This procedure is pursuant to the Intellectual Property Policy.

This procedure has three Schedules:

A: Instruction for Completing Laboratory Books
B: Deakin University Invention Disclosure Form

PURPOSE

This procedure documents how to comply with:

- Intellectual Property Policy (Staff)
- Intellectual Property Policy (Students).

SCOPE

This procedure applies to all staff, students and Honorary staff of Deakin University.

DEFINITIONS

Deakin Inventors: Under the Patents Act, Deakin staff or students entitled to be named on the Patent as inventors, are considered Deakin inventors in the case of patentable inventions.

PROCEDURE

Recording and disclosing Intellectual Property

1. Research staff and students who may create patentable inventions must maintain a laboratory book (Schedule A). (Laboratory books are available on request from Deakin Research Commercial (deakin-research-commercial@deakin.edu.au).

2. As soon as a potentially patentable invention is identified, research staff and students must complete a Deakin University Invention Disclosure Form (Schedule B) and submit it to Deakin Research Commercial. Deakin Research Commercial will assist research staff and students completing this form and acknowledge receipt when the signed copy is submitted.

Evaluating commercial value of Intellectual Property

3. Intellectual Property identified as per the Deakin University Invention Disclosure Form, will be evaluated by Deakin Research Commercial to ascertain the commercial potential of the invention and the appropriate action (Schedule C).

4. Deakin Research Commercial Managers are responsible for working with research staff and students to prepare information for this evaluation process and for communicating with research staff and students at each stage of the process.

Decisions regarding Intellectual Property

5. The Deputy Vice-Chancellor (Research) (as the Responsible Officer) will make decisions regarding the management, prosecution and commercialisation of University Intellectual Property taking into consideration the advice of the research team, Deakin Research Commercial and where appropriate, external expert advisors. These decisions will be communicated to the research team in a reasonable timeframe.
Support provided by the University

6. Deakin Research Commercial provides support to research staff, students and student supervisors regarding managing, prosecuting and commercialising University Intellectual Property. Deakin Research Commercial has access to a wide range of expert support services including patent attorneys, legal advisors and commercialisation consultants.

<table>
<thead>
<tr>
<th>Document History</th>
</tr>
</thead>
<tbody>
<tr>
<td>First approved by:</td>
</tr>
<tr>
<td>Amendments approved by:</td>
</tr>
<tr>
<td>Effective date</td>
</tr>
<tr>
<td>Review date</td>
</tr>
<tr>
<td>Version</td>
</tr>
</tbody>
</table>
Since 1 January 1996, inventors throughout the world have been able to rely on evidence of their activities when proving dates of invention before the United States Patent Office. The following checklist is provided by way of a guideline only and to ensure all the requirements are met in your particular circumstances, specific advice should be sought on a case by case basis.

- Records should be kept in a bound notebook with consecutively numbered pages. Records kept on computer are not acceptable as evidence of invention.
- Entries should be made in pen not pencil.
- The date should be entered on each page.
- Each experiment should be described in the past tense and in detail.
- The purpose of the experiment should be indicated.
- Entries should be made directly in the notebook as the experiment is carried out.
- Results should be entered immediately they are obtained.
- If some of the experimental work is carried out by another person, the data generated by that person should be entered in the bound notebook as soon as the researcher receives them.
- All non-standard terms and abbreviations should be defined in the notebook.
- Some results may be difficult to enter directly into the notebook. Photographs should be stuck in and signed and dated across the border to show that they have not been added later. Where possible gels should be sealed and taped in. Again a signature and date across the edge may be beneficial if this is possible. Bulky results such as large computer printouts may need to be kept separately. To accommodate this sort of data some laboratories are keeping a separate catalogue of signed and dated printouts numbered by consecutive catalogue numbers, with a description of the results and a cross-reference to the catalogue number entered in the notebook.
- Incorrect entries should not be erased but rather struck through with a single line.
- Blank portions of pages should be drawn through with a single diagonal line.
- Each page of the notebook should also be signed and dated by the person actually carrying out the experiment as soon as it is completed.
- Each page of the notebook should be signed and dated by at least one and preferably two people who have knowledge concerning the experiments, actually conducted, i.e. someone who has observed and understood the experiment. It may not be sufficient for the witness to be a person who understood the experiment to whom the experimenter merely disclosed the experimental details.
- The witness should be someone who is not likely to be an inventor of any invention embodied in the experiment being witnessed. It is preferable where possible to have critical experiments conducted by someone who is not likely to be an inventor. A laboratory technician who is working under the direct instruction of the researcher, using standard manipulations and who is not engaged in any problem solving activity in order to perform the experiment is likely to satisfy this requirement.

Source: Kindly reproduced with permission of Griffith Hack Patent and Trade Mark Attorneys
For Completion by Deakin Research – Commercial

Date of submission via email: 

Commercial Manager assigned: 

Disclosure date: 
(form completed to the satisfaction of the Commercial Manager – see below) 

Intellectual Property Disclosure Number (200X00Y) 

Who should complete this form?
All staff members of Deakin University, and all students who have signed a Deakin Intellectual Property Student Agreement, who have developed an invention that Deakin University might potentially wish to protect.

If you are not sure as to whether you should complete and submit this form, do so anyway.

Submission of this form does not mean that you are then able to publish or otherwise disclose Intellectual Property identified in this form until authorised by Deakin Research – Commercial to do so.

What is the purpose of this form?
The translation of research outcomes into applications, products, processes and tools that make a positive difference to society and the environment is an important part of Deakin's research agenda. Timely disclosure of potentially valuable Intellectual Property to the University is therefore necessary to allow it to act appropriately to protect its IP if appropriate.

It is better to advise the University early rather than later, as once Intellectual Property is in the public domain, for example, through publications and presentations, it is in usual circumstances impossible to protect.

Completion of this form allows Deakin University to identify whether Intellectual Property of potential value has been created. Satisfactory completion of Part A will result in the attainment of a Disclosure Date, after which the University has 6 months within which to make a decision in relation to the management of the disclosed Intellectual Property.

Please complete Parts B and C as well. The Nominated Officer assigned to your disclosure will assist you in completing these parts if you have difficulty in doing so.

Instructions
1. Complete this form to the best of your ability including with required signatures. If any sections are not relevant, enter N/A.
2. Keep a copy for your records.
3. Submit this form electronically to deakin-research-commercial@deakin.edu.au

What happens after submission of the form?
A Nominated Officer (normally a Commercial Manager) will contact you to discuss your submission and the next steps.

If you are not contacted within 2 weeks of submission of the form, please email Deakin Research – Commercial (email: deakin-research-commercial@deakin.edu.au).

Definitions (to be completed)
Inventors: Rights in an invention are determined by objectively assessing material contributions to the invention, rather than an assessment of the inventiveness of respective contributions. If the final concept of the invention would not have come about without a person’s involvement, then that person may ultimately have entitlement to the invention and be registered as an inventor.

Owners:

Authors:
### Part A - General Details

1. **Title of invention**

2. **Summary of proposed invention (100 words max)**

3. **Key contact**

4. **Proposed inventors/research collaborators**

   a. **Title________________**  
      **First name_______________________________**  
      **Last name________________________________**  
      **Institution Name**  
      **Inventor Position**  
      **t:**  
      **e:**  
      **Home address**  
      **Staff / student (circle one)**  
      **Part time? Yes/No If Yes, EFT fraction =**  
      **Nationality / Citizenship**

   b. **Title________________**  
      **First name_______________________________**  
      **Last name________________________________**  
      **Institution Name**  
      **Inventor Position**  
      **t:**  
      **e:**  
      **Home address**  
      **Staff / student (circle one)**  
      **Part time? Yes/No If Yes, EFT fraction =**  
      **Nationality / Citizenship**
<table>
<thead>
<tr>
<th>5. Type of Funding (may be more than 1)</th>
<th>Grant Details</th>
</tr>
</thead>
</table>
| a. Deakin supported only? (e.g. CRGS, other internal funding) - YES/NO | Grant No:  
Title:  
Date of funding: |
| b. ARC Discovery/ NHMRC? - YES/NO | Funding Body:  
Grant No:  
Title:  
Date of funding: |
| c. ARC Linkage - YES/NO | Grant No:  
Title:  
Date of funding:  
Name of Industry Partner(s): |
| d. CRC or ARC Centre of Excellence or other funds coming from Commonwealth Initiatives? - YES/NO | Funding Body:  
Grant No:  
Title:  
Date of funding: |
| e. Direct Industry funding - YES/NO | Title:  
Date of funding:  
Name of Industry Partner(s): |
| f. Other - YES/NO | Title:  
Date of funding:  
Name of Partner(s): |
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part A - General Details (cont)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>6.</strong> Do you know if you have obligations to the funding agency or company/industry partner in relation to the invention? – YES/NO</td>
<td>If so, provide details – refer to any contracts etc as necessary.</td>
</tr>
<tr>
<td><strong>7.</strong> Where did the work leading to the invention take place – campus, laboratory?</td>
<td></td>
</tr>
<tr>
<td><strong>8.</strong> Names of technical or research staff involved in the research, if not listed above.</td>
<td></td>
</tr>
</tbody>
</table>

**Nominated Officer Use only**

Disclosure date (Date of satisfactory completion of Part A)   dd/mm/yyyy

Name – Print ________________________________________________

Name – Signed ______________________________________________
<table>
<thead>
<tr>
<th>Part B – Proposed Invention – Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Short summary of the proposed invention in terms that someone not familiar with the research could understand. (Attach diagrams, presentations etc )</td>
</tr>
<tr>
<td>a) The invention is a new or improved:</td>
</tr>
<tr>
<td>• Product</td>
</tr>
<tr>
<td>• Process</td>
</tr>
<tr>
<td>• Material</td>
</tr>
<tr>
<td>• Software algorithm or computer program</td>
</tr>
<tr>
<td>• Multimedia product</td>
</tr>
<tr>
<td>• Chemical moiety</td>
</tr>
<tr>
<td>• Device</td>
</tr>
<tr>
<td>• Other (describe).</td>
</tr>
<tr>
<td>b) The invention is:</td>
</tr>
<tr>
<td>• An incremental improvement over existing technologies, products, processes</td>
</tr>
<tr>
<td>• A radical/revolutionary product or process – a whole new way of doing things</td>
</tr>
<tr>
<td>• A significant improvement over existing technologies, products, processes.</td>
</tr>
<tr>
<td>Describe the nature of the invention</td>
</tr>
<tr>
<td>What does the invention do? What are its likely uses/applications?</td>
</tr>
<tr>
<td>2. How might the invention be applied in the market place?</td>
</tr>
<tr>
<td>3. What is the market potential in Australia, globally or in key markets?</td>
</tr>
<tr>
<td>- &lt; 100,00</td>
</tr>
<tr>
<td>- 100,000 – 100,000,000</td>
</tr>
<tr>
<td>- &gt; 100,000,000 (provide details)</td>
</tr>
<tr>
<td>- Unknown</td>
</tr>
<tr>
<td>4. What are the current available competitive or substitute products, processes, research or technology? (list top 5 competitive products or substitutes, if known)</td>
</tr>
</tbody>
</table>
### Part B – Proposed Invention – Details (cont)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>
| 5. | How is the invention better than these substitutes or competitors?  
(Attach diagrams, presentations etc in support) |
| 6. | Has the patent literature (prior art) been reviewed for similar inventions etc?  
Provide details of prior art searches. Append attachments as necessary. |
| 7. | How far advanced is the invention? (%complete?) |
| 8. | Is the research project relating to this proposed invention completed or ongoing? |
| 9. | Outline the proposed next steps for research and development for the next 18 months and the required funds to undertake this work.  
(Attach further documents as necessary) |
<table>
<thead>
<tr>
<th></th>
<th>Part C – Record Keeping/Communications/Publications/Presentations – Past and Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Has a laboratory or Intellectual Property laboratory notebook been kept which records the details of the research project?</td>
</tr>
<tr>
<td>2.</td>
<td>Details of any past or proposed disclosure or communication of the research leading up to the invention, e.g. Journal publications (submitted, accepted, in press, published), presentations at scientific conferences, seminars, industry workshops, meetings etc, abstracts, media releases or newspaper articles, media interviews, any other form of oral presentation, theses, dissertation etc.</td>
</tr>
<tr>
<td>3.</td>
<td>If disclosed to industry, was this under obligations of confidentiality? What was disclosed? What actions arose? Provide names of companies whom you have talked with in relation to the proposed invention.</td>
</tr>
</tbody>
</table>
### Part D– Other Information

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.</strong> Have you used other materials or background Intellectual Property from other parties to develop the proposed invention?</td>
<td>Details of any relevant research contracts, agreements, Materials Transfer Agreement, confidentiality agreements etc of which you are aware.</td>
</tr>
<tr>
<td><strong>2.</strong> Who should we speak to if we need to obtain further information (e.g. technical or industry experts, researchers)</td>
<td></td>
</tr>
<tr>
<td><strong>3.</strong> Have you or others spoken with a patent attorney or Intellectual Property specialist in relation to possible Intellectual Property protection of this invention?</td>
<td>Details -name of firm, attorney, date of discussion etc if relevant</td>
</tr>
<tr>
<td><strong>4.</strong> Is there any other relevant information that you think might be useful to us in assessing the invention?</td>
<td></td>
</tr>
</tbody>
</table>
**Part E: SIGNATURES**

1. All persons listed as potential inventors in Part A should complete the following section.

I acknowledge that I have read this document and agree that, to the best of my knowledge, the information and statements contained within are true and accurate.

<table>
<thead>
<tr>
<th>Name</th>
<th>Sign to acknowledge Part A is completed</th>
<th>Date</th>
<th>Sign to acknowledge all Parts of this form have been completed to the satisfaction of the Commercial Manager</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>i.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Part F: INSTRUCTIONS TO COMMERCIAL MANAGER**

Assist the named persons to complete this form.

Enter the date at which Part A is completed to your satisfaction, (the Disclosure Date) at the end of Part A. With respect to the completion of information for Parts B-D, the level of detail required (provided) should be sufficient to enable you to advise on the course of action required. The recommendation you make to the Deputy Vice-Chancellor (Research) may be one or more of the following, but each should not (necessarily?) be incompatible with the others:

(This section is subject to review/alignment with other Intellectual Property procedures being developed)

1. Delay submission of information disclosed (subject matter) for publication until further assessment or protection of the intellectual property is made. This may require an obligation by the named persons and others to keep the information confidential.
2. Further research and development is required before a decision can be made as to the potential commercial value of the disclosed information. This may require an obligation by the named persons and others to keep the information confidential.
3. Seek protection of intellectual property via a provisional patent application or other appropriate mechanism.
4. Commercialise or begin the process of commercialising the intellectual property.
5. The university has no strategic or practical interest in the intellectual property and that it should be assigned or exclusively licensed to the creator or another entity to do with as they wish.
6. The Deputy Vice-Chancellor (Research) should then advise you as to whether your recommendation is approved or advises on an alternate course of action, after which you should convey this information to the persons named in Part A.
SCHEDULE C: DEAKIN UNIVERSITY INTELLECTUAL PROPERTY EVALUATION PROCESS

Intellectual Property (IP) Evaluation

Deakin Research Commercial

Start

Identify IP with commercial potential

Sole Deakin IP?

No

Refer to agreement with partner organisation

Likely patentable invention?

No

Evaluate if commercialisation strategy using know how only

Yes

End

Commercial manager assumes responsibility

No

Committee support patent?

Yes

Instruct patent attorney firm to draft provisional patent application

Size of market, attractiveness and route to market assessed?

No

Put case for patent to commercialisation committee (DVC-R, Director Deakin Research-Commercial, (others as determined by DVC-R))

End

Yes

Publish

Commercialisation strategy using know how only?

No

Conduct market evaluation