

## Intellectual Property policy in French Universities

### Genetic inventions, IPRs and licensing issues

OECD Expert Workshop, Berlin, 24-25 January 2002

Dr Fabirama NIANG

Dir. Industrial Relations, University Louis Pasteur (ULP, Strasbourg 1)  
President, « Réseau C.U.R.I.E.® » (French Univ. TTOs network)

## Universities in the French public research system

- ◆ public research is distributed between
  - Universities
  - organisms (CNRS, INSERM, ...)
  - some engineers schools
- ◆ Universities are autonomous
- ◆ most of laboratories are shared between one University and one organism

## IPR from Universities research

- ◆ until recent years, IPRs were abandoned to
  - organisms (partnerships)
  - private companies (sponsored research agreements)
- ◆ since '99
  - « Law on Innovation »
  - new constraints from government
  - ➔ new IP policies in Universities

## Role of IP in Universities

- ◆ mastering research exploitation/use
  - possibility of choice of the partners
  - control of exploitation
- ◆ better visibility
  - references in patents DataBases
- ◆ financial returns
  - sustainability of the IP policy

## Public access : a real concern

- ◆ access to all results is required for
  - basic research
  - high level / up-to-date courses to students
- ◆ right to disclose own results is required for
  - initiating new / further collaborations
  - recognition of scientists (publications)
  - exchanges between researchers (usual rule)

## Biotechnology specific issues

- ◆ concerning the IP policies, few specific actions are mentioned (early stage of IP policies)
  - ➔ the position of Universities regarding patenting is globally the same for all areas of science ...
- ◆ except for ethic issues (genetic inventions)
  - ➔ some specific disposals in contracts

## Example of ULP : public access

- ◆ the FIRST rule
  - decisions are made by the TTO (ULP-Industrie)  
AND the inventor(s)
  - scientific concern is always considered
- ◆ industrial collaborations
  - right to use results for ULP's research
  - right to present a thesis for ULP's students

## Example of ULP : biotech issues

- ◆ collaboration agreements
  - « no right of patenting » provision  
→ problem of foreign companies
- ◆ libraries and databases
  - agreements with furnishers of materials mention the public access
- ◆ results of own research
  - further developments with partners

## Skills have to be improved !

- ◆ new skills are required for
  - IP management  
(relevance, administration, etc.)
  - negotiating new rules with industry  
(IP to university, or shared)
  - knowledge of other countries rules and laws  
(biotech companies have always a worldwide market)
  - specific issues for biotech, and especially for negotiation with foreign companies  
(if patenting genetic inventions is allowed in their country)

## Skills : a collective need ?

- ◆ each University has its own policy
  - ➔ difficulties to establish standards (tools, contracts, etc.) ...
- ◆ but skills needed in all Universities TTOs are about the same ones

## Some beginnings of solutions

- ◆ formations plan
  - Research Ministry, INPI & Réseau C.U.R.I.E.
- ◆ networking : Réseau C.U.R.I.E.®
  - formations and workshops
  - exchanges with other networks (Europe, USA, Quebec)