Legal Framework for e-Research

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National Collaborative Research Infrastructure Strategy (NCRIS)

- focus and strategic direction for Australia’s research infrastructure
- NCRIS Strategic Roadmap identifies priorities for investment in research infrastructure
- 15 specific areas of science and technology
- “Platforms for Collaboration” also designated as a priority capability area

The Benefits of Collaboration

- Economic
- Knowledge sharing/transfer
- Valuable outputs
- Enhanced visibility and impact of research results
- New opportunities for innovation
Impediments to Collaboration

- Informal collaboration
  - Uncertain payoffs
  - Information gaps
  - Credibility gaps
  - Risks of misappropriation
  - Commercialisation focus

- Formal collaborations
  - Disincentives in negotiation process
  - Inter-party problems
  - Difficult legal issues
Key legal issues facing collaborative innovation and e-Research

- the research contracting framework
- intellectual property law
- privacy law
- private international law
- jurisdiction
- liability (tort law)

Contractual Framework

- when and on what terms is the relationship formed?
- collaboration may be organised on an informal basis
- inclusion of latecomers to the project
- departure of key participants
- unequal bargaining power of collaborating parties
- parties reside in different jurisdictions
- expertise required to interpret contracts for scientific collaboration
Collaborative agreements

- difficulties in precisely defining each parties obligations covering all eventualities
- extremely detailed contracts may inhibit innovation and knowledge creation
- variation in types of collaboration - standard form agreements may be ineffective
- need for balance between formal and informal governance mechanisms (Spence)
- recognition of the importance of trust

e-Research Survey

- Conducted online during March – April 2007
  - Identify ‘e-Research’ and levels of engagement
  - Who is collaborating with whom, and where
  - Identify sectoral difficulties or strengths in collaboration
  - Investigate frequency and character of informal collaborations
  - Explore perceptions of important outcomes of collaboration
Intellectual Property

• Collaborators share intellectual property including:
  - patented inventions
  - copyright material
  - research data
  - confidential information

Privacy

• e-Research Strategic Framework Interim Report - case study on the InterRett Project:
  - understanding of causes and potential remedies for a rare debilitating disease, Rett Syndrome, leading to severe intellectual disabilities
  - requires a global perspective involving researchers and practitioners in multiple locations

• Patient privacy can be achieved, technically, through separation of identifying information from medical data and the use of existing web-based security methods

• Formal guidelines and consensus are needed to define data submission, access and output processes

• National guidelines useful to streamline interagency collaboration, especially in regard to establishing legal agreements or MOU’s on data sharing, publication, security and privacy
Data Management

• Issues of data management are particularly accentuated in fields of biological collaborative research
• Vast amounts of data produced by collaborating research teams distributed internationally
• Identify ownership of research data and records
• Ensure security and confidentiality of research data and records
• Protect confidentiality and manage intellectual property
• Have written agreements for each collaboration

Data Management

• Copyright
• Confidentiality
• Contract
• Access Policies and Principles
• Legal Framework
Legal Framework for e-Research Project

- Acquire information on e-Research collaboration through surveys and interviews of participants
- Include information from researchers with extensive background in collaboration generally (eg CRCs)
- Development of legal frameworks to address the key legal issues presented

International e-Research Conference

- 11 & 12 July 2007
- Marriott Resort and Q1
- Program and Registration Form is in your eResearch Australasia 2007 conference satchel
- 7 international keynote speakers
- Prominent researchers and lawyers from throughout Australia presenting
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