

The statute of limitations

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Eileen is a professor at Enormous State University. Her recent work on coral populations has been fruitful and 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 faculty present and critique ideas and data that are formative or in-progress. A year ago, Eileen presented an intriguing new idea: a Genetic Equilibrium Model, which she referred to as GEM. Bill, one of her departmental colleagues, was enthusiastic about the concept. Bill had just returned from a sabbatical with reams of data on the spatial distribution of genotypes in bracket fungi. Bill thought that GEM would be a great explanation for some of the patterns in his data. Bill approached Eileen afterwards and offered to collaborate by publishing GEM along with tests of the model using his data. Eileen politely declined. She wanted to test it herself, and she expected that someone in her lab would pursue the idea soon.

A year after her seminar, Eileen hasn’t published GEM and all of her students are busy with other projects. Bill and Eileen are discussing it in Eileen’s office.

“Look Eileen, I’ve collected another year of data since you first presented the idea. I’m convinced that I have a great example of GEM. To be honest, it really influenced the experiments I did this year. It’s the best explanation of my data that I know of. I can’t publish this stuff without GEM. I really hope you will reconsider my offer to co-author a paper using my data.”

“Bill, I sincerely appreciate the offer”, Eileen replies. “But I feel the same way I did last year. I would really prefer to publish GEM on my own. I can collect my own data that will support it in corals.”

Bill’s response is immediate. “Look. You’ve had a year to follow this up and you haven’t done it. Technically, the idea became public property the minute you presented it at a seminar. I offered to collaborate and you declined. You are in no hurry to see this idea through, and I have in hand the data to test GEM. There ought to be some kind of statute of limitations on how long you can sit on an idea. I think a year is enough time. I’ve got to go forward with or without your permission. If you won’t co-author a paper with me, I guess that’s your prerogative, just let me know how to appropriately cite you as the source for GEM.”

Eileen was now clearly irritated. “So now it’s either collaborate with you or be scooped by you, is it? It’s my idea and I will pursue it when and where I see fit. You don’t get to decide when I’ve had enough time to pursue my own research program.”



Q Can someone own ideas in ecology? What control should Eileen be able to exert over when and how her idea is published? Is there (or should there be) a statute of limitations on this control? Does it matter if: (a) GEM has important conservation implications? (b) Eileen spent significant time and effort developing the idea? (c) Eileen presented it publicly (albeit locally and informally) rather than in a private conversation?

Q Eileen’s reasons for delaying the work aren’t identified. Do her reasons matter? Can you suggest reasons that make her reaction reasonable or unreasonable?

Q Is Eileen obligated to collaborate with Bill? Is it always acceptable to decline an offer to collaborate?

Q What are the possible consequences of Bill’s actions? How might it change the way colleagues interact or what they are willing to present at seminars?

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■ Commentary

This case raises important issues in ecology: ownership, informal communication of ideas, and collaboration. In general, there are no explicit guidelines that address these issues. At best, there are norms and precedents that senior scientists picked up somewhere and pass on to their junior colleagues. Yet questions like “How do I give others appropriate credit for information they have shared with me informally?” deserve careful consideration.

Can ideas be owned? All of us have probably heard the argument that ideas are cheap, a dime-a-dozen, and that most productive researchers have far more ideas than time to pursue them. What then gets owned in science is the empirical work, simulations, or models that follow from the ideas. This argument goes too far, by failing to recognize that even if many ideas are cheap to produce, they can have widely different values. Some ideas take considerable time and effort to develop, and some generate more excitement than others. What would be the implications for ecology if anyone could jump on any idea as soon as they heard it? If you casually mention a great new idea to a colleague, is the race from that point on to see who can get a proposal funded first? It seems reasonable to argue that the person who came up with a concept ought to have “first dibs” at developing it, and that the development should not need to occur in secrecy. The goal of this case is to provoke discussion concerning how long and under what circumstances that control might last.

The thrust of Bill’s argument is that Eileen is taking too long to pursue her idea, so she ought to collaborate with him, or at least let him cite GEM. He also makes the case that his own research program will stall without GEM. Most scientists recognize that we have some obligation to assist the work of others. It is generally accepted that we should make our discoveries known to others, in a timely fashion, usually through peer-reviewed publication. Nevertheless, collaboration, while usually viewed in a positive light, is rarely viewed as obligatory. There is no obvious reason why Eileen must accept any offer to work together with someone else. Bill now comes with data in hand, however, and she must weigh the potential costs and benefits of collaboration for her, Bill, ecology, and society in general. From her perspective, Eileen apparently does not see the benefits of collaboration (eg more rapid testing and dissemination of GEM, more rapid credit to herself, intellectual interactions during the collaboration, and recognition that the idea is applicable to diverse organisms) as outweighing the potential costs to herself (eg diminished credit for the idea and not testing GEM in her research group and with her study population first). On the other hand, the scientific community and

society as a whole may see things differently and could come down in favor of the collaboration. Should she also be considering that another ecologist might be developing an idea like GEM? What weight ought she to give to these various factors?

Is there, or ought there to be, an operational statute of limitations on ownership of ideas? Eileen’s obligations seem clear if she has reason to believe that the work will address a pressing conservation need. In these circumstances, Eileen should give the work immediate attention or collaborate with someone who can. The fact that Bill already has data argues in favor of collaboration. But what if the project isn’t so obviously pressing? Eileen should still perform the work in a timely fashion, but it is difficult to determine what exactly is “timely”. It seems unlikely that a single, interested colleague like Bill can make this determination in an unbiased manner. In a case such as this, one year may be too short if Eileen’s study population grows slowly, and she therefore plans her experiments one or two seasons ahead. On a practical level, how would you suggest that such claims about timeliness be mediated?

Bill asserts that GEM became “public property” as soon as Eileen gave her brown bag seminar. It may be useful to have your group discuss the role informal inter-lab seminars are supposed to have. What are the different benefits of these seminars and to whom do they accrue? What are, or should be, the ground rules? The presentations at a brown bag seminar series should not be seen in the same light as a publication or presentation at a formal meeting. It is in everyone’s best interest to keep such informal forums as free-wheeling as possible. To achieve that goal, the participants must feel safe sharing unpublished ideas. Participants in an informal seminar series must articulate rules and standards of behavior for the use of information learned in seminars. If Bill’s use of Eileen’s idea diminishes her participation in the informal seminars and the willing participation of others, the whole ESU community suffers. Then again, if Eileen had published the idea, then Bill’s claim would be correct: GEM could be used by anyone, without the author’s permission, assuming proper citation.

Discussion of a hypothetical case like this might help us articulate our expectations and set some ground rules before problems like Bill’s and Eileen’s arise.

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