



<b>Category:</b>	<b>Research and Copyright</b>
<b>Approval Body:</b>	<b>Academic Council</b>
<b>Approval Date:</b>	<b>January 22, 2020</b>
<b>Effective Date:</b>	<b>January 22, 2020</b>
<b>Revision Dates:</b>	
<b>Policy Sponsor:</b>	<b>Provost and Vice President Academic</b>
<b>Policy Administrator:</b>	<b>Associate Vice President Research</b>

## **Intellectual Property Policy**

### **Purpose**

The purpose of this policy is to foster innovation and protect Intellectual Property created under the auspices of Lethbridge College (the "College"), whether created through Applied Research or Scholarship or other means. The College will strive to further its legitimate interests in such Intellectual Property, including interests in its commercialization, while recognizing the effort and intellectual resources contributed by Members of the College Community and conventions among Canadian colleges. The College's policies will incentivize Members of the College Community – particularly faculty and researchers – to create Intellectual Property, and will seek to maximize the benefits of Intellectual Property for all parties and the public, in keeping with its contractual obligations and mandate as a public institution of higher learning.

### **Scope and Limits**

This policy applies to all Members of the College Community. It does not apply to Intellectual Property which is not created under the auspices of the College.

### **Definitions**

**Applied Research** means the application of existing scholarship or scientific or professional knowledge to develop practical applications in the sciences, social sciences or humanities.

**Copyright** means the right to produce or reproduce a Work or a substantial part of it, the right to communicate a Work or a substantial part of it to the public by telecommunication, and, if a Work is unpublished, the right to publish the Work or a substantial part of it, in addition to the other rights set out in subsection 3(1) of the *Copyright Act*.

**Employee** means any person on the payroll of the College.

**Intellectual Property** means a form of creative effort that can be protected through a trademark, trade secret, patent, Copyright, industrial design, integrated circuit topography, or plant breeders' rights.

**Member of the College Community** includes a Governor of the College Board of Governors, an Employee, a dependent or independent contractor, subcontractor or authorized agent of the College, a Student, and a volunteer for a College-sanctioned activity.

**Moral Rights** means the following rights held by the author of a Work: the right to the integrity of the Work; the right, where reasonable in the circumstances, to be associated with the Work as its author by name or under a pseudonym; and the right to remain anonymous in relation to the Work.

**Scholarship** means an undertaking intended to extend knowledge through a disciplined inquiry or systematic investigation.

**Student** means any person enrolled in a course at or through the College.

**Work** means any architectural, artistic, choreographic, cinematographic, collective, dramatic, literary, musical, scientific, or technical work, as well as a book, compilation, computer program, engraving, lecture, photograph, sculpture, and any other work in which Copyright may subsist under the *Copyright Act*.

## **Policy Statements**

### Creation of Intellectual Property under the auspices of the College

1. For the purposes of this policy, Intellectual Property is deemed to be created under the auspices of the College (and is therefore governed by this policy) if:
  - a) it is created using College resources (e.g. personnel, materials, equipment or funding);
  - b) the creator creates it in the course of his or her employment or contractual relationship with the College; or
  - c) the College has commissioned the creation of the Intellectual Property.

### Intellectual Property created by a Student

2. A person shall be the sole owner of Intellectual Property created in their capacity as a Student unless:
  - a) the Student has entered into a written agreement to the contrary; or
  - b) the Student licenses it to the College using a Student Release Form.

### Intellectual Property created by an Employee

3. The College shall be the sole owner of Intellectual Property created by a person in their capacity as an Employee unless:
  - a) the College has entered into a written agreement to the contrary;

- b) the Intellectual Property is an original Work of scholarship (e.g. a journal article, textbook or other academic publication, or a conference paper or presentation); or
- c) the Intellectual Property is a lecture material (e.g. presentation slides, lecture notes, lecture recordings, practice assignments, and handouts) developed only for the person's personal use in the performance of their duties.

For greater certainty but without limiting the foregoing, the College owns all course alignment frameworks, course outcomes, course outlines, curricula, interim and final exams, and reading lists created by a person in their capacity as an Employee.

4. Notwithstanding section 3:

- a) a faculty member may use research results in future research and testing, provided that doing so does not contravene the terms of a research agreement;
- b) the College shall not unduly interfere with a person's ability to publish research results; and
- c) the creator of a Work retains the Moral Rights in the Work unless the creator waives those rights.

Disclosure and commercialization of Intellectual Property

- 5. Any researcher who creates Intellectual Property under the auspices of the College must disclose that Intellectual Property to the Associate Vice President Research in a timely manner.
- 6. Upon receiving a disclosure described in section 5, the Associate Vice President Research shall determine how the Intellectual Property should be owned, in light of the purpose of this policy. Possible ownership arrangements include full ownership by the College, full or partial assignment of ownership by the College (usually to the creators), or a licensing arrangement. Any arrangement that differs from sections 1, 2 or 3 requires a contract between or among the College and the other party or parties.
- 7. If the College assigns a licence or partial ownership of Intellectual Property to another party, the parties shall enter into a written agreement specifying how the costs of protecting, defending, and marketing the Intellectual Property will be shared, and how revenues will be shared. The arrangement should reflect each party's contribution of resources (including know-how and background Intellectual Property) to the research and conventions within the relevant field of study.

Continuation of policy

- 8. Where a person ceases to be a Member of the College Community, this policy continues in effect with respect to the Intellectual Property created by that person under the auspices of the College. Where an Employee's employment relationship with the College ends, it is the Employee's responsibility to ensure that all Intellectual Property created by them in the course of their employment, which is owned by the College according to this policy, is transferred to the College and not destroyed.

## **A: Policy Supports**

*none*

## **B: Legislated References**

Copyright Act and Regulations (Canada)  
Industrial Design Act (Canada)  
Integrated Circuit Topography Act (Canada)  
Patent Act (Canada)  
Plant Breeders' Rights Act (Canada)  
Post-secondary Learning Act (Alberta)  
Trade-marks Act (Canada)

## **C: Other References**

Frequently Asked Questions for Faculty

## **D: Related Policies**

Applied Research and Scholarship Policy  
Copyright Policy