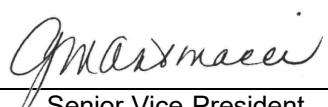


Policy #	<i>AC 205 P1</i>
Approved by:	<i>Gina Antonacci</i>
Approval Date:	<i>December 13, 2021</i>
Policy Holder Signature:	
Policy Holder:	Senior Vice-President Academic
Administrative Contact:	<i>Dean Research and Innovation, Associate Vice- President Academic</i>
Replaces Policy Dated:	June 28, 2021
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Intellectual Property

Purpose:

To outline the procedures related to intellectual property (IP).

Definitions:

Procedures: 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.

Experiential Learning Experiences: Field experience, mandatory program projects, co-op, work term, internships and, for the purposes of this policy, work study students.

IP:

Any form of knowledge or expression created by one's intellect that can be legally protected. Types include:

- 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).
- 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: Invention means 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.

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

If College personnel decide to pursue commercialization of their invention, the Office of Research & Innovation will:

- a) Complete a review of registration and protection and marketability of the IP and prepare a recommendation for the Senior Vice-President, Academic regarding the protection and the commercialization of the IP;
 - b) Be responsible, working with creators, for obtaining patent, copyright, or other protection of IP owned by the College hereunder, and for marketing and licensing of all such intellectual property rights; and
 - c) Set-up and manage individual expense and income accounts for IP that is vested in the College under the College IP policy.
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.

Endnotes:

¹ [Canadian IP Office, Industry Canada](#)

References:

Humber Copyright Policy

Appendices:

Appendix A: Disclosure Form

Appendix A

PART A

1. Title and brief description of the IP:

2. If applicable, contract or grant number:

3. Please tick the appropriate response:

a) Were the costs of the activities giving rise to the IP specifically funded by grants received or administered by the college or by contracts between external sponsors and the college?

YES

NO

1. Were the costs of the activities giving rise to the IP specifically funded by grants from the college's endowments, special purpose funds, or specific budget allocations?

YES

NO

2. Was the property created using specialized research facilities and services of the college, including laboratories, major capital equipment, or technical facilities or services?

YES

NO



4. Will ongoing college spaces or resources be required to commercialize? If yes, please describe:

PART B

Creator (please add as required):

Name (specify Dr/Mr/Ms):

School Faculty/Department:

Extension:

Signatures: Creator _____

Senior Dean

Received Research:
Signature: