

Policy Number:	5022
Policy Title:	Intellectual Property
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1. Policy Statement

- 1.1. As an innovative business and technology-oriented, teaching-focused university, University Canada West is committed to enabling and supporting its faculty, staff, students and partners that advance the quality, pre-eminence and societal value of the University's teaching, research, and creative endeavours.
- 1.2. UCW recognizes and values the contributions of faculty, staff, and students in the works they produce and seeks to balance the rights of the creators of such works with those of the university to support course and program development and to encourage educational innovation and creativity.

2. Purpose

- 2.1. The purpose of this Policy is to establish the framework for the administration and ownership of intellectual property at the University.

3. Scope

- 3.1. This policy applies to:
 - 3.1.1. all academic and non-academic personnel and all students of UCW; and
 - 3.1.2. external partners and contractors unless there are express, written contractual clauses that stipulate otherwise and which have been approved by the Vice-President, Academic (or delegate) and an authorized individual representing the partner or contractor.

4. Definitions

- 4.1. The following definitions apply to this Policy and the associated Procedure:

Word/Expression	Definition
Academic Personnel	Any continuing, limited term, sessional, adjunct or visiting faculty, instructors, teaching assistants, post-doctoral fellows, undergraduate and graduate students.
Generative Artificial Intelligence (AI)	This encompasses algorithms and systems capable of generating new content, including text, images, data, and code, based on input data and learned patterns.

Word/Expression	Definition
Intellectual Property	Includes any form of original knowledge or expression created in part or in whole with one’s intellect and may include – but is not limited to – technical information, know- how, scholarly works, copyrights, models, patterns, drawings, specifications, prototypes, or inventions.
Inventions	An Invention is any discovery, process, method, product, or combination thereof that is novel, non-obvious, and useful. It encompasses improvements to existing processes or products and can be subject to patent protection. Inventions may arise from research, development, and scholarly activities within the University and can include, but are not limited to, technological advances, computer algorithms, and innovative manufacturing processes.
Non-Academic Personnel	Includes full-time and part-time administrative, professional, support staff and any other person(s) paid by or through the University.
Open Educational Resources	Open educational resources (OERs) are easy-to-access resources with open licenses that are free to use, adapt, and copy. They are generally licensed using less restrictive licenses such as those from Creative Commons. OERs can include open textbooks, open access journals, open courses and open data.
Personnel	Includes both Academic and Non-Academic Personnel.
Scholarly works	Means original literary or artistic work and includes every original production in the literary, scientific or artistic domain, whatever maybe the mode or form of its expression such as websites, books, texts, articles, monographs, chapters, or artistic works that are produced for scholarly dissemination.
Tangible Research Property	Refers to physical objects or substances produced in the course of research activities. It includes, but is not limited to, prototypes, models, devices, and instruments. Tangible Research Property does not encompass Intellectual Property rights such as patents or copyrights but rather the physical manifestation of research efforts.

5. General

- 5.1. As an employer, and subject to Inventions, Scholarly Works, and Tangible Research Property for Academic Personnel (i.e., Section 6), the University claims ownership of all works created by University Personnel , in the normal course of employment, including those produced under contract. Such works include but are not limited to: course curricula; teaching and learning support materials and resources; digital content and online content.
- 5.2. Course materials embedded in online learning remain the property of the University and may not be used in whole or in part, without the express written consent of the University, with the exclusion of course materials created for or from Open Educational Resources. This is to ensure the proper management and quality control of educational content distributed in digital formats.
- 5.3. The University recognizes the importance of Open Education Resources to improve student access and reduce costs to students for textbooks and other course materials and reserves the right to make teaching materials created by academic personnel Open Education Resources.

- 5.4. The University recognizes faculty member copyright ownership of scholarly works created by faculty during the course of their duties.
- 5.5. Intellectual Property created by a student in the course of study at the University (including capstone projects and other scholarly works) will be owned by the student. However, Intellectual Property emanating from a student's research project shall be owned by the University in the following circumstances: a) if the Intellectual Property is created by making substantial use of the University's resources (excluding supervision) and there is no reimbursement agreement concluded between the University and the student; or b) if the research carried out by the student forms part of a University research project commissioned directly by the University. An external party that grants a bursary or scholarship to a student may elect to own the Intellectual Property created by that student during their study at the University provided the student and the University have consented to the assignment of IP ownership in writing and such consent is not contrary to any applicable local or national law(s).
- 5.6. Intellectual Property rights for works created wholly or in part by Generative AI tools are attributed to the individual(s) or entities who actively contributed to the conceptualization, design, and execution of the project. The University reserves the right to claim ownership or co-ownership of such works, including when University resources, facilities, or funding are involved in the project. Use of generative AI in research and academic work must adhere to ethical standards, including transparency about AI involvement in the creation process. Further guidance can be found in UCW's Generative AI Statement

6. Inventions, Scholarly Works, and Tangible Research Property for Academic Personnel

- 6.1. Inventions, Scholarly Works and Tangible Research Property belong to Academic Personnel who create the Invention, Scholarly Work or Tangible Research Property, even if it is produced during the course of their University Activities, except in those cases where:
 - 6.1.1. There is a pre-existing Contract that assigns the ownership rights to the University or to a third party. In externally-sponsored or contract research activities, ownership of intellectual property rights may be determined in whole or in part by the regulations of the sponsor, or by the terms of the contract. All research funding agreements are subject to approval of The Vice-President Academic; or
 - 6.1.2. the Invention, Scholarly Work or Tangible Research Property is created according to Section 6.2.2 and 6.2.3
- 6.2. No Academic Personnel shall claim any ownership, and Academic Personnel hereby assign ownership to the University in any Inventions, Scholarly Works or Tangible Research Property that is:
 - 6.2.1. encompassed within section 6.1.1 above;

6.2.2. produced by Academic Personnel at the specific request or direction of the University; or

6.2.3. Produced by Academic Personnel employed for the express purpose of creating or producing Inventions, Scholarly Works or Tangible Research Property, or where there is an explicit requirement in a Personnel's job description for this responsibility.

7. Commercialization Activity

- 7.1. Prior to proceeding with a patent application or commercialization activity, Academic Personnel shall provide written disclosure to the University of any Invention made. Such disclosure shall assert whether ownership of the Invention is claimed by Academic Personnel according to this Policy and the Academic Personnel's intention to pursue commercialization independently or with the assistance of the University. If the University fails to challenge in writing the assertions of the Academic Personnel within six (6) months of the receipt of disclosure of the Invention, the University shall be deemed to have accepted as accurate the assertions set out in the disclosure. Failure by Academic Personnel to disclose an Invention shall not terminate or waive any potential claim by the University regarding Intellectual Property rights.
- 7.2. Subject to section 7.3, where Academic Personnel own an Invention, Scholarly Work or Tangible Research Property according to this Policy, they may, at their sole discretion, make arrangements for protection and commercialization at their sole expense and benefit.
- 7.3. Where an Invention, Scholarly Work or Tangible Research Property is owned by Academic Personnel, Academic Personnel may enter into an agreement with the University, at each party's discretion, for the performance of commercialization activities such as evaluation, patent protection, marketing and negotiation of licenses. The Academic Personnel will be entitled to receive twenty five percent (25%) of Net Revenues as a result of commercialization of an Invention or Tangible Research Property by the University.
- 7.4. Where an Invention is owned by the University, Academic Personnel may enter into an agreement with the University, at each party's discretion, for the performance of commercialization activities such as evaluation, patent protection, marketing and negotiation of licenses. The Academic Personnel will be entitled to receive twenty five percent (25%) of Net Revenues as a result of commercialization of an Invention by University.
- 7.5. Where a Tangible Research Property is owned by the University according to Section 6.2, all ownership rights and revenues are reserved exclusively for the University.
- 7.6. The University reserves to itself and Academic Personnel shall grant a fully paid-up, non- exclusive, royalty-free, irrevocable and non-transferable license to use any Academic Personnel- owned Invention, Scholarly Work or Tangible Research Property made, discovered or developed using the University's facilities, support personnel, support services, equipment or materials, for academic and research purposes.

- 7.7. In the event that an Invention, Scholarly Work or Tangible Research Property is the creation of more than one Academic Personnel, the provisions of this article apply on a pro rata basis to all the Academic Personnel unless a written agreement or Contract states otherwise.
- 7.8. The University may, at any time, elect to terminate or relinquish its rights in any Invention or Tangible Research Property. In the event that the University or any other assignee relinquishes its rights in any Invention, all Intellectual Property rights shall revert back to the Academic Personnel. In the event that any Academic Personnel is deceased, the rights shall revert to the estate of that Academic Personnel.

8. Additional Items

- 8.1. The University's Copyright Policy states the general principles governing copyright in works used by University Personnel and students.
- 8.2. The Principal Investigator has the duty to inform any collaborators or co- investigators, including all University Personnel involved in the research, of the terms of any contract governing the research, including terms related to ownership or commercialization of Intellectual Property.
- 8.3. The name "University Canada West" and abbreviations thereof, and the emblems of the University Canada West and their component parts, are marks of the University and are owned by the University. All University Personnel and students will take all reasonable and practicable steps to ensure that the name of the University and such other marks are not used in connection with Intellectual Property without the prior written agreement of the University. No statement made with respect to Intellectual Property may, in any way, imply approval, promotion or use of such Intellectual Property by the University without the prior written agreement of the University. Notwithstanding the foregoing, nothing shall prevent a person from stating their employment, rank and title in connection with Intellectual Property.
- 8.4. The University commits to respecting Indigenous Knowledge (IK) and Traditional Cultural Expressions (TCE). This encompasses obtaining prior informed consent from Indigenous communities for any use of IK and TCE, a commitment to fair and equitable benefit-sharing, and protecting these assets from unauthorized use or misappropriation.

9. Dispute Resolution

- 9.1. It is recognized that disputes may arise between the University and University Personnel or students with respect to Intellectual Property and the implementation of this Policy. When disputes arise, every effort shall be made by all parties acting in good faith to resolve disputes at the lowest possible level.

- 9.2. If a dispute cannot be resolved informally, the matter will be referred to the VPA or delegate who will consult with others as appropriate and issue a written decision. This decision will be considered final and binding, subject to the University's policies and procedures.

10. Responsibility

- 10.1. This policy is administered under the authority of the Vice President Academic, who is responsible for the maintenance of this policy and any associated procedure.

11. Applicable Legislation

<i>Patent Act, R.S.C., 1985, c. P-4</i>
<i>Patent Rules, S.O.R./2019-251</i>
<i>Trademarks Act, R.S.C., 1985, c. T-13</i>
<i>Trademarks Regulations, S.O.R./2018-227</i>
<i>Copyright Act, R.S.C., 1985, c. C-42</i>
<i>Copyright Regulations, S.O.R./97-457</i>
<i>Industrial Design Act, R.S.C., 1985, c. I-9</i>
<i>Industrial Design Regulations, S.O.R./2018-120</i>

12. Related Policies

Policy Number	Policy Title
6001	Copyright
5020	Research Ethics
5021	Management of External Research Funding
8003	Standard of Conduct
8023	Conflict of Interest and Conflict of Commitment