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The Statute of Limitations

Year

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Description

This case discusses issues of intellectual property, intellectual turf, the training of graduate students, communication and cooperation vs. competition in science, and the evaluation of scientific peers.

Body

Part 1

Part 2

Part 1

Eileen is a professor of Biology at ESU (Enormous State University). Her recent work on the genetic structure of plant populations has been exciting and fruitful; she can hardly find the time to follow up on all her ideas. ESU has an informal "brown bag" seminar series in which graduate students and professors present and critique data and ideas. Eileen has always been an enthusiastic participant in the brown bag series, and one year ago she presented a particularly stimulating and untested idea that had spun off from her main avenue of research. Steve, a new graduate student in the department, approached Eileen after her talk and expressed enthusiasm about her idea. Steve felt that he knew just the empirical system in with which to

test Eileen's idea, and he offered to collaborate with her on the project and share authorship on any resulting papers. Eileen politely declined. Steve was not her grad student, and she wanted to save the idea for one of her own students to test. A year after the brown bag, Steve approached Eileen again. None of Eileen's students had pursued the idea, and Eileen had not had time to pursue it herself. Steve renewed his previous offer. Eileen again rejected this course of action. It was her idea, and she would pursue it in due time.

Discussion Questions

1. Should Eileen have accepted Steve's offer after it became clear that none of her own current students were interested in following up the idea? When is it acceptable to reject an offer of collaboration?
2. What if Steve's proposed experiment would require seeking additional funding and would take three years to complete? What if Steve's experiment could be done with materials and equipment on hand and would require only a few weeks? Does the type of collaboration proposed make a difference in when it is acceptable to reject a collaboration? i.e., do the duration and extent of the proposed collaboration matter? Why do you think so?

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Part 2

A few days later, Steve approached Eileen a third time. This time Steve announced that he was going to go ahead and test Eileen's idea, with or without her approval. Steve promised that he would give Eileen full credit for her role in the genesis of the idea. Eileen stated that she felt that Steve's actions would be inappropriate since it would deprive her of the right to be the first to publish her new idea. Eileen approached Steve's major professor, Bill, with her concerns about Steve's behavior. Bill stated that he knew what Steve was doing, and furthermore he sanctioned it. Bill and Steve felt that it was legitimate for Steve to pursue the idea, provided he properly credited Eileen as its creator. Eileen responded that her ability to develop and test the idea had been compromised and that Bill should prevent Steve from pursuing the project. Bill argued that after a year, the statute of limitations had run

out. He asserted that the idea was public property from the moment Eileen gave her brown bag talk. Bill then offered an indictment of Eileen's behavior.

"Look, Eileen," said Bill. "Don't you remember how you used to tell us about that awful Professor Igneous you knew in grad school? You used to tell us how he would always claim to be working on all kinds of neat ideas, but in reality he was just trying to claim as much intellectual turf as possible. Igneous was taking advantage of the fact that most of us will avoid initiating a research project if we know someone else is already working on it; there's no sense in duplicating all that effort. You used to tell us how despicable you thought his behavior was, but now you are doing the same thing. You need to let someone pursue the idea who has time to do it now."

Eileen was outraged. "What I am doing is nothing like what Igneous used to do," she replied. "He never got around to doing anything with those projects. I, on the other hand, fully intend to follow up on the idea. What makes you think *you* get to decide at what point I have had enough time to pursue my own research?

Discussion Questions

1. Are there ethical implications of "sitting" on an idea that someone else is eager to pursue? Would it change matters if Eileen's idea had potentially important applications in human medicine or the conservation of endangered species?
2. Bill argued that the idea was fair game after Eileen's brown bag seminar. Would it matter if Eileen had published the idea in a short theoretical note? What if she had delivered the idea in a formal seminar at a national meeting as *work in progress*? Does the setting in which Eileen presented the idea (an informal, in-house presentation) matter? Why or why not?
3. Was Steve justified in pursuing the experiment on the basis that Eileen had had enough time to do the work herself? Should a statute of limitations apply to the ownership of research ideas?
4. Is Eileen's behavior like Dr. Igneous' behavior? Why or why not? Suppose her brown bag presentation had been an interesting idea she had thought of on the drive to work that morning, and the idea was pretty rough and undeveloped. Suppose instead that she had carefully developed mathematical and graphical models to support her idea and had presented those in the

brown bag talk. Is the amount of work Eileen may have done relevant to assessing whether Eileen is like Dr. Igneous? Why or why not?

5. Suppose Eileen is delaying the pursuit of this idea until her current grant runs out because she does not have time to work on it until then. Suppose Eileen is teaching this term and intends to pursue it after she has finished. Do Eileen's reasons for delaying the work matter in assessing whether she is behaving like Dr. Igneous in this situation? Why or why not?
6. Should Bill have tried to mediate the situation between Eileen and his student? Should Bill prevent Steve from doing the study once it became clear that Eileen did not want Steve involved in the project?
7. Does Bill and Eileen's argument suggest a tension between the concept of ownership of ideas and the value of collaborative relationships? How do you feel this situation should be resolved? Should Steve pursue the idea? Why or why not?

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Notes

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