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UNIVERSITY OF
CALGARY

Research Intellectual Property

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August 31, 2021

Intellectual Property - Research Results

What is Intellectual Property?

- Intellectual Property (IP) 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**, **research 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 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, the sponsor, and outside collaborators, as applicable***



Working with Collaborators

Student Projects

- Collaborators could include industry, government, charities, or colleagues who support your research
- Collaborators seeks expertise to help solve practical problems, generate new ideas, trial new concepts
- Student projects may receive support in the form of:
 - Cash
 - Equipment
 - Software
 - Confidential and Non-confidential Information
 - Employee time
 - Facility access

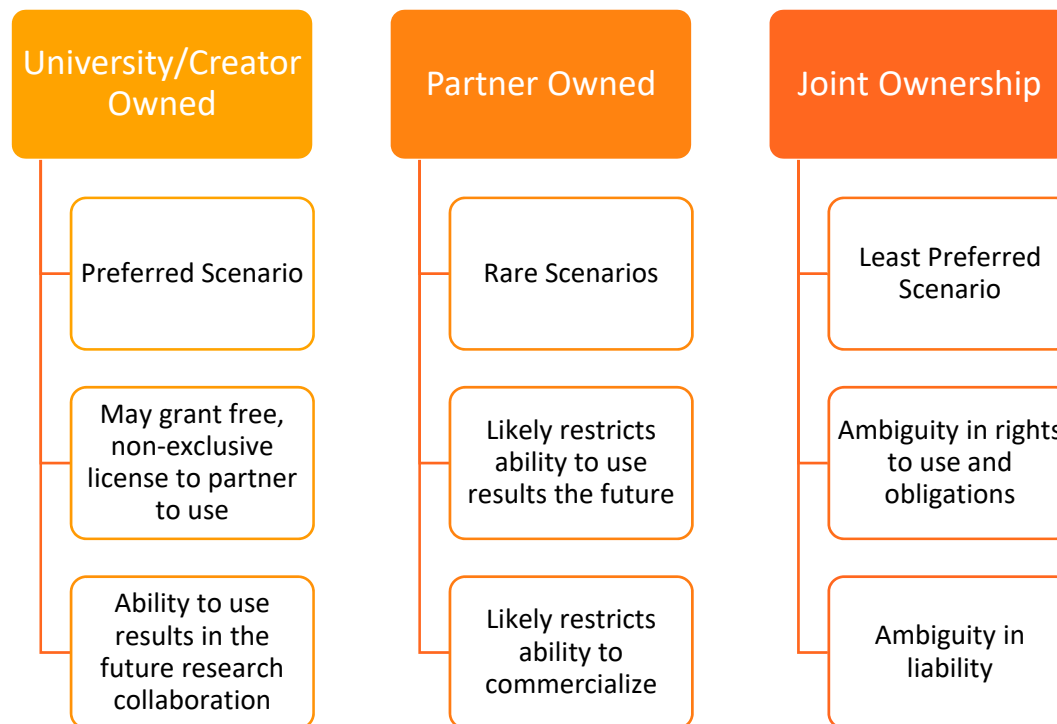
Relationship Governance

- Relationship between collaborator and university is governed by an agreement
- Agreement protects the University, supervisor, students and collaborator by clearly identify the rights and obligations of each party
- Students should review and understand agreement terms, which include:
 - Intellectual Property (IP) ownership
 - Confidentiality
 - Publication
 - Other - liability, COI, commercialization

IP Ownership

IP Ownership

- IP ownership is detailed in the research agreement



Student Project IP Considerations

- Students can ONLY use the results/IP arising from the project in accordance with terms of the research agreement
- Possible scenarios include:
 - Owned by University/students – no restrictions on use
 - Research and academic use only
 - Owned by the collaborator
 - Cannot reuse for future, non-academic, projects
 - Cannot grant use rights to future, new collaborators
 - Cannot commercially exploit the results
 - Limited use (time, field, or application restricted)

Confidentiality / Non-disclosure

Confidential/Non-disclosure Agreements

- Protects information deemed confidential by a party
- Confidential information can include:
 - Collaborator data and information
 - Project information
 - Experimental protocols
 - Research results/designs
- Limits use and distribution of the information
- Confidentiality obligations usually extends past completion of project/expiry of agreement (e.g., 3-5 years)

Confidentiality

- Confidentiality terms may be in a standalone agreement or built into the research agreement
 - All team members with access to confidential information must sign acknowledgement
- Discourage collaborator from providing confidential information for student projects given intent to publish and present final results
 - Receipt of confidential information may hinder ability to publish
- Our office will assist with the review and approval of any confidentiality agreements
 - Collaborator may insist you sign personally – **check with us first!**
 - Ensure you understand all terms



Publications

Publications

- Publications may include reports, articles, abstracts, etc.
- Publications may summarize project results and identify specific intellectual property developed for the project
- Collaborator may own the intellectual property discussed in the publication (i.e. the widget created)
- Copyright in any publications prepared by an author is owned by that author unless copyright is assigned to sponsor

Publication Delays

- Collaborator may **review** prior to submission to determine if any confidential information was included or to identify new IP to protect
- Collaborator 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

Other Considerations

Participation Agreement

- One Agreement per Project
 - may be asked to sign multiple documents if involved in multiple projects
 - Returned to our office

- Agreement confirms participant's understanding and obligations to the terms of the funding:
 - Confidentiality
 - Publication
 - Intellectual Property/Research Results

Commercialization

- You may elect to commercialize your discovery/invention
- Must abide by research agreements with sponsors
- Must abide by UofC IP Policy
 - Disclose intent to pursue commercialization
 - Share any financial success with the University
- Innovate Calgary
 - Provides resources and assistance to support commercialization activities
 - Meet Innovate Calgary first before taking any steps to commercialize

Questions & Answers





RSO Legal & IP General Inquiries

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