

## **General Contractual Considerations**

In any contractual/formal relationship with a third party, it is essential that a number of elements be considered. Principles that underlie the University's research activities undertaken in conjunction with third parties include the following

### **1. All Reasonable Endeavours**

In many cases, the basic research being conducted in the University's various programmes can offer no guarantee of success. Any research being conducted for third parties should recognise this situation. Research at the University is thus undertaken on an 'all reasonable endeavours' basis with due consideration for the nature of industrially sponsored work.

### **2. Publication**

University research is, by its nature, intended to serve the public and educational interest. In the majority of cases, therefore, the right to publish research results will be a prime consideration. However, the University recognises the legitimate interests of its industrial sponsors and, where appropriate, will negotiate with sponsors to protect their interests.

In some cases, a sponsor may disclose proprietary information for the furtherance of a project. In these instances appropriate measures must be taken to protect the sponsor's interests.

### **3. Intellectual Property (IP) and Patent**

The University IP<sup>[1]</sup> and patent policy is aimed at promoting technology transfer and ensuring the use of University research for the benefit of the community. It is also designed to protect the interests of both the originator and the University.

### **4. Fees and Charges**

Research conducted in the University on behalf of third parties will be charged in accordance with schedules currently in force.

### **5. Liability**

The charges accruing to the University for research work are usually insufficient to cover business risk. Thus the University cannot accept contract provisions which impose penalties for failure to make progress, or provide for the withholding of payment when the sponsor is dissatisfied with the results.

[1] University IP is any IP that is created, invented or discovered in the course of research or other work carried out under the auspices of the University and includes, inter alia, patents, copyrights, trademarks, design rights, plant variety rights, database rights and other confidential know-how in each case whether or not registerable, registered or unregistered.