

Legal Framework for e-Research

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The Legal Framework for e-Research Project
www.e-Research.law.qut.edu.au

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Legal Framework for e-Research Project

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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

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The Benefits of Collaboration

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

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Impediments to Collaboration

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

Impediments to Collaboration

- 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 - leads 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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