Not-so-fast track

By Lev Osherovich, Senior Writer

GlaxoSmithKline plc's [Discovery Fast Track competition](#) has hit a roadblock at the **University of California, Los Angeles**, as the university's technology transfer office has barred researchers from competing for access to GlaxoSmithKline (GSK) screening and assay development facilities because of potential IP concerns.

The logjam is a cautionary tale for companies trying to lower barriers to collaboration across the academia-industry divide and highlights the need to bring tech transfer offices to the table prior to launching new partnerships.

Discovery Fast Track launched officially last month¹ with the aim of accelerating direct collaboration between academia and industry by giving individual researchers access to GSK's drug discovery resources. Under the program, GSK solicits brief, nonconfidential proposals from academic researchers that lay out a hypothesis and a compound-screening strategy to establish proof of concept for emerging drug targets in collaboration with GSK counterparts.

The program was envisioned as an entry point into the Discovery Partnerships in Academia (DPAc) program, in which GSK and academics collaborate over the long term under negotiated deals that may involve financial terms and the development of new IP.

The Fast Track program focuses on precompetitive, exploratory science, so GSK had been hoping to establish connections with academic researchers without the need for negotiated agreements with their host institutions.

But this relatively informal approach has raised a red flag with UCLA's Office of IP and Industry Sponsored Research following an e-mail sent by GSK to UCLA faculty who had previously opted to receive applications to the program.

Last week, Brendan Rauw, associate vice chancellor and executive director of entrepreneurship at the UCLA Office of IP and Industry Sponsored Research, told UCLA researchers to stop participating in GSK's program.

Rauw's concern is that prospective participants in the program could divulge confidential information that may be covered by prior agreements between the University of California (UC) and third parties. Rauw told *SciBX* that the program puts faculty members in a position to represent things that are outside of their authority. In fact, UC researchers must disclose any ideas to their tech transfer offices prior

to disclosing them to outside companies.

In an e-mail to UCLA researchers, Rauw and James Economou, UCLA vice chancellor of research, explained that the terms of the contest "do not adhere to UC policy because faculty have prior and ongoing obligations under the patent policy to disclose all discoveries to the university and have assigned patent rights to the university. Participation in the GSK competition would violate these policies and obligations."

GSK spokeswoman Melinda Stubbee told *SciBX* that the terms and conditions of participation in Discovery Fast Track require the consent of researchers' host institutions.

Indeed, according to GSK's Discovery Fast Track website, the contest rules stipulate that "each Applicant represents that his/her institution has authorized his/her entry into the Competition, that he/she is complying with the policies and instructions of his/her institution at all times during his/her participation in the Competition and that participation in the Competition, including if selected as a finalist or winner, will not result in the Applicant being in violation of any such policies or instructions or in breach of any agreement with a third party."

Rauw countered that it is impossible for researchers to comply with this requirement without a careful vetting of each application by a tech transfer office.

"If you look at the conditions, they ask people to represent that any ideas are not subject to and do not infringe upon any on third-party rights," said Rauw. "We cannot ask individual researchers to make that determination."

Thus, Rauw believes his stance on Discovery Fast Track participation could potentially be adopted throughout the UC system, not just UCLA.

"We're the only campus that has made a statement about this so far, but in collaboration with the [UC] Office of General Counsel we came to the conclusion this was not in compliance with UC policy," said Rauw.

Erik Lium, assistant vice chancellor of the Office of Innovation, Technology and Alliances at **UCSF**, told *SciBX* in an e-mail that "our position on this issue is very similar if not the same as UCLA's."

Intellectual turf war

At the end of the day, the dispute highlights the difficulty of forging collaborations between industry and academia in a landscape of complex, sometimes competing, IP claims and third-party agreements.

Alicia Löffler, executive director of the Innovation and New Ventures Office and associate VP of research at **Northwestern University**, said the terms of the GSK contest were clearly stated but that the pharma may not have fully considered the implications of asking researchers to submit their own proposals.

"No company would allow its employees to enter into signed agreements, and the same thing happens in academia. At universities, the employees don't own their IP, and employees aren't allowed to sign deals," said Löffler.

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—Brendan Rauw, University of California, Los Angeles

In theory, Löffler said, tech transfer offices should vet all disclosures by academic researchers, including conference presentations, posters and papers, for patentability and potential conflict with pre-existing agreements.

In practice, it's impossible to vet everything that academic researchers disclose, so tech transfer offices typically are unable to oversee disclosures made in academic venues such as conferences and peer-reviewed journals.

"It's very difficult to control what a faculty member writes in a poster or says at a conference," said Löffler. "If they disclose something that would be eventually patentable, too bad, we can't do anything about that."

Löffler said the terms of the Discovery Fast Track contest may have crossed the line into tech transfer office territory.

"The moment you are asked to say that none of what you're disclosing has been committed to a third party, that evaluation can only be done at a tech transfer office," she said. "This was probably the deal killer for UCLA."

If Rauw's argument takes hold at other campuses, applications to Discovery Fast Track would need to be individually evaluated by tech transfer offices. The upshot for the pharma could be a slower influx of fresh science ideas.

"There's a common perception that universities let a lot of ideas go undeveloped," said Rauw. "GSK is looking for ways to streamline the process and I fully support them in that, but there are proper steps required for good reason. We don't want our faculty sending over their ideas before we've evaluated them for patent protection or for pre-existing third-party rights."

A potential solution is for GSK to enter into a master agreement with the UC system that would authorize tech transfer offices to rapidly evaluate Discovery Fast Track applications.

Löffler noted that under a series of agreements with **Baxter International Inc.** that began in 2002, Northwestern researchers submit

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36 early stage proposals a year to the pharma. Those proposals are vetted by her office.

Another example is a 2010 deal between **Pfizer Inc.**'s Centers for Therapeutic Innovation (CTI) and UCSF that covers the development of biologics for new targets discovered by UCSF researchers. Last month, the CTI-UCSF deal was expanded to cover small molecules.

CTI CSO Anthony Coyle said that the master agreement allows UCSF researchers to submit exploratory research proposals akin to those solicited by GSK.

"A typical collaboration begins with CTI, in conjunction with its academic medical center partners, holding a call for proposals," said Coyle. "Researchers submit nonconfidential pre-proposals for review to begin the process of vetting research projects for potential funding."

Coyle said that UCSF's tech transfer office handles third-party IP issues concerning the proposals. UCSF's Lium said that his office examines proposals prior to submitting them to CTI. The CTI-UCSF deal has thus far yielded eight biologics discovery projects.

Stubbee said that GSK has thus far received seven Discovery Fast Track proposals.

Rauw and Stubbee said GSK and UCLA will hold discussions today to try to resolve their issues.

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COMPANIES AND INSTITUTIONS MENTIONED

Baxter International Inc. (NYSE:BAX), Deerfield, Ill.
GlaxoSmithKline plc (LSE:GSK; NYSE:GSK), London, U.K.
Northwestern University, Evanston, Ill.
Pfizer Inc. (NYSE:PFE), New York, N.Y.
University of California, Los Angeles, Calif.
University of California, San Francisco, Calif.