

COMMERCIALIZATION OF INTELLECTUAL PROPERTY POLICY

Policy Name: Commercialization of Intellectual Property	Responsible Owner: VP, Academic and Provost	Created: 2008 Oct
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TABLE OF CONTENTS

- A. PURPOSE
- B. SCOPE
- C. DEFINITIONS
- D. POLICY STATEMENTS
- E. PROCEDURES
- F. SUPPORTING FORMS, DOCUMENTS, WEBSITES, RELATED POLICIES
- G. RELATED ACTS AND REGULATIONS
- H. RELATED COLLECTIVE AGREEMENTS

B. SCOPE

This policy applies to IP created by a College Affiliate unless any of the following applies: there is a written agreement approved by the College and entered into with the Affiliate(s) that provides otherwise where the policy is subject to rights or obligations under the College's current collective agreement with the Douglas College Faculty Association with respect to the ownership and use of IP where the policy is subject to applicable law including without limitation the Copyright Act, Patent Act, Trademarks Act, Plant Breeders' Rights Act, Integrated Circuit Topography Act and the Industrial Design Act and other law in application.

Limitation of Scope

This policy does not apply to IP created in the course of non-College activities that do not use of College Resources or funds administered by the College or activities external to the College.



include inventions, discoveries, compounds, biological materials, compilations of data, blue prints, drawings and designs, prototypes, processes, designs, word marks, design marks, logos, slogans, publications (including scholarly publications), educational materials, computer software, original works of art or performing rights, industrial and artistic designs and new plant varieties.

Non-Faculty College Employees Persons employed by the College who are not College Faculty

Overhead The indirect costs incurred by the College in the course of its operations. In situations where research projects are funded by sources that do not allow for Overhead (r)-14.231 (n)37.1 (nt)8.4 (co2)37

3. Where College Resources have been used in the development of IP, the College has the right to a share of any and all Revenue earned or received from any Commercialization of such IP (For limitations, see Procedure Below)
4. Where research or other intellectual endeavour is subject to a Sponsored Research Agreement (SRA) and where the SRA contains clause(s) restricting use of the IP and/or granting sponsor rights in the IP, all such IP shall be handled in accordance with the terms of the SRA. In all cases, College Affiliates who will be involved in sponsored research will be informed of any restrictions relating to IP and will be able to make informed choices as to their participation in any sponsored research project.
5. Where one or more Creator(s) choose to be compensated directly by a licensee receiving rights in the IP (e.g., the Creator(s) becomes shareholder and/or employee of such a third party licensee) the College shall require said creator(s) to waive their rights to receive their portion of the Revenue to which they would be otherwise entitled under this policy
6. Ownership of Intellectual Property
 - a. College Faculty: With respect to the Commercialization of IP produced by College Faculty, the College and the College Faculty are bound by the provisions of the collective agreement between the College and the DCFA pertaining to copyright and IP.
 - b. Non-Faculty College Employees: The College owns all IP developed or created by Non-Faculty College Employees, unless otherwise provided for in a collective agreement or

require that the ownership of the Creator IP be assigned to the College as a condition of the College assisting in such Commercialization.

5. Subject to the terms of any agreement entered into by the College, for the purposes of Revenue sharing, revenue will be net of reimbursement of and deduction of College Costs and will be shared and apportioned according to Douglas College Accounting Guidelines: Self-Funded Activities (2016) as follows:
 - a. The first \$5,000 to the Creator(s). In the case of multiple Creators, this sum is to be distributed amongst the Creators in accordance with the terms of the Creator Revenue Sharing Agreement;
 - b.

F. SUPPORTING FORMS, DOCUMENTS, WEBSITES, RELATED POLICIES

Administration Policies

- College Use of Copyrighted Works
- Conflict of Interest
- Integrity in Research and Scholarship
- Self-Funded Activities

G. RELATED ACTS AND REGULATIONS

- Copyright Act [RSC, 1985], c. 42
- Industrial Design Act [RSC, 1985], c. 91
- Integrated Circuit Topography Act [SC, 1990], c. 37
- Patent Act [RSC, 1985], c. 44
- Plant Breeders' Rights Act [SC, 1990], c. 20
- Trademarks Act [RSC, 1985], c. 17

H. RELATED COLLECTIVE AGREEMENTS

- Current Collective Agreement between Douglas College and Douglas College Faculty Association (DCFA)
- Current Collective Agreement between Douglas College and the BC Government and Service Employees' Union (BCGEU)