

Intellectual Property Policy

Date Approved: June 11, 2021

Effective Date: June 11, 2021

Date Reviewed: Winter 2021

Replaces: Version 2003

Purpose

To ensure that Intellectual Property ('IP') produced by Cambrian College ('the College') is utilized and developed for the benefit of its Creators, the College and the public while protecting the rights and responsibilities of all those directly involved.

Definitions

College Resources: refers to any funds (including salaries), College facilities, time, equipment and contributions (cash or in-kind) from any formal or informal sponsor of the College.

Commercialization: refers to the necessary activities undertaken in order to exploit IP. These include assignment, licensing, manufacturing or production of IP as well as the protection of IP, including, but not limited to, obtaining patent protection and copyright registration, with the goal of financial return.

Creator(s): a sole individual or group of individuals working collaboratively and/or co-operatively, who make, conceive, reduce to practice, author, or otherwise make a substantive intellectual contribution to the creation of IP. Creator includes the concept of "inventor" as used in the Canadian Patent Act, or "author" as used in the Canadian Copyright Act.

Intellectual Property (IP): shall mean for this policy any technology, invention, specification, formula, method, development, creative works, computer software (including source code and all related documentation), process, know-how, pattern, machine, device, manufacture, composition of material, compilation of information, data, database, or any improvement thereof, and including all related intellectual property rights such as patents, copyrights, trade secrets, trade-marks and other proprietary rights, which was, in whole or in part, conceived or reduced to practice.

Application/Scope

This policy applies to all College employees and applies to any IP that is developed by an employee of the College involving the use of College Resources as stipulated for the circumstances described in this policy.

Policy Statements

1. General

- a. The College encourages creativity among the faculty, students and staff and collaborative research projects with external partners.
- b. The College makes available, through the Research and Development (R&D) office, information and procedures necessary to protect ownership of IP associated with applied research projects and to aid in their commercial development.
- c. This policy shall not be interpreted to reduce the rights of any College employee as found in their collective agreement.

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- d. Nothing in this policy shall be interpreted to hinder a College student's academic advancement. The only exceptions will be in the areas of confidentiality and publication, in which case a student may be required to delay publication for not longer than 12 months after it arises where the student is Creator.
- e. The College asserts ownership rights to IP (that is –
 - i. IP or creative works developed by College employees within their field of expertise and scope of employment at the College or works commissioned by the College;
 - ii. Developed using any College Resources owned or administered by the College;
 - iii. Projects carried out by College funds or grants including those of the R&D office.

2. Disclosure

- a. Wherever IP having commercial potential arises in which the College has an interest, the IP's Creator shall promptly disclose particulars of the IP to the College, through the College's R&D office no later than 30 days after the IP arises.
- b. Any rights or potential rights in the IP held by third parties (such as external partners) are to be included in this disclosure to the College.
- c. The R&D office should be consulted if there is any potential for commercialization.
- d. Details of any IP that is, or may become subject to, disclosure under this policy shall be kept confidential from any third party or from public dissemination unless it is first cleared by the College through the R&D office.
- e. Disclosure obligations are continuing, so that any post-disclosure change in IP or related rights must also be disclosed in the same manner.

3. Commercialization of IP

- a. Where the College has an interest in IP that has commercial potential, the College and any of its employees who may be the IP's Creator(s) shall enter into an agreement ('IP Contract') regarding their respective rights in relation to the IP as between the College and such employee(s). For greater certainty, such IP Contract shall deal at least with the following rights, and may deal with other rights as well:
 - Ownership of the IP
 - Formal and/or informal protection of the IP
 - Confidentiality and non-disclosure
 - Moral rights (for copyright IP)
 - Right to publication
 - Third party rights
 - Commercialization of the IP
 - Perpetual, royalty-free licensing of the IP to the College for internal educational and/or research purposes

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- Distribution of the net proceeds of the commercialization of the IP
 - Record keeping in relation to the IP
- b. Wherever the College takes part in a project where there is reasonable prospect of IP arising in which the College has an interest and which has commercial potential, the employees involved, and the College should enter into an IP Contract from the outset.
 - c. College-owned IP may be developed and/or commercialized in the manner that the College deems appropriate.
 - d. Where the College decides not to develop and/or commercialize IP, it may waive its ownership rights in favour of the Creator.
 - e. Employees who wish to develop and/or commercialize IP that is not owned by the College will be responsible for such commercialization and/or development.

Responsibilities and Accountability

Vice President International, Finance and Administration is responsible for:

- Ensuring the availability, review and communication of this policy and associated practices.
- Interpreting this policy, providing advice to managers and employees and resolving disagreements.

Administrators are responsible for:

- Supporting the pursuit of research and the involvement of faculty, staff and students.
- Being familiar, and complying, with the requirements of this policy.
- Ensuring staff are familiar with the requirements of this policy.

Director Applied Research is responsible for:

- Facilitating and guiding the assessment and/or development of IP on behalf of the College.
- Ensuring the review of IP that has been disclosed by College employees
- Ensuring appropriate mechanisms or practices are in place to effectively and securely address IP issues and developments.
- Communicating IP information to all parties involved in applied research of the College.

Employees are responsible for:

- Being familiar and complying, with the requirements of this policy.

Related Procedures

N/A



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Related Policies / Directives / Regulations

Canadian Patent Act R.S.C., 1985, c. P-4

Canadian Copyright Act R.S.C. 1985, c. C-42

Code of Conduct

Conflict of Interest Policy

Contract Management Policy

Ethical Conduct of Research Involving Humans Policy

Internal Privacy Policy

Records Management Policy

Responsible Conduct of Research Policy