Research Intellectual Property
Legal & Intellectual Property
Research Services Office

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What is Intellectual Property?
Intellectual Property (IP)

• Intellectual Property means the material or communicable result of scientific, humanistic, literary, and artistic endeavors. It includes, but is not limited to, works in the form of scientific discoveries, results, inventions, designs, patents, unique names, books, monographs, papers, paintings, drawings and sculpture, performances, software, lecture material, and conference presentations.

• It includes works which are protected by copyright (publications, thesis), patents (invention), trade secrets, design (shape, appearance), trademarks.
University of Calgary
Intellectual Property Policy
University IP Policy

• University IP policy applies to all students and faculty members who create IP supported by the University.

• Ownership of IP is governed by the University’s IP policy.

• IP is creator-owned, unless provided otherwise by a legal agreement.

* Keep in mind, most IP created in research has multiple creators: faculty members, students, post docs, industry sponsor, and outside collaborators, as applicable.
University IP Policy

• IP policy also covers commercialization process/obligations

• A copy can be found on the University’s policies website:

Industry Sponsored Research
Industry Sponsored Research

• Industry sponsor seeks expertise of the university to help solve practical problems
  • Idea generation/validate ideas/process understanding

• Projects may receive industry support in the form of:
  • Cash
  • Equipment
  • Software
  • Confidential and non-confidential Information
  • Sponsor’s employees’ time
  • Access to sponsor facilities
Sponsorship Options

Increasing Control/Rights Granted to the Sponsor

- Gift/Donation
  - Development Office

- Research Grant
  - RSO

- Research Contract
  - RSO

- Service Agreement
  - RSO
Relationship Governance

- Relationship between sponsor and university is governed by a research agreement

- Agreement protects the university, supervisor, students and sponsor by clearly identify the rights and obligations of each party

- Students should review and understand agreement terms, which include:
  - IP Ownership / Publication / Confidentiality

- ALL agreements signed by the University – do not sign any agreements yourself
Key Agreement
Terms & Conditions
IP Ownership
IP Ownership

• You can **ONLY** use the arising results/IP in accordance with the terms of the research agreement

• Many possible scenarios – examples include:
  • Gift/Grant – Owned by University/Creators
    • no rights granted to sponsor; no restrictions on future use
  • Contract – Exclusive License
    • Cannot grant right to other commercial sponsors
    • License may be restricted in time, field of use, or product
  • Service Agreement – Owned by Sponsor
    • University/Creators may not have any rights to use the results
Publication
Publication

• Publications may include reports, articles, abstracts, etc.

• Publications may summarize project results and identify specific intellectual property developed for the project

• Sponsor may own the intellectual property described in the publication (i.e. the widget created)

• Copyright in any publications is owned by the creator unless agreement indicates otherwise
Publication Restrictions/Delays

• Sponsor may **pre-review** publications to determine if any confidential information was included or to identify new IP to protect

• Sponsor may request to **delay** publication of project results
  • Protect IP with patents
  • Time to exploit results before published

• Delays **no more** than 6 months are typical (i.e. 30-60 days)

• Consult research agreement for specifics
Confidentiality
Confidentiality / Non-disclosure

- Protects information deemed confidential by a party

- Confidential information can include:
  - Sponsor data, information, materials, practices
  - Project details
  - Experimental protocols/designs
  - Research results

- Limits use and distribution of the information

- Confidentiality obligations extends past completion of project/expiry of agreement (i.e. 3-5 years)
Confidentiality

• Confidentiality terms may be in a standalone agreement or built into the research agreement

• Must ensure team members with access to information sign-off before receiving information

• Our team will assist with review/approval of any confidentiality agreements
  • Sponsor may insist you sign personally – check with us first!
  • Ensure you understand the terms
Questions
Contact Us!
www.ucalgary.ca/research

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