

# Collaborative Research



Professor Colonel Mathirut Mungthin  
Phramongkutklao College of Medicine

# What is collaborative research?

- The term "collaboration" in academic research is usually thought to mean an equal partnership between two academic faculty members who are pursuing mutually interesting and beneficial research.
- Collaborative research can involve coordination between the researchers, institutions, organizations, and/or communities

# A few tips for successful collaboration

- Address mutual expectations
- Clearly establish who's responsible for each task
- Determine authorship
- Communicate frequently
- Take minutes of meetings
- Access to data
- Discuss the expectations for the data
- Share responsibility for integrity

A classical painting depicting four cherubs (putti) floating in a sky filled with soft, pink and white clouds. The cherubs are dressed in flowing robes of various colors: green, blue, yellow, and white. They are each playing a different musical instrument: a trumpet, a lute, a violin, and a drum. Several birds are also flying around them. The overall style is reminiscent of 17th or 18th-century European art.

*A good relationship  
starts with  
good communication*

# Written collaborative research agreements

- A collaborative research agreement is a contract which governs the terms under which this research program will be conducted.
- Why??
  - Authorship and credit
  - Research Accountability
  - Intellectual Property
  - Use of Data
  - Data Retention and Preservation

# Type of agreements

- **Subawards:** These are agreements between an institution that has a sponsored agreement (prime awardee) and another institution (subrecipient) to which it transfers a portion of the work.
- **Teaming agreements:** This agreement intends to collaborate on a sponsored project. The teaming agreement will cover general issues related to intellectual property rights and other aspects defining the reporting and working relationship of the parties.

# Type of agreements

- **Collaboration Agreements:** These agreements are executed between institutions irrespective of whether sponsored funding is anticipated. They cover the same programmatic issues as teaming agreements. Collaboration agreements may include the typical provisions of a Facility Use Agreement and fairly detailed intellectual property terms.

# Type of agreements

- **Intellectual Property Agreements:** These are written to cover inventions or other discoveries that may result from a collaboration. The basic issue covered is ownership of the intellectual property (i.e. who owns what, and under what conditions). Other items addressed would be license rights between the parties, and perhaps provisions on sharing costs and income related to the protection and licensing of intellectual property.



# Type of agreements

- **Data Sharing Plans:** These are sometimes a requirement of federal program announcements. Essentially, they contain information concerning the means by which data developed under a sponsored project will be made available to others requesting access.

# Type of agreements

- **Material Transfer Agreements:** A material transfer agreement (MTA) covers situations in which one collaborator owns research materials and has received a request from another collaborator for samples of the material. The issues addressed are generally
  - (a) an acknowledgement that the provider retains ownership over the original material and any duplicates of the material created by the recipient,
  - (b) an agreement concerning who owns other materials created through the use of the material,
  - (c) and the responsibility for liability that may occur in the conduct of research using the material.

# Type of agreements

- **Facility Use Agreements:** When a researcher from one institution wishes to use a piece of equipment or a laboratory at another institution, the latter will often require that a facility use agreement is executed. The provisions of such agreements would cover insurance and liability issues, the cost of access, the ownership of intellectual property, and any limitations or restrictions that may be imposed on the visiting researcher.

# Liability issues

- Liability for damages associated with a research project is a concern of institutions executing agreements related to collaborations.
- It would not be possible to list all the instances in which liability may arise, but we can address some of them that have a reasonable potential of occurring.
- Lawsuits or financial claims can arise from negligence or other wrong-doing that may occur in the performance of the project work.
- We usually think of these damages as being related to personal injury or damage to equipment and/or facilities.

# Liability issues

## Example

1. The Parties shall strictly comply with all applicable laws and regulations to avoid causing loss or damage to a third party or violate intellectual property right of a third party. Neither Party will be liable for violation-of-law damages suffered by the other Party, given each Party shall defend indemnity and hold harmless the other Party from any and all losses claimed by a third party.
2. In the event any claim of patent, trademark, or other intellectual property right is made by a third party against either Party regarding its activities under this Agreement, the Party shall inform the other Party of the action without delay, and neither Party will be liable for violation-of-law damages suffered by the other Party, given each Party shall defend indemnity and hold harmless the other Party from any and all losses claimed by a third party.

*"It is the long history of humankind (and animal kind, too) that those who learned to collaborate and improvise most effectively have prevailed."*

*Charles Darwin*

