

Policy Number	5.2
Approval Body	Board
Policy Officer	VP Academic
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## 5.2 INTELLECTUAL PROPERTY

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### Enabling Legislation & Linked Policies

#### *University Act*

Section 27 (2) Without limiting subsection (1) of the general powers conferred on the board by this Act, the board has the following powers:

- (u) to acquire and deal with
  - (i) an invention or any real interest in it, or a license to make, use or sell the product of an invention, and
  - (ii) a patent, copyright, trade mark, trade name or other proprietary right or any interest in it.
  
- (v) to require, a term of employment or assistance, that a person assign to the board an interest in an invention or an interest in a patent, copyright, trademark, trade name or other proprietary right resulting from an invention
  - (i) made by that person using eh facilities, equipment or financial aid provided b the board, or
  - (ii) made by that person while acting within the scope of the person's duties or employment, or resulting from or in connection with the person's duties or employment as an officer or employee of the university.

#### *Laws of General Application*

##### *Canadian Copyright Act*

##### *Canadian Patent Act*

### OBJECTIVE

In providing an environment that enables learning and exploration as outlined in its mission statement, Emily Carr University of Art + Design (University) expends significant funds to provide and maintain resources for the benefit of its students, staff, faculty and administrators. Intellectual property may be the result of this learning and exploration process. Proper management of intellectual property by the University helps:

- attract industry and government collaborations and funding for research, teaching, learning, and knowledge transfer;

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- encourage the use of innovative teaching and learning materials and technologies;
  - promote linkages with other post-secondary institutions, industry and government;
  - attract, reward and retain outstanding faculty, staff and students;
  - facilitate the increased transfer of knowledge to business and society across all sectors of the economy; and,
  - generate financial return for the University and for creators of intellectual property.

By successfully meeting this objective, the University and its employees and students will be in a stronger position to benefit from:

- establishment of an international reputation for excellence in the generation and transfer of knowledge;
- growth of knowledge-based industries through research and its commercialization; and,
- generation of national wealth, through new products, services and employment.

The University's intellectual property policy is intended to balance the interests of students, faculty and staff in a learning and research environment that encourages the exploration and creation of works of art, media and design.

This policy also is intended to recognize the significant contribution of the University and its faculty, staff and students in sustaining the learning and research environment and to establish a flexible and effective mechanism by which the University is able to identify, protect, manage, commercialize and otherwise handle its rights to intellectual property.

The policy reflects the following goals:

- To create a University environment that encourages the generation of new knowledge by faculty, staff, and students and to provide incentives for intellectual and creative development and innovation.
- To facilitate wide transfer of creative work, inventions and research to society.
- To facilitate the protection, dissemination and commercialization of Intellectual Property through a framework that balances the interest of the University and its employees and students.
- To provide a fair reward to University for the use of its facilities and resources in the creation of Intellectual Property; a fair reward is achieved by establishing joint ownership in Intellectual Property between creator and University.

## **SCOPE**

This policy applies to intellectual property created by staff, faculty, administrators and students of the University.

## **POLICY**

1. Under this Policy the University has joint ownership interest in the intellectual property in all works of art, media and design created at University or with the use of its facilities and resources

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whenever the work is directed to commercial returns or the work results in substantial commercial value.

2. Moral rights protect the right of a creator of original copyright works to be recognized as the creator of those works (right of attribution), and the right to object to the derogatory treatment of those works (right of integrity). These rights are personal rather than proprietary in nature and as such cannot be sold, licensed or assigned. Furthermore, moral rights vest in the creator irrespective of employment status or the ownership of the copyright in the work.
3. Since it is frequently difficult to meaningfully assess risks, resources and potential rewards, written negotiated agreements are to be encouraged whenever possible.
4. The University will not be responsible for any liability resulting from the commercial marketing or selling of any intellectual property in which the University was not directly involved in the creation or sale.

## **EXCEPTIONS**

Exceptions to the policy may include those aspects of the policy varied through contract negotiation or collective agreement.

## **INTELLECTUAL PROPERTY COMMITTEE**

The VP Academic will establish a committee to oversee intellectual property policy administration, guidelines and dispute resolution.

## **DEFINITIONS**

Definitions of terms used in this policy are the same as those referenced in the Guidelines and Procedures.