

## Lord Warner announces new leadership for NHS Innovations



Hubs are undertaking a key role in building relationships with commercial partners and funding organisations."

The Commercial Directorate commissioned a KPMG report reviewing the progress of *TrusTECH* and the other NHS Innovation Hubs. This revealed that to date 36 licence deals have been signed, 228 patents have been granted and almost 500 IP items are in the Hub pipeline.

### Key Appointment

One of the Commercial Directorate's first actions has been to appoint a Director of Intellectual Property, Dr Maire Smith. Dr Smith will oversee the nine NHS Innovation Hubs across England, and ensure that the NHS reaps the full financial rewards of any research by tapping into the commercial potential of new ideas.

### *Dr Smith said:*

"This is a very exciting challenge. There is a huge pool of talent in the NHS and many people are developing really good ideas for better healthcare products, devices and techniques. My aim is to ensure we turn more of these good ideas into commercial reality, which can be used not just in the NHS, an important market in itself, but on a global basis. Maximising IP can bring many benefits to patients, the NHS and the inventors".

*TrusTECH*® organised the 4th National NHS Intellectual Property (IP) Conference earlier this year at which Lord Warner, Minister for Health, provided the keynote address.

Highlighting the Department of Health's focus on innovation in the NHS, Lord Warner announced that the new Department of Health Commercial Directorate will take on responsibility for the NHS Innovations network of Hubs. The Commercial Directorate brings with it a tremendous amount of private sector and commercial knowledge to help move NHS IP forward more rapidly and to enhance performance in this area.

### *Speaking at the conference, Lord Warner said:*

"The Hubs' mission is to provide a service to NHS Trusts for protecting and commercialising NHS IP. Unless IP is properly protected through patents and copyright then commercialisation, and the realisation of the maximum benefit for the NHS will be problematic, or impossible.

## *TrusTECH* raises £2.6m for Genetics Services in the North West

*TrusTECH*, with a team of management consultants from SQW Ltd, facilitated the production of a business plan to modernise NHS Genetics Laboratories in the North West region resulting in an award of £2.6 million!

The business plan was developed in response to the White Paper capital investment programme. The awarded funding will allow a long term approach to providing improved genetics laboratory services in the North West region, including the merger of Manchester laboratories and further integration between Liverpool and Manchester, to produce a high-throughput

molecular genetic testing capability in Manchester and an enhanced molecular genetic testing capability in Liverpool. The funding will also enable an enhanced cytogenetic testing capability across the region.

This new investment will mean patients will get genetic test results quicker. Lord Warner announced that six areas in total would benefit from a share of £18 million of Government funding to upgrade genetic laboratories. The funding is part of a £50 million package of investment announced last year to make sure the NHS benefits from the latest advances in genetics.

# Need help navigating the way from a good idea to a finished product?

## Let the Pathfinder Development Fund lead the way!

Making the journey from an innovative idea to a commercial product can be challenging, especially if financial investment is required. To help smooth the way, *TrusTECH* has created the *TrusTECH* Pathfinder Development Fund.

Although, in general, innovations developed in the NHS should be shared freely with others, sometimes the most effective way to ensure that an innovation is taken up by others is if a commercial product or service is made available.

The *TrusTECH* Pathfinder Development Fund (TPDF) has been established to assist *TrusTECH*'s member organisations to progress the development and/or commercialisation of the intellectual property (IP) associated with innovation, to bring about benefits in healthcare.

*TrusTECH* hopes that the Fund will provide a much needed alternative source of funding for NHS inventors when other sources of funding are not appropriate.

Pathfinder funding can be used to progress an innovation in the ways shown in the box below.

Applicants may apply for funding up to the value of £25,000. Applications must be submitted via a *TrusTECH* Technology Exploitation Manager.

To enable further development of NHS innovations in the North West, all funding awards are treated as an investment by *TrusTECH* rather than a grant and *TrusTECH* will take a share of any income generated when the innovation is commercialised.

For more detailed information on the application process and how to apply for funding, please either visit the resources section of the *TrusTECH* web site at [www.trustech.org.uk/resources/](http://www.trustech.org.uk/resources/) or contact Bridget Liddle on: [bridgetliddle@trustech.org.uk](mailto:bridgetliddle@trustech.org.uk) or tel: 0161 276 5764 for a copy of the guidance document.

### Who's eligible?

*An innovation will be considered for funding if:*

- It has the potential to improve health care (e.g. medical devices, equipment, software, training packages).
- There is a reasonable market for the innovation within the NHS and possibly also other healthcare industries.
- There are no major competing products, services or conflicting patent applications.
- Its development is intended to result in a commercial product or service.
- IP ownership is clearly defined and revenue sharing arrangements are agreed amongst the relevant parties.
- It originates from a *TrusTECH* member NHS organisation.

### Eligible costs:

- Direct costs associated with the protection of IP (e.g. patent application fee, registered design fee)
- Market research
- Production of prototypes
- Evaluation of an innovation (e.g. bench or clinical testing) including application for MHRA approval to conduct a clinical trial
- Third party professional fees (e.g. patent agent, solicitor, expert opinions, market research)
- Activities that will enable early stage revenue generation (e.g. limited production and sales, business plan development, short term funding)
- Staff time
- CE marking

## Diary Dates

23rd September 2004  
*TrusTECH* Annual General Meeting  
Broadgreen Hospital, Liverpool

30th September 2004  
*TrusTECH* Training Day  
'Practical approaches to managing intellectual property in the NHS'

## Are you getting your fair share?



The project's been successful, you've developed an innovative idea, maybe you're using it in your Trust. You think other people/ organisations would find it useful or perhaps others have heard about it and can see the potential for their own Trust. The 'Innovation' could, for example, be some guidelines, a training pack, a database, software or a piece of equipment. Maybe you want to make it freely available to others or maybe there is potential for some financial benefit. However, you haven't done it alone; the Innovation has been developed by working with one or more other organisations or you've received external funding. Who owns the Intellectual Property (IP) in the Innovation? Who decides what to do?

### What if...

#### You've been working with another Trust or a University

If both organisations have contributed 'intellectually' or 'creatively' to the project then both will own some of the IP in the Innovation and will have rights both in deciding what to do with it and in any income that is generated from it. If you disagree about how best to use the Innovation, you may find yourself in a position where neither organisation can benefit from it. To avoid disagreements, it is best to have a Collaboration Agreement in place at the start of the project, which sets out how you will work together and how you will manage any IP that is generated e.g. what your aims are, who will lead the project, who will own any IP generated, how you will decide if it should be commercialised, how you will decide on your fair share of any income. If the Innovation is to be commercialised, it is usually easier to manage this process if one organisation takes ownership of the IP with an agreement that all contributors will share any income.

Some Trusts and Universities work together regularly and often generate jointly owned IP. In these circumstances they may choose to put a generic agreement in place that sets out the practice that the two organisations will adopt to manage jointly produced IP. This type of agreement is usually called a Memorandum of Understanding (MoU). If your Trust has a MoU in place with the organisation you are working with, it will set the framework for how you work together but it is still a good idea to have a Collaboration Agreement specific for your project.

#### You've provided resources but not the idea

Sometimes your Trust's contribution to the project will not be in the IP but in the provision of resources, e.g. staff time, access to patients, facilities, to validate or put into practice the Innovation. In these circumstances you could find that although your input has enabled another organisation to develop and commercialise the Innovation, you have no rights to a share of any income generated. To ensure you get your fair share, you should put an agreement in place before you start the work. If your Trust has a MoU with the other organisation, these circumstances should be covered. If in doubt, ask for advice before starting the work.

#### You've been funded by a grant

(e.g. from a research council, the Department of Health, Workforce Development Confederation or other government scheme.)  
When you receive a grant there will usually be conditions set out in the funding agreement. This could simply state that your Trust owns the IP in the Innovation on condition that it exploits it effectively, and/or you may have an obligation to share any income with the funding body. However, sometimes the funding contract will specify that any IP generated as a result of the project will belong to the funding body and this obligation will override the Trust's IP ownership policy. If this is the case, you will have to negotiate with the funder before you can commercialise your innovation or make it available to other organisations.

#### You've been working with a company

If a company has funded your project, there may be 'strings' attached. The Company may assume that they will own any IP generated from work they have funded and sometimes this is reasonable. But if the funding doesn't cover all the costs of the work it may be reasonable for your Trust to expect some financial benefits in return for contributing resources. If the Trust has also provided some intellectual input, the Trust may have some rights to a share of the IP. Check the wording of any funding agreement from the company at the outset and if necessary agree terms before you start the work, otherwise you may find that your freedom to use the IP is limited.

It is possible to have a Collaboration Agreement with a Company and this may be the best option if your Trust and the Company plan to work together to develop an idea. As with all agreements, it's best to agree terms before the work starts.

If you've paid a company to do some work for you, i.e. you've commissioned their services, you will probably find that they claim the IP rights in the work. This is standard practice. You should check the 'small print' of the company's contract (it may be within a quote) or if there is no written contract, ask to discuss the terms. It may be possible to negotiate a more favourable agreement for your Trust.

### How can TrusTECH help?

TrusTECH can provide advice on all the above issues if you are starting a collaborative project, including assistance with a Collaboration Agreement. If you have already started your project or even if it is complete, TrusTECH may be able to help negotiate a better deal for your Trust and a 'fair share' for all.

If your organisation is a TrusTECH member, and you would like a copy of this article for training purposes and/or for use in a staff newsletter, please contact

Philippa for an electronic copy.

Telephone: 0161 276 6964 or e-mail: philippahollidge@trustech.org.uk

## Competition News

Health Informatics   
Community

TrusTECH has helped a team from Salford Royal Hospitals NHS Trust enter the NHS Leadership in Health Informatics Accolade Award Scheme. The Awards offer five prizes, each of £5,000, and the opportunity to give a formal presentation at the ICT & Informatics Professionals Conference in November.

The theme of this year's award scheme is "Quality Information to Improve Patient Care".

Mr Gordon Carlson together with Mr C. Henson and Ms D. Campbell entered a Clinical Audit Database. TrusTECH wishes them every success with their application.

## TrusTECH welcomes new team member

Dr Jennifer Cleary joined the TrusTECH Technology Exploitation Management team in May. Jennifer joins TrusTECH after completing a Medici fellowship in Technology Transfer at the University of Birmingham and will be providing assistance to inventors and their Trusts in the Merseyside region.

What better way to welcome our newest recruit than to subject her to the Editor's Enquiry - a light hearted look at a TrusTECH team member!

1. If you were recuperating in hospital, who would you want in the bed next to you, excluding relatives?

*Ross Noble (comedian), they say laughter is the best medicine!*

2. What was your first ever job?

*I was a waitress at the Bee Hotel in Abergele, North Wales.*

3. What has been your happiest moment in the last year?

*When I passed my viva to complete my PhD - a fantastic feeling.*

4. What three books, CDs or films would you want to take with you if you were going to be stranded on an island?

*The Art of Travel by Alain de Botton  
Eva Cassidy - Songbird (CD)  
The Lord of The Rings by JRR Tolkien*

5. If someone gave you a million pounds, how would you spend it?

*I'd like to think wisely but sadly it would involve a lot of shopping and some champers!*



6. If your house was on fire, what would you grab on the way out?

*Has my boyfriend got out ok? Yes? Ok, in that case, my jewellery, most of it is very sentimental.*

7. What person influenced you most in life?

*Other than my parents, my friends Cara and Vicky.*

8. Name five of your favourite things

*Patents, Trademarks, Copyright, Know-how and Kittens.*

To contact Jennifer, please e-mail: [jennifercleary@trustech.org.uk](mailto:jennifercleary@trustech.org.uk) or tel: 0161 276 5762.





## NHS Live

In early July, the first ever NHS Live event took place at Excel in London.

Presented by Carol Smilie and attended by Tony Blair and John Reid, Secretary of State for Health, NHS Live was a full day event providing the focal point of the year long NHS Live engagement programme to promote involvement, learning and achievement in the NHS. The event provided an opportunity to share and spread best practice for NHS and Social Care staff, patients and users and culminated in the Health & Social Care Awards 2004.

The awards included a national NHS innovation award. A total of eight innovations made it through to the final - of which three were from the North West region! The finalists included:

- Dr Shaheen Hamdy, Salford Royal Hospitals NHS Trust (joint first prize winner in the NW NHS Innovation Awards technology category)
- Medicines Management Team from Wyre PCT (first prize winner in the NW NHS Innovation Awards service category)
- The SAFIRE team (Swift Assessment for the Intensive Resolution of Emergencies (for mental health patients) presenting in a crisis at A&E) from Manchester Mental Health & Social Care NHS Trust.

*TrusTECH would like to congratulate the three finalists for their superb representation of the region.*