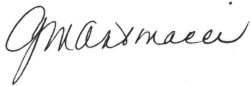


<b>Policy #</b>	AC 206 P1
<b>Approved by:</b>	<i>Gina Antonacci</i>
<b>Approval Date:</b>	<i>December 12, 2022</i>
<b>Policy Holder Signature:</b>	
<b>Policy Holder:</b>	<i>Senior Vice-President, Academic</i>
<b>Administrative Contact(s):</b>	<i>Dean Research and Innovation, Associate Vice- President, Academic</i>
<b>Replaces Policy Dated:</b>	<i>New Policy</i>
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### Commercialization Procedure

#### Purpose:

To outline the procedures related to commercialization of intellectual (IP).

#### Definitions:

#### Procedures:

**Applied Research:** Research and development activities directed at solving a specific challenge faced by an external partner or Sponsor. Applied Research at colleges is typically carried out by teams of students working under the guidance, supervision and mentorship of faculty, and in collaboration with partner organizations or under agreement with Sponsor. Applied Research includes grant-funded and industry sponsored Applied Research, curriculum-based research projects in collaboration with an external organization and Applied Research carried out by faculty and staff on paid professional development leave.

**Applied Research Services Agreement:** Agreement between the College and a Sponsor whereby the College agrees to provide Applied Research services to the Sponsor.

**Arising IP:** IP that is developed by one or more parties in the course of Applied Research activities which did not previously exist. It is also referred to as “Foreground IP”.

**College Personnel:** College academic staff, support and administrative staff, students, visiting academic staff, contractors, consultants and all other persons whose work affiliation is with the College, whether compensated by the College or not.

**Commercialization:** The process of taking an invention or scientific discovery (for example, new technology or new or improved manufacturing process) or other IP to one or more commercial markets.

**Commercialization Pathways** The various methods by which IP may be commercialized. A list of Commercialization Pathways is provided in Appendix A to this Policy.

**Creator:** College academic staff, support and administrative staff, students, visiting staff, contractors, consultants and all other persons whose work affiliation is with the College, whether compensated by the College or not who creates IP at the College.

**Intellectual Property or IP:** means any form of knowledge or expression created by one's intellect that can be legally protected, including:

- **Copyrights:** Copyrights include, without limitation, all creative works, electronic or paper documents, software (including source code and object code), multimedia or audiovisual materials, photographs, and any other materials that may be copyrightable under Canadian law. (Copyrightable material shall include educational or research software, but shall not include software other than educational or research software.)
- **Industrial Designs:** An industrial design is the features of shape, configuration, pattern or ornament (or any combination of these features) applied to a finished article made by hand, tool or machine. It may be, for example, the shape of a table or the shape and ornamentation of a spoon. The design must have features that appeal to the eye ([Canadian IP Office, Industry Canada](#)).
- **Integrated Circuit Topographies:** Integrated circuit topographies are now considered a form of IP. Recognizing the growing impact of integrated circuit technology in virtually all fields of industry, and the need to protect Canadian innovations in this technology both nationally and internationally, Canada has introduced protection for integrated circuit topographies. Topographies are innovative, three-dimensional circuit designs used in many different products. Examples of such products are automobiles, industrial robots, cameras, spacecraft and computers ([Canadian IP Office, Industry Canada](#)).
- **Patents:** Patents include, without limitation, all inventions, discoveries, know-how (despite the fact that these may not benefit from patent protection) or other material that is patentable under Canadian law, as well as all software that is excluded from "copyrightable material" (whether or not patentable under Canadian law).
- **Principal Investigator:** Person designated as the primary representative of a research project and bears the responsibility for research design, conduct of research, and reporting of findings.

- Trademarks: Trademarks include a word, a symbol, a design (or a combination of these features), used to distinguish the wares or services of one person or organization from those of others in the marketplace or any other feature that is considered a trademark under Canadian law.
- Trade secrets: Trade secrets are ideas or know-how (business methods, processes, machines, formulas, patterns and techniques) that are kept secret from one's business competitors.

Invention: Any new and useful art, process, machine, manufacture or composition of matter, or any new and useful improvement in any art, process, machine, manufacture or composition of matter.

Literary work: Work consisting of text, such as books, pamphlets or computer programs.

Patent: Patents include, without limitation, all inventions, discoveries, know-how (despite the fact that these may not benefit from patent protection) or other material that is patentable under Canadian law, as well as all software that is excluded from "copyrightable material" (whether or not patentable under Canadian law).

Public Disclosure: The communication of information relating to IP to external parties, including students who are not presently contractors or employees of the College. Public Disclosure includes, but is not limited to, disclosure in written or oral form; communication by email; posting on a web blog or social media platform; disclosure in a news report, press release or interview; publication in a journal, abstract, poster, or report; presentation at a conference; demonstration of an Invention at a trade show; or the industrial application of an Invention.

Sponsor: The partner in the project and can be an individual, a for-profit company, a government agency, an academic institution, a private organization or a not-for profit organization. The sponsor takes responsibility for the initiation, management, and/or financing the research project. The sponsor may participate in the conduct of the research. Usually, the sponsor has defined the research project and requires some Humber resources (staff expertise, students, space and/or equipment) in order to complete the project. The sponsor usually remains in control of the final results and any Intellectual Property arising from the project, in compliance with the Humber Intellectual Property policy and/or the research contract.

## **Procedures:**

### 1. Disclosure:

1.1. IP disclosable, as described in the *Humber IP Policy*, shall be disclosed to the Research & Innovation office.

1.2. IP is disclosed by completing and submitting the Disclosure Form (Appendix A) to the Research & Innovation office. The form describes the details of the invention including:

- a) Names of all creators and contributors to the creation;
- b) A description of the creation and the research done to create it, as well as identifying what the creator thinks makes the creation unique; and
- c) A list of all funding sources that were used to complete the research.

1.3. The Dean of the Research & Innovation office or designate will meet with the creator to review the disclosure. During this meeting the Dean will gain an understanding of the invention to determine what the creation does; how it works; what it can be used for; what the creator feels is “novel” about the creation; and what future development of the creation the creator plans to pursue.

1.4. Following the preliminary evaluation of the potential IP, the creation will be assessed to determine if it is ready to commercialize or whether further research is required before the invention can hold any commercial value.

## 2. Commercialization

This policy recognizes that the College, like most colleges in the Province of Ontario, is neither equipped to assess the commercial potential of Arising IP nor to manage a portfolio of Intellectual Property rights. As such, these tasks are left to other actors in the Ontario innovation ecosystem, such as Sponsors . This policy provides a framework for the College’s role of supporting these actors and facilitating the commercialization by them of Arising IP.

## 3. Contracts for IP: Joint Initiatives with Outside Parties, Sponsored Research Agreements and Experiential Learning Initiatives.

College personnel will contact the Office of Research & Innovation office who will lead the development of IP contracts.

## 4. Waiver of Return of Rights

If at any time the College terminates its effort to seek protection of IP, or to discontinue commercial development, the creator may file a request with Office of Research & Innovation to complete appropriate transfer of rights.

## 5. Conflict Resolution

Creators will request the Dean, Office of Research & Innovation to informally resolve any disagreement among creators concerning assignment of rights or sharing of

royalties. Failing informal resolution, the appropriate Vice President or their designate will make a final determination.

## 6. Education and Awareness

In order to promote the objectives of this policy, the College may:

- provide all employees with access to IP education resources made available by the IP office of the Province of Ontario (IPON)
- organize and hold annual “IP 101” sessions, during which participants will be introduced to the contents of the College’s IP Policy and this commercialization policy
- provide access to IP training and education information materials on the College Intranet
- raise awareness of this Commercialization Policy by posting in faculty newsletters (printed and/or online)
- take any reasonable steps to further the objectives of this policy.

## References

[Canadian IP Office, Industry Canada](#)