

KEEPING A LABORATORY NOTEBOOK

IU Innovation & Commercialization Office

Introduction

The purpose of this guide is to point out some best practices for keeping a laboratory notebook and to emphasize the importance of keeping good, reliable laboratory records to ensure that necessary evidence is readily available should a US patent dispute arise. Laboratory records may become key documents as evidence in legal proceedings.

The Laboratory Notebook: A laboratory notebook should be permanently bound. Loose-leaf, spiral-bound or other temporarily bound books that allow for page removal or insertion are unsuitable. Notebook pages should be consecutively numbered. A bound laboratory notebook with numbered pages evidence that no one has removed or inserted pages. It is not advisable to keep laboratory notes entirely electronically unless you are using an electronic lab notebook.

Ink Quality: Notebook entries should be legibly recorded in ink or some other permanent marking without generating large white spaces between text. Entries made in ink help to guarantee that text has not been erased or altered.

Entries: The entries in the notebook should be factual and complete. The entries should be signed and dated by the person or persons performing the activity and by at least one corroborating witness. Signing and dating text with limited white space ensures that no later entries occurred. The dated signature immediately after an entry (in both time and position) helps prove who did the activity, when it was done, and shows that no entries were made after dating and signing. Any graphs, drawings or other loose sheets should be carefully affixed in the book by some permanent method, *i.e.*, staples or adhesive, and reference made to them and their contents and conclusions. Data that become available later should be added to the notebook on a separate page with a reference to the original entry. Never leave a page incomplete. Draw lines through unused pages or parts of pages.

Communication with Others: Best laboratory notebook practices include recording discussions with collaborators and colleagues.

Facts and Not Opinions: Record all new concepts and ideas relating to the work. The notebook should be limited to factual, quantitative and qualitative results. Do not express opinions in notebooks because they could lead to misinterpretation. Statements like "the experiment failed", "the idea is obvious", "I think it is unpatentable", or "perhaps would infringe patent X" should be avoided. Attempt to avoid using slang, personal abbreviations and unduly technical jargon. The notebook must be understandable to others, not only to patent attorneys, but also to judges, juries and potential licensees.

Errors: Errors should not be erased or obliterated beyond recognition. Neither should liquid paper be used. Simply cross out an error so that it is apparent what the error was. Explain all errors and mistakes as they occur and initial them. Never remove pages from the notebook.

Safe Keeping: The notebook should be regarded as a legal document and its use and access should be controlled. When completed, it should be stored in a safe place and should not be treated as a freely available publication.

Collected data in the form of laboratory notebooks and supplemental resources are owned by Indiana University.

The purpose of this memo is to highlight the importance of keeping good, reliable laboratory records. This note does not contain definitive legal advice and should not be used as a substitute for the advice of your lawyer or patent attorney. For additional information or for answers to specific questions, please contact the [Innovation and Commercialization Office](#).