**Invention Disclosure Form – CONFIDENTIAL**

This document is a disclosure form for a potential Invention created by staff and/or students of the University of Adelaide (Inventor/s).

This Invention Disclosure Form is an important document to be completed by the Inventor/s. You should read and understand this document. Please take care to provide the requested information accurately.

The information provided will assist Innovation and Commercial Partners (ICP) in the evaluation and prioritisation of the appropriate actions necessary to protect and potentially commercialise the Invention.

Upon completion and signature by all the appropriate Inventor/s, please return this form to the **Commercialisation team, via** [**ip@adelaide.edu.au**](mailto:ip@adelaide.edu.au)

This Invention Disclosure Form is to be completed whenever something innovative and useful has been conceived or developed. If required, a Commercial Manager or IP Manager can provide assistance in the completion of this form, so that you can disclose any idea, application or invention arising from your work in the University which may have commercial value. This form may also be used to disclose intellectual property created under any industry related grant.

If you think you have created something innovative and useful, the first step is to confirm your own assessment by conducting literature searches to determine if there is anything similar. You can also use University employees within your research area as a sounding board.

Once the initial scientific and landscape search has been done and you think you have created something that may have commercial value, but you are not sure, then say so in your disclosure. Please describe where possible, the potential value to the scientific community and ICP will do a further assessment on the value of creating a monopoly position in the area.

This Invention Disclosure Form records what was invented and the circumstances under which the Invention was made and the opportunity. It also assists in the drafting of a patent application, or other forms of protection. It is an important document. Disclosures are treated as confidential information. Except for individuals engaged in the evaluation and approval process, the information will not be divulged to others without the permission of the Inventor(s), except as required by law. Nor should you provide copies of this completed form to anyone else, without the University’s express approval.

Under the University’s Intellectual Property Policy, the University is entitled to ownership of all intellectual property developed by staff in the course of employment. However Inventors are also entitled to be recognised with a proportion of net proceeds. For both staff members and students, the disclosure of IP which you have generated, therefore, is a mechanism to protect your legal interests and your rights to benefit under the Policy.

If space on the form is insufficient, attach papers and refer to them in your answers. Please return the completed form to Innovation and Commercial Partners via [ip@adelaide.edu.au](mailto:ip@adelaide.edu.au)

**CHECKLIST TO COMPLETE BEFORE SUBMISSION TO INNOVATION AND COMMERCIAL PARTNERS:**

* **Document signed by the inventor/s?**
* **All appropriate supporting material are attached**
* **Keep a copy for your records?**
* **Read the Patents and Inventorship section**

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| 1. TITLE OF INVENTION (Generic – see instructions) |
| <<Enter details>> |

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| 1. SUMMARY OF INVENTION (attach abstracts, manuscripts, additional info – see instructions |
| <<Enter details>> |

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| 1. INVENTION SUPPORT AND ORIGIN (check where appropriate and describe below – see instructions) | | | |
| Funding and Encumbrances | Yes | No | Discuss |
| Any Government or State research grants used? Please list funding agency, grant number:  <<Enter details>> |  |  |  |
| Any third party collaborators (e.g. industry or other university)? If so please list name(s) and organisation(s): (Note Section I)  <<Enter details>> |  |  |  |
| Any materials or data from another party (e.g. under an MTA or CDA)? If so please list the materials and the third party: (Note Section I)  <<Enter details>> |  |  |  |
| Have you entered into any contracts with 3rd parties related to this Invention? (E.g. consulting agreements, other agreements you signed personally)? If so please SUPPLY COPIES: (Note Section I)  <<Enter details>> |  |  |  |
| Have you told anyone about the Invention?  <<Enter details>> |  |  |  |
| Do lab book records exist, or personal notes?  <<Enter details>> |  |  |  |
| Do you have plans to publish the work? If so, what is the timescale and where will the publication take place? If a draft paper exists please provide a copy?  <<Enter details>> |  |  |  |

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| 1. PUBLICATION OR PRESENTATION DATE(S) (papers, abstracts, talks, including those that are planned – see instructions) |
| <<Enter details>> |

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| 1. COMMERCIALISATION POTENTIAL (see instructions) |
| Background to Invention:  <<Enter details>> |
| Do you know of any other published literature (including patents) relevant to your invention technology:  <<Enter details>> |
| Applications for Invention: <<Enter details>> |
| Potential Licensees: <<Enter details>> |
| Closest known product/competing technology: <<Enter details>> |
| What are your future plans for developing the technology? <<Enter details>> |

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| Does this Invention consists of or includes software  YES (complete section F as well)  NO |

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| 1. SOFTWARE (see instructions) |
| Please provide the software application name and version number.  <<Enter details>> |
| List any third party software code, software libraries or tools that were or are used by (called on by) the technology or its development.  <<Enter details>> |
| Which programming languages were used?  <<Enter details>> |
| Please indicate if the source files have been distributed outside the University, and if so, in what form and to whom? <<Enter details>> |
| Is the software a modification or improvement to an existing work, or incorporating elements not original to the developer(s), identify that work and its developer(s):  <<Enter details>> |

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| 1. INDUSTRY CONTACTS (please include any industry contacts made or to be made related to this invention – name, company & contact details) |
| <<Enter details>> |

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| 1. INVENTORS AND DISTRIBUTION (see instructions) |
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| 1. UNIVERSITY INVENTORS AND DISTRIBUTION (continues – see instructions) | | | |
| Individual Inventor  Name & Surname | Inventor Group - collective share should be disbursed as follows | Employer/faculty/school at time of making the Invention/Contribution | What did this person contribute? |
| Click here to enter text. | Click here to enter text. | Click or tap here to enter text. | Click here to enter text. |
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| If required, other inventors: | List of further inventors, supply details as above | | |

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| NON-UNIVERSITY INVENTORS AND DISTRIBUTION (continues – see instructions) | | |
| **Non University Inventors** | **Employer at the time of making the Invention** | **What did this person Contribute** |
| Click here to enter text. | Click here to enter text. | Click here to enter text. |
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| UNIVERSITY INVENTORS DECLARATION | | | |
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| Electronic Signature or Name and Surname | Contact Details(address, telephone and email) | Nationality | Date |
| Click here to enter text.  **Before signing this document, you agree and verify that the content you are signing is correct.** | Click here to enter text. | Click here to enter text. | Click here to enter a date. |
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**Reference: University IP Patent Policy:** [**https://www.adelaide.edu.au/policies**](https://www.adelaide.edu.au/policies)

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| INSTRUCTIONS |
| The purpose of this form is to provide a written, dated notice of your Invention or discovery and comply with the University’s IP Policy.  **Item A - Title of the Invention**  In your own words (lay terms), describe the Invention in the broadest and most generic terms possible and list those features that you believe are essential to the Invention.   * What is the technology? * What it does? * How it works?   **Item B - Summary of Invention**  Write or type a general description of the Invention. In addition:   1. Please attach a detailed description of the Invention , including a technical description, advantages/improvements over existing methods/devices/materials, and possible modifications; 2. Please attach any related manuscripts, publications, presentations, posters, etc. 3. When and where the Invention was first conceived? 4. When was the Invention first reduced to practice? 5. What practical work has been done to date on the Invention? Has the Invention been tested in the laboratory or has it been used? If so please give results.   **Item D - Publication or Presentation Dates**  Please provide details of any past or pending public disclosures such as these, reports, technical journals, pre-prints, conference or meeting abstracts, poster presentations, oral presentations etc. pertaining to the Invention? If possible, please provide a copy of disclosure, date of public disclosure and where disclosure occurred.  **Item E - Commercialisation**  Background to Invention: Provide a general description regarding the general need/problem that the Invention addresses and/or any problems in the field that the Invention overcomes.  What problems does it solve?  Applications for Invention: Describe the potential use of your Invention? Industry? Where? By who?  Why is it unique or better than other available technology?  **Item F - Software**  Please tell us for each individual who contributed, invented or authored.  **Item H – Inventors**   * Who was involved? Please tell us for each individual who contributed, invented or authored. * Their names and if any are foreign nationals. * Who their employer is, and if this is not the University of Adelaide, are any contracts or arrangements in place? |
| Return the original signed or electronic copy of the Invention Disclosure Form and any supporting documentation to:  **Innovation and Commercial Partners**  **Email:** [**ip@adelaide.edu.au**](mailto:ip@adelaide.edu.au) |

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| PATENTS AND INVENTORSHIPS |
| PATENT OVERVIEW |
| A patent is a monopoly right for an Invention granted to a patentee for a limited term, typically 20 years. An Invention in this context is a new and non-obvious solution to a problem having some technical merit. Inventive subject matter can range from devices and apparatus to methods and systems.  In exchange for this monopoly right the patentee defines the Invention within a set of claims so that others may know the extent of the monopoly. Furthermore, the Invention must be described in sufficient detail so that others skilled in the same technical area could themselves theoretically implement the Invention. There is also a requirement in most countries to provide the best method of performing the Invention known at the time of filing a patent application. All this information is contained within a document called a patent specification. |
| TYPES OF PATENT SPECIFICATION |
| There are two main types of patent specification which perform different roles within the patent system.  The first of these is the provisional specification whose primary function is to obtain a priority date for an Invention so that the patent applicant can commence commercial negotiations or otherwise disclose the Invention.  A provisional specification should contain a summary of the Invention and describe at least one embodiment. Although most countries that allow the filing of a provisional application do not require claims to be included in a provisional specification that define the Invention, for a number of reasons it is advantageous that claims be included in the specification.  The second type of specification is a complete specification which is usually lodged within 12 months of the provisional specification, thereby retaining the priority date of the provisional specification. A complete specification may relate to an Australian, and/or international application/s and requires at least one claim which defines the Invention. As the complete specification retains the priority date of the provisional specification, it must essentially describe the same Invention. Filing complete applications within 12 months in all the countries where patent protection may be required is often not feasible, due to the costs involved and the early stage risks that many projects still have at 12 months. The alternative is to file a PCT (WO) patent application as the complete specification. The advantage of filing a PCT application is that selecting countries for patent protection (National Phase) can then be delayed for up to 30 months from the priority date rather than having to make that decision at 12 months with standard complete applications. |
| PATENT COSTS |
| Filing, prosecuting and registering patents is an expensive exercise. ICP views patents primarily as a business tool to assist in the commercialisation of an Invention. Therefore when filing patents, we will give priority to Inventions that have a clear business plan and a path to commercialisation or generating income. We will require other funding sources at the National Phase stage and will only fund itself under special circumstances that have been agreed. It is therefore important that once a provisional patent application is filed, a commercial partner for the Invention is secured without delay who can fund the ongoing patent costs. It is expected that once a provisional patent application is filed, the Invention will be at a stage where it can be shown to potential commercial partners. If this is not the case, the timing for filing a provisional patent application will need to be reviewed with Innovation and Commercial Partners. |
| INVENTORSHIP CONSIDERATIONS |
| When a complete patent application is filed, it must identify one or more inventors. An inventor is a person whose contribution, solely or jointly with others had a material effect on the final conception of the Invention.  Correct determination of inventorship is important. If the incorrect inventors are named on a patent or patent application, then the patent or patent application could be invalidated, and in some countries the misidentification is considered fraud against the Patent Office. Accordingly, it is important that a patent application is filed listing the correct inventors. In the situation where a patent application incorrectly identifies the inventors, then the patent application must be corrected or the patent application is at risk of being invalid.  In addition, the correct determination of inventorship is necessary to determine which parties claim ownership in an Invention, as entitlement to the ownership of the Invention arises from those parties who claim rights from the inventors. In many countries, inventors are also required by law to execute legal documents attesting to their inventorship and to allow assignment of their rights to another party.  Although the tests for inventorship differ between different countries, generally an inventor is a person who has made a material contribution to one or more of the claims of a patent application. In the United States, for example, an inventor is a person who “conceives” an Invention. In this case, conception occurs if the inventor has made a material contribution to the idea defining the Invention and has conceived of a way of putting the Invention into practice.  It is important to note that a person who merely shows that the Invention works is not an inventor. Further, merely suggesting a desired result without any disclosure of the means by which the result is to be attained is not inventorship.  It is also important to understand that inventorship is a legal matter, not a collegiate matter and not all authors on a paper will necessarily be inventors on a patent. “Inventorship” is a legal notion that varies from country to country and is very different to the notion of a collaborator. A collaborator may make a vital contribution to the successful development of the technology but still not be an inventor. The contribution of collaborators, who have played an important role in developing a technology, can be recognised in other ways, such as authorship and sharing of net returns from commercialisation.  Our IP Manager can assist in identifying inventors if you are unsure.  Ultimately, definitive inventorship can only be determined by a court of law. In the event that there is some doubt as to inventorship, a formal inventorship determination may be undertaken using external advice from a patent attorney.  Finally, it should be noted that under Australian law, an Australian provisional patent application need not identify each of the inventors, although in other jurisdictions this is not the case. |
| PARTICIPATION IN COMMERCIALISATION |
| In consideration of the University undertaking work on the commercialisation of the Invention each Inventor agrees:   1. To comply with relevant University Statutes, Rules and Policies relating to Intellectual Property, Conflict of Interest, and Guidelines and Rules for Responsible Practice in Research; 2. To participate in the commercialisation activity and promote the Invention, when necessary, but not to the detriment of efficient discharge of the Inventor's duties in the course of their employment (or other association if a student or titleholder) with the University; 3. To retain sufficient records, materials and data to justify the outcomes of relevant research and assist the ICP to undertake its work (including obtaining any IP protection); 4. To continue to disclose to ICP all information relevant to the commercialisation activity and to provide to ICP, or its nominee, upon request access to all relevant information and materials, as required to enable the commercialisation, and to notify ICP promptly of any significant issues that arise in relation to the technical or commercial viability of the project; 5. To co‑operate with ICP and promptly do all acts and things and execute all documents which may be necessary for the purpose of protecting and commercialising the Invention and any related improvements including assignment or license to the University, ICP and third parties as directed; and 6. That it may be necessary to keep the Invention and any related IP confidential until such time as protection has been secured or pursuant to commercial agreements with third parties and that therefore there will be no disclosure of the IP without prior consultation with and agreement of ICP. |

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| CONTACT US |
| INNOVATION AND COMMERCIAL PARTNERS  The University of Adelaide, SA, 5005, AUSTRALIA  E: [ip@adelaide.edu.au](mailto:ip@adelaide.edu.au)  W: [www.adelaide.edu.au/icp](http://www.adelaide.edu.au/icp) |