



Leadership Discussion Guide: Intellectual Property Issues

You are a post-doc and you are hoping to get a bit of assistance from a researcher with more experience. The individual that you found brings a Ph.D. student along and after the collaboration is done they publish a paper with the Ph.D. student as the first author. You are thanked in the footnotes. What do you do?

Decision Making Framework:

- 1) List the issues raised by the 2MC.
- 2) What rules or regulations apply to the situation?
- 3) What questions will help you open up the problem?
- 4) What resources could you use or consult to help you make a decision?
- 5) What are your options and how does each option affect others involved in the situation?
- 6) What would you do after considering all of these and in light of your own values?

Issues

Stealing Intellectual property
Whose data is it?
What do you really know?

Resources

Campus and federal regulations
Research integrity officer on campus
Mentor
Colleagues
Parents
National ethics center website

Rules and Regulations

Federal research integrity regulations
University's regulations

Options

Wait and see
Allow what happened
Talk to the research integrity officer on your campus
Talk to the visiting researcher in question
Talk to adviser or other trusted mentor



Questions

Had the individual and PhD student done anything wrong? What? With what results? Why?

If they had asked for your permission would that make the situation better?

Do you believe you deserve authorship?

If the article was not in a prestigious journal what would your actions be?

If later on the article was found to be on of the most influential in the discipline would you have done something differently?

What are you hoping to come out of this situation?

What is the source of funding for this project?

Is there any possibility that you could retreat to your lab to regroup?

Takeaway Lessons:

1) Information Gathering

You have an idea of what happened, is there a reason to go after them? You have some information, however, you would need more information before going forward.

2) Seeking Resources

You may need advice before you take the next step. Are you on good terms with your former PhD advisor? Have your former mentors handled a situation similar to this? Does your new camps have an ombudsperson who might be able to provide confidential advice?

3) Asking Questions

Once you have gathered the facts so you have a fuller sense of the situation, and if you have decided you wish to pursue the matter, one option is to talk with the individual and the PhD student based on what you have learned. You should rehearse these questions so you can ask them in a low-key, professional affect, without making charges. Depending on how your fact-finding goes, you may want to have someone else present when you ask these questions.

4) Follow the Rules for Having a Dispute Professionally

Before you have your conversation with the visiting faculty member you should read and absorb the rules for having a dispute professionally.

Next Steps:

You have two main choices. One, you can try to get more than a footnote in the paper or second, you can let the possible infringement go. If you try to get more than a footnote you will need to have paper documentation showing that the research you helped them with would suffice to earn you authorship moreover you will most likely burn a bridge. If this is an infringement that you are not okay with then the bridge might have already been burned. Furthermore, If you do nothing then this situation could happen again.

What Really Happened:

The post-doc in this situation did not decide to ask for more than a footnote and allowed the infringement to pass. They are friends but not research colleges.

