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Australian Academy of Science submission to the Department of Education, Skills and Employment consultation on a Higher Education Research Commercialisation IP Framework

The Australian Academy of Science welcomes the opportunity to contribute to the consultation on a higher education research commercialisation IP framework.

The Academy recommends that:

- The research commercialisation scheme should focus on knowledge brokering to engage SMEs, looking to international models such as Interface in Scotland.
- Any investments made in research commercialisation should not come at the cost of fundamental research.
- Schemes to build entrepreneurial and translation expertise capacity should include facilitating greater mobility between research and industry.

Nearly three decades of Australian innovation and research financing policy has failed to shift the dial on research commercialisation, translation, and impact at scale. Through the failure to address the indirect costs of research and the need to attract discretionary income, universities have evolved to value publications, citations, and the pursuit of rankings. As incentives are identified and implemented to prioritise research commercialisation from universities, there should also be incentives introduced for industry to keep the IP in Australia.

A cross-portfolio perspective will be needed in the development of this framework. The Department should ensure that the learnings of previous attempts to simplify IP arrangements across the university sector are considered before embarking on a pilot of a new framework. In particular, an analysis of the IP Toolkit made available through IP Australia should be assessed to determine which aspects work, which failed to meet requirements, and how the toolkit was used differently in organisations of different sizes. Ideally, a new framework would replace existing mechanisms like the toolkit or be closely enough aligned to not cause confusion.

Mandating the use of the contracts should be approached with caution. If the use of contracts is mandated in a way that is inflexible, this may create more red tape for universities, adding unnecessary administrative burden at a time when their resources are particularly stretched. A contract mandate should be flexible to account for the situations where they will not be appropriate.

Engaging SMEs

As mentioned in the Academy's submission on the broader University Research Commercialisation Scheme, focusing on small and medium enterprises will be critical, as they dominate Australia's economic structure and are the most likely to develop and keep IP in Australia. The pathway to engage with SMEs must involve knowledge brokering, connecting organisations, industries, and researchers, and harmonising partnership enablers, including IP arrangements. Successful models such as [Interface](#) in Scotland, or the [Small Business Innovation and Research program](#) in the United States, can provide a model for an organisation that specialises in developing relationships between businesses and academics.

Any framework that is looking to aid in IP negotiation between universities and industry should ideally be rooted in an independent organisation that is able to broker relationships holistically.

Continued flexibility

While a national framework for higher education research commercialisation IP is a noble endeavour, finding a solution that can work across institutions, research fields and grant funding schemes without increasing administrative burden or disadvantaging any party is a herculean task. In particular, individual universities' needs and existing frameworks are varied; therefore, complete

standardisation may not be possible. A thorough consultation with universities and industry will be needed to ensure buy-in before the new framework is piloted.

The framework will need to address the issue of negotiation of IP, in a way that is practical and balanced between participating parties. It should be careful to prevent introducing additional barriers and issues in addition to those it is trying to address. Additionally, the framework should also look at the differences in the IP ownership arrangements for researchers, particularly Higher Degree by Research students, between institutions and whether these may present barriers to research commercialisation.

Next generation of commercialisation talent

At the National RNA Science and Technology roundtable, recently held by the Academy, it was identified that there is a distinct lack of research commercialisation talent and expertise in Australia. It was identified that too often commercialisation talent is lost to overseas markets, where it is viewed that there are more opportunities. The roundtable recommended that schemes are implemented that could build capacity in entrepreneurial and translation expertise, including facilitating greater mobility between research and industry.

To discuss or clarify any aspect of this submission, please contact Mr Chris Anderson, Director Science Policy at Chris.Anderson@science.org.au.