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## Ownership of Research Materials

### CASE DI

Ronald Wu had just completed all the requirements for his Ph.D., and his thesis defense had gone extremely well. Dr. Christine Morris, his mentor, wrote in a letter of reference:

Ron is the best graduate student I ever had. He should be justly proud of what he has accomplished during the five years he has spent in this lab, having nursed a very important problem in transcriptional regulation from conceptualization to the purification of several key transcription factors and the cloning of their genes. Furthermore, one of the materials he prepared has the potential of being an important therapeutic agent.

On the basis of his performance and recommendations, Ron was accepted for a prestigious and comparatively well-paying postdoctoral fellowship in a productive, highly regarded laboratory in his area of interest. This situation was particularly attractive since it held the promise of a faculty position in two years. During his recruitment visit, the lab chief, Dr. John Link, suggested that the more materials Ron could bring from his current laboratory, the more productive Ron could be, avoiding the time and expense of preparing the materials anew.

Up until this point, Ron and Dr. Morris had not discussed the disposition of the products his research. One day, Ron met with Dr. Morris to thank her for all her years of support and friendship, and for helping him obtain the fellowship. When Ron raised the topic of research materials, Dr. Morris restated her affection for him and her appreciation of his promise as a scientist. Dr. Morris then stated somewhat apologetically, "Of course, you understand that the materials associated with your research project belong to the lab. I really can't allow you to take your notebooks, probes, or other materials with you. I'm sorry Ron, but that's just the way it is."

### Questions:

1. What do you think of the suggestion by Dr. Link?
2. Who has ownership rights to the following materials:
  - a. Ron's original lab notebooks?
  - b. the cell lines on which Ron worked, including the mutant lines he prepared?
  - c. clones of the transcription factor genes?

- d. the limited supply of antibodies that he prepared to the transcription factors?
- e. the software Ron developed to carry out some of the studies?
- f. unpatented software Ron utilized, which was developed by others in the lab?

3. Is Ron entitled:

- a. to carry with him a photocopy of his lab notebooks?
  - b. to write a research grant for funds to continue exactly along the lines of his Ph.D. thesis?

4. What measures should a prudent and responsible laboratory take to protect its valued and unique materials?

5. At what point should lab personnel, including students learn about the institution's policies concerning the ownership or research material and data? Is it the institution's or the individual's responsibility to be sure that there is a clear understanding of the policy?

### **Further Discussion:**

1. Suppose that Ron's response to Dr. Morris's assertion is,

There is ample precedent in other areas to support the notion that I should have access to these materials. For example Cell and Science explicitly state that materials must be made available to qualified investigators. Since I did the work, I must be a qualified investigator. Also, NIH requires that materials developed under NIH grants be shared. Ethically, you cannot deny me the materials. Furthermore, as a graduate student I'm as entitled to a share in the profits derived from my research as you are.

Discuss the validity of Ron's statement.

2. The lack of availability to Ron of the materials he has developed will slow Ron's progress on his next job, and possible in a larger sense, the progress of science. On the other hand, Dr. Morris has an interest in ensuring that her project not be "scooped" by another lab, and the institution regards materials developed with its resources as its own. Which of these conflicting interests do you believe should prevail? Why?