### COMMERCIALIZATION OF INTELLECTUAL PROPERTY POLICY

Policy Name: Commercialization of Intellectual Property	Responsible Owner: VP, Academic and Provost	Created: 2008 Oct
PolicyNumber: A31	Approval Body: SMT	Last Reviewed/Revised: 2021 Mar
Category: Administration	Replaces: A02.10.03 Commercialization of Intellectual Property	Next Review: 2027 Feb

### TABLE OF CONTENTS

- A. PURPOSE
- B. SCOPE
- C. DEFINITIONS
- D. POLICY STATEMENTS
- E. PROCEDURES
- F. SUPPORTING FORMS, ODMENTS, WEBSITES, ARTED POLICIES
- G. RELATED ACTS AND IRLEGIONS
- H. RELATED COLLECTIVE EMENTS

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#### B. SCOPE

This policy applies to Picreated by al College Affiliate unless any of the following applies: there is a written agreement approved by the College and entered in Affiliate(s) that provides otherwise where the policy is subject to rights or obligatine College's current collective agreement the Douglas College Faculty Asswith respect to the ownership and use of the where the policy is subject to application without limitation the Copyright Adel atent Act Trademarks Act Plant B. Act, Integrated Circuit Topography thand the Industrial Design Act and other law application.

### Limitation of Scope

This policy does not apply to created in the course of no College activities that use of College Resources or funds administered by the College Resources or funds adm

include inventions, discoveries, compounds, biological materials, compilations of data, blue prints, drawings and designs, prototypexocesses, designs, word marks, design marks, logos, slogans, publications (including scholarly publications), educational materials, computer software, original works of art or performing rights, industrial and artistic designs and new plant varieties.

Non-Faculty College EmployeesPersons employed by the College who are not College Faculty

Overhead The indirect costs incurred by the College in the cose of its operations. In situations which we could be costs incurred by sources that do not allow for Overh (r)-14.231 (n)37.1 (nt)8.4 (co2)37

- 3. Where College Resources have been used in the development of IP, the College has the right to a share of any and all Revenue earned or received from any Commercialization of such IP (For limitations, see Procedure Below)
- 4. Where research or other intellectual endeavour is subject to a Sponsored Research Agreement (SRA),nd where the SRA contains clause(s) restricting use of the IP and/or granting sponsor rights in the IP, all such IP shall be handled in accordance with the terms of the SRA. In all cases, addlege Affiliate who will be involved in sponsored research will be informed of any restrictions relating to IP and will be able to make informed choices as to their participation in any sponsored research project.
- 5. Where one or more Creator(s) choose to be compensated directly by a licensee receiving rights in the IPe(.g, the Creator(s) becomes hareholdes and/or employes of such a third party licensee) the College shall require saddeator(s) towaive their rights to receive their portion of the Revenue to which they would be otherwise entitled under this policy
- 6. Ownership of Intellectua Property
  - a. CollegeFaculty:With respect to the Commercialization of IP produced by College Faculty, the College and the College Faculty are bound by the provisions of the collective agreement between the College and the DCFA pertaining to copyright and IP.
  - b. Non-Faculty College Employees: The College owns all IP developed or created by Non-Faculty College Employees, unless otherwise provided for in a collective agreement or



- require that the ownership of the Creator IP be assigned to the College as a condition of the College assisting in such Commercialization.
- 5. Subject to the terms of any agreement entered into by the College, for the purposes of Revenue sharing evenue will be net of reimbursement of and deduction of College Costs and will be shared and apportioned according to Decuglas College Accounting Guidelines: Self Funded Activities (2016) is follows:
  - The first \$5,000 to the Creator(s). In the case of multiple Creators, this sum is to be distributed amongst the Creators in accordance with the terms of the Creator Revenue Sharing Agreement;

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# F. SUPPORTING FORMS COLOMENTS, WEBSITESLARTED OLICIES

# Administration Policies

- College Use of Copyrighted Works
- Conflict of Interest
- Integrity in Research and Scholarship
- SelfFunded Activities

### G. RELATED ACTS AND URLEAGTIONS

- Copyright Act [RSC, 1985], & 2C
- Industrial Design A¢RSC, 1985], e9I
- Integrated Circuit Topography AGC, 1990], c. 37
- Patent Ac[RSC, 1985], c-4P
- Plant Breeders' Rights AGC, 1990], c. 20
- Trademarks AdRSC, 1985], c-1B

### H. RELATED COLLECTIGREEMENTS

- Current Collective Agreement between Douglas College and Douglas College Faculty Association (DCFA)
- Current<u>Collective Agreement between Douglas College and the BC Government and Service Employees' Union (BCGEU)</u>