotiations with 14 partners need lots of energy and mutual trust (scientists +KTO + partners)

Solution

- Fixed commitments are needed for some topics
- Devote energy to plan for success
 - IP strategy
 - Publication strategy
 - Oversight? Review and Decision-making Processes
 - Annual meetings essential

Challenge 3

IP decision-making : can consensus be found?

- Patent/no patent (filing decisions)
- License/no license (semi-exclusive? Non-exclusive?)
- How to balance desire of academics to publish results?
- Downstream (2yrs) then open to all

Solutions

- Early notice of planned publications to start clock-ticking
- 3 month review period+ maximum 6 month delay for more data
- Lead time “Semi-exclusivity” guaranteed to pharma partners
- Downstream (2yrs) then open to all
- Portfolio of IPR comprising both patents and Know-How was possible

End of the Story? Some Observations..

Relationship-building is critical *ahead even of the science/technology/price or IP issues*

IP decision-making needs to be transparent and balance all needs
(protection/lead time use versus (publication freedoms)

Balance between deal certainty and flexibility is needed *since licensing negotiations were in a vacuum- the IP had not yet been generated*

Compromise is expected in a consortium situation *so negotiations are much easier than in bi-lateral relationships*

Confidence in commercial ability *to manage IP and negotiations is crucial*

In reality: the desired tech solution was found; all consortium partners took licenses; they also agreed upfront that the KTO would ultimately open licensing outside the consortium so all industry could access it; 2 postdocs set up a spinout to act as supplier of materials and customized services, the same consortium decided to seek out new projects *(leading to longest-running collaboration in UK since 1994)....*

Who is ASTP?

- **Mission:** By promoting and professionalising knowledge transfer practice, the association aims to enhance the impact of public research on society and the economy.
- **Members:** 1 000 + individuals from 53 countries, 650 institutions
- **National Associations Advisory Council (NAAC)** delivers input from 29 different countries



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