



Strengthening  
University-Industry  
Partnerships

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# Strategies for Managing Confidential Information

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# What Constitutes Confidential Information?

## University Perspectives

Universities carry public facing interests across all domains – research, publication, technological innovation, etc. Confidential information therefore maps to narrower definitions operating by the logics of disclosure.

## Industry Perspectives

Industry typically carries a more private, investor-serving interest across all domains. Confidential information may therefore map to broader definitions operating by the logics of value. These logics may vary by sector, e.g. pharmaceuticals vs. manufacturing.

## Conflicts and Overlaps

- Statutory constraints – state open records acts
- Research results – ownership/control/use
- IP ownership/control/restrictions – including IP “bloat” and downstream use
- Academic publications
- Professional publications

# Risk Management - Who Pays and How Much?

## University Perspectives

High interest in limiting liability for breach

## Industry Perspectives

Industry expectations do not distinguish between industry vs. academia in the treatment of confidential information. Example: “Confidential information includes... information that a reasonable person should know...”

## Conflicts and Overlaps

- Cash liability
- Insurance coverages
- Responsibilities for criminal vs. civil liability

# Processes and Systems

## University Perspectives

Tend to be decentralized, reliant on processes and systems at departmental level

## Industry Perspectives

Tend to be centralized with global processes and procedures

## Conflicts and Overlaps

Lack of understanding of the other's processes and systems.

High risk areas include publication reviews/approvals and IP review.

Communication gaps

# Best Practices

Select negotiator with experience from both perspectives.

Effective risk mitigation requires consideration of both perspectives.

Establish central point of contact on both sides for managing processes and systems.



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# Questions?