



ASTP

A World of
Knowledge
Transfer

How “not to” manage deals
between academia and industry

Or

“It could only happen to me”

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Proposed scope of talk

This talk will share short (true life) case summaries highlighting where things can or have gone wrong:

Setting the scene

Negotiation process

Living with the deal

Some lessons



Setting the scene(cast, venue and dialogue)

The Right Opposition- the other side?

The Right Team- your own side!

To travel or not to travel....

Knowing the technology?

.....let the games begin....



Pressure during Negotiation- physical factors



Fear
Jet Lag
Humiliation
Academic pressure



Pressure during Negotiation- deal factors

Take it or leave it...
Moving goal posts
...Just say nothing at all....
External time limits
Desperation

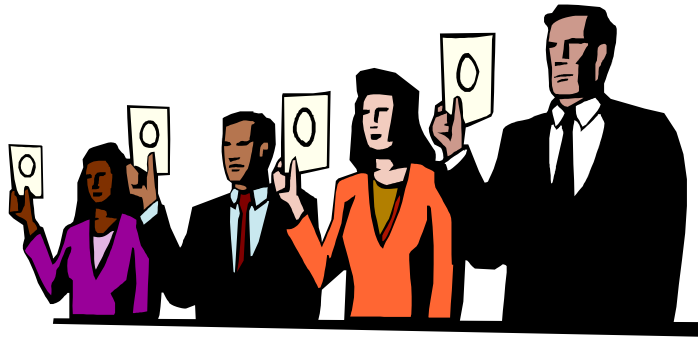


Pressure during Negotiation-Political factors

Institutional
Regional
Academic
Conflict of Interest



After the Fact – Living with the Deal?



Hello- I am your new
Licensee

Failure to perform

Oops – was that our IP?

Can we have our cash
back?

Not monitoring licensees



Words words words....



Agreements to
agree
Milestone triggers
Royalty basis
Selling the whole
university
Joint inventorship
Bad Performance?



Words words words.....

Mutual consensus (are we speaking the same language?)

Deliberately differing intent (shall? will?)

Governing law(the Californian example)

Background IP (by time or field?)

Conditions- suspensive? Time limited?

Exclusive rights (or do we mean sole? or non-exclusive?)



Daylight Robbery



Breaching confidentiality
Deliberately breaking
agreements
Taking IP
Royalty fraud
Selling the licence



Lessons Learnt

There are different standards of “fairness”-
“do as you would be done to”

A deal is a relationship, so bear the
future in mind

People change during a deal – and their
interpretations

Organizations can change during a deal

Negotiate as a team

Be explicit about what the deal is meant to do
and ensure the contract spells it out (use a
good lawyer?)

Never a dull moment!

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:** 1000 + individuals from 53 countries, 650 institutions
- **National Associations Advisory Council (NAAC)** delivers input from 29 different countries



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