The *Research and Innovation Portfolio* is responsible for patent protection and commercial development of inventions created within the RMIT University community. This form is intended to assist staff in identifying and protecting candidate inventions.

The Invention

An invention may have been created when something new and useful has been conceived or developed, or when unusual, unexpected or unobvious research results have been achieved which can be utilised in a commercial way.

Intentional Disclosure

This form serves to disclose formally to RMIT details of your potential invention and establishes a legal record of its date of conception. Information provided on the form will help to establish whether the invention is novel and patentable, in which case steps will be taken to seek comprehensive evaluation by a patent attorney and then patent protection. The disclosure is not considered a public disclosure.

Inadvertent Disclosure

Particular care is needed to ensure that accidental public disclosure of the invention does not take place. Such disclosure places severe limitations on available patent protection.

Non-confidential disclosure of an invention, even to people within the University, can cause patent protection to be lost immediately.

Non-confidential disclosure can involve publication in written or oral form or other public presentation of material which reveals the novel attributes of an invention. In addition to the well known forms of publication; written in scientific and technical papers and reports, oral in public lectures and talks, non-confidential disclosure can include:

1. abstracts, presentations and poster sessions at scientific meetings,
2. publishing photographs of inventions if enough detail is shown,
3. demonstrating an invention with some commercial purpose in mind,
4. description of the invention in an obscure or foreign language publication.

Commercial Development

By definition, an invention is something that has the potential to become a useful product. No money is generated to pay for the expensive process of patenting an invention unless a useful product can be developed from it and successfully marketed.

It is vital for the inventor to assist in establishing the commercial potential of an invention. This can be achieved by preparing clear descriptions of the invention which emphasise its technical merits, usefulness and practical applications (Sections 5 and 6).

Shared Ownership

It is important to provide details of all parties involved in funding the development of the invention including external organisations. Copies of any contractual agreements should be provided so that ultimate ownership of the intellectual property can be determined.

The Inventors

The individuals who contributed to the development of the invention must be identified. These individuals need to meet the legal criteria of inventorship. Legal inventorship is determined by a patent attorney at the time a patent application is filed.

Further Advice

For advice on completing the disclosure form or for additional information, please contact:

**Carla Cher**, **Jason Lui** or **Amy Hunter** at ip.commercialisation@rmit.edu.au

**The Invention**

A patentable invention may be any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof. Under patent law, this is also interpreted to include drugs, newly discovered, mutated or genetically engineered microorganisms or plants, new or altered forms of plant life, vaccines, cells, tissue and organ cultures, products or recombinant DNA research, hybrid cell cultures, processes involving microrganisms, monoclonal and polyclonal antibodies, engineered proteins, some computer programs, design.

An invention involves the formulation of the complete means for solving a problem. The mere recognition of a desirable result, or of a problem, or of a general approach to solving the problem is not sufficient. It is necessary to formulate the physical structure which accomplishes that result or solves the problem in order to constitute an invention.

**1. Title of the Invention:** (Brief, but comprehensive, technically accurate and descriptive.)

**2. Description of the Invention:**

1. Describe the invention and explain the best way of implementing the invention with text and diagrams. Bear in mind that the description of the invention should include enough detail for another person skilled in your technical field to readily implement and understand the invention.
* Include all essential elements (features, concepts, or new results of the invention, whichever is most applicable), their relationship to one another, and their mode of operation.
* Identify the elements that are considered novel (new).
1. Provide detailed experimental data showing results of the invention.
2. Provide information about any variations or alternatives to the implementation of the invention that you have described which might be commercially significant.
3. Attach drawings, manuscripts, papers, or other supporting material to facilitate understanding of the invention.

**3. Uses/usefulness/advantages of the Invention over currently available technology:**

1. What is the area of technology (technological field) to which the invention relates?
2. Describe what is presently available in the technological field (that is, what is the “prior art”). Identify existing devices or processes and list/attach any published material such as patents, commercial literature, scientific articles relating to the technological field. Please also indicate if you have done a patent or other literature search.
3. What are the shortcomings of these existing devices/processes and technology presently available in the field?
4. What is the problem that the invention seeks to address?
5. How has this problem been addressed in the past?
6. Why is the invention an improvement to the past approaches to addressing the problem?
7. In the project team’s view, what past approach to addressing the problem was closest to the invention? (that is, what is the closest “prior art”?) How does the invention differ from that past approach? (What makes the invention differ from that past approach?)
8. What are the essential (most important) features of the invention that solve the problem or provides the invention with an advantage? Which are the features that the invention absolutely must be present to solve the problem? (Do not describe the benefits of the invention, but describe the features of the invention that provide the benefits.)
9. What are the features of the invention that are advantageous and why are they advantageous? That is, those features that are preferred but not strictly essential to solving the problem.
10. Identify the advantages or benefits of the invention over currently available technology, such as efficiency, cost benefit, simplicity, overcoming a defect.
11. Identify possible uses or new uses of the invention (especially important if the invention is a chemical compound).

**4. Potential commercial applications of the invention or potential licensees:**

1. Have you been contacted by any party regarding the licensing of your invention?
2. Are you aware of any companies in the field that may be interested in your invention?
3. Are there current plans to use your idea commercially?
4. What is the magnitude of the market for the invention?
5. What share of the market could you expect to gain?
6. Provide details about the areas that you consider this invention has application and why. For example, what industry or applications in industries.

**5. Public disclosure / publication plans:**

Public disclosure includes abstracts and presentations at scientific meetings (including poster sessions), public seminars, shelving of theses, publications, disclosure to others outside of the University who have not signed a confidentiality agreement, and use, sale, or offer of sale of the invention.

1. Identify dates and circumstances of any such public disclosures.
2. Indicate any future disclosure or publication plans for this invention.

**6. Impact Creation:**

Outline the impact creation of this invention, or potential impact creation. Think about environmental, economic and social impact.

**7. Financial support / contract identification:**

Identify any grants, contracts and external sponsors (governmental agencies, industrial sponsors, private agencies, or others) which provided support for the research from which the invention resulted. Provide copies of relevant agreements and correspondence. This information is needed to determine whether this invention is subject to any commitments or restrictions arising from the terms of sponsorship.

**8. Identification of Contributor(s):**

List all people who are believed to have contributed to the conception or reduction to practice of this invention. This list should include names of all people who may qualify as legal inventors. Legal inventorship is a technical question which is determined later by the patent attorney.

If there are more than two inventors, please add additional details.

You consent to us providing any of the details below to any patent office, as required, for the purpose of obtaining patent protection.

Inventor 1:

|  |  |
| --- | --- |
| Full Name: |  |
| Position at RMIT: |  | Department at RMIT: |  |
| Email: |  | Telephone number: |  |
| Street Address: |  |
| Are you a Staff member or Student: |  |
| If student, has a Student Participation Agreement (SPA) been signed? Y / N |  |
| If staff, are you solely employed by RMIT? Y / N If not, please provide details. |  |
| Nationality: |  | % contribution to invention: |  |
| Brief description of contribution or capacity involved: |  |

Inventor 2:

|  |  |
| --- | --- |
| Full Name: |  |
| Position at RMIT: |  | Department at RMIT: |  |
| Email: |  | Telephone number: |  |
| Street Address: |  |
| Are you a Staff member or Student: |  |
| If student, has a Student Participation Agreement (SPA) been signed? Y / N |  |
| If staff, are you solely employed by RMIT? Y / N If not, please provide details. |  |
| Nationality: |  | % contribution to invention: |  |
| Brief description of contribution or capacity involved: |  |

**9. Completed Form:**

Form completed by:

Name:

Position:

Date:

When you have completed this invention disclosure form please forward to:

The Intellectual Property and Commercialisation team - ip.commercialisation@rmit.edu.au

If you have any questions, please arrange a meeting to discuss aspects of the invention and the patenting process.

**10. School Sign Off:**

If it is determined that your invention is patentable or commercialisable following discussion of your invention with Intellectual Property and Commercialisation personnel, you will be required to confirm that you have informed your Head of School about the invention and the proposed patenting and/or commercialisation path.

Head of School (print name):