

## INTELLECTUAL PROPERTY

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<b>Approval Authority</b>	President
<b>Responsible Executive</b>	Provost and Vice-President, Academic
<b>Related Policies / Legislation</b>	Board policy direction Real Property, Heritage Sites, Endowments, Intellectual Property, and other Assets (BPD-215)

### DEFINITIONS

In this policy, the following definitions apply:

**Intellectual Property** is knowledge or expression created with one's intellect. Included are inventions, computer software, trademarks, literary, artistic, musical or visual works, industrial designs, new plant varieties, integrated circuit boards and even simply know-how.

#### Types of intellectual property:

**Patents** cover new inventions (process, machine, manufacture, composition of matter), or any new and useful improvement of an existing invention;

**Trademarks** are words, symbols or designs (or a combination of these), used to distinguish the wares or services of one person or organization from those of others in the marketplace;

**Copyrights** provide protection for artistic, dramatic, musical or literary works (including computer programs), and three other subject-matters known as: performance, sound recording and communication signal;

**Industrial designs** are the visual features of shape, configuration, pattern or ornament (or any combination of these features), applied to a finished article of manufacture;

**Integrated Circuit Topographies** to the three-dimensional configuration of the electronic circuits embodied in integrated circuit products or layout designs;

**Plant Breeders Rights** apply to certain new plant varieties.<sup>1</sup>

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### POLICY

UFV's policies on intellectual property are designed to protect all parties to the intellectual enterprise. These policies protect the rights of students, faculty, staff, the University, UFV partners and others around the world whose intellectual property we use.

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### REGULATIONS

The development and application of UFV's policy on intellectual property is guided by the following principles:

First, the Intellectual Property policy should facilitate the widest possible dissemination of ideas and

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<sup>1</sup> This material is taken from the Canadian Intellectual Property Office website - <http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/Home>

creative work produced at UFV.

Second, the Intellectual Property policy should protect the traditional rights of academics to their intellectual pursuits. Publication or other dissemination of creative work should, whenever possible, be at the discretion of the originator. When the University does have ownership, in whole or in part, in intellectual property, the originators of the creative work will be consulted in the dissemination and further development of the work.

Third, if the University provides extra support for an intellectual enterprise through securing special funding (for example, through a University /Industry contract) it is reasonable for UFV to participate in commercialization, along with the originators of new Intellectual property.

Fourth, University policies on intellectual property should protect all parties to the intellectual enterprise. The policies should protect the rights of students, faculty, staff, the University, UFV partners and others around the world whose intellectual property are used at the University.

### **Inventions and Patents**

Patents cover new inventions (process, machine, manufacture, composition of matter), or any new and useful improvement of an existing invention. New plant varieties are handled by The Plant Breeders Act and not by patent law. Both new inventions and new plant varieties are covered by this policy.

1. An employee of UFV is required to notify and confidentially disclose to the Dean of Research and Industry Liaison, discoveries or inventions created by the employee that the individual thinks may be patentable or should otherwise be protected, including potentially useful biological materials, new plant varieties, devices, and software (software is ordinarily protected by copyright not by way of patent).
2. An individual may elect to pursue the patent and commercialization of inventions and other intellectual property without the assistance of the University. When this is done the University will not share in the proceeds but will expect to recover the cost of its investments in the project or projects that led to the invention or the creation of other intellectual property.
3. Should the individual wish to seek the assistance of the University in pursuing patents or other protection and subsequent commercialization, the University and the creator shall enter into an agreement to share proceeds among the parties.
4. In cases where intellectual property is developed under a contract or other arrangement that the University enters into with sponsors, the ownership of intellectual property will be part of the negotiated agreement. Individuals from the University who participate in the work will be informed of the arrangements for the intellectual property in advance and may thereby make an informed choice about their participation in the research. The agreement will specify all arrangements made about the sharing of any proceeds with those who contribute to the development of intellectual property.

### **Copyright**

The University reaffirms its traditional practice that authors have copyright in works produced by faculty members and other members of the University community except in the special cases noted<sup>2</sup>.

Points (1), (2), and (3) below are taken from the Collective Agreement between the University of the Fraser Valley Faculty and Staff Association and the University of the Fraser Valley Board. April 1, 2001, 2004 - March 31, 2007.

1. The copyright to all artistic, recorded or written work, which is created during the course of employment, shall be retained by the employee throughout his or her lifetime, and upon his or her death by their heirs and/or assigns, except as noted below in Sections 12.5(b) and (c). When

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<sup>2</sup> With respect to the property rights of others, see the UFV Library Copyright Guide:  
<http://libguides.ufv.ca/Copyright>

the stated conditions of employment or duties and responsibilities include the creation of specific artistic, recorded or written work, the copyright to such work shall be retained by the University.

2. The University shall have the right in perpetuity to use and revise, free of charge, any or all artistic, recorded or written work which was created by an employee during the course of employment at the University. This shall include the participation of the University in a provincial television, telephone or radio network for the purpose of distance education. If such work bears the name of an employee, the University will not alter, amend or change in any way the said work without the consent of the employee.
  3. Any costs incurred by the Employer in the production of artistic, recorded or written work by an employee will be recovered from the employee, should the employee hold the copyright for such work. In no case will the employee's liability for repayment of costs exceed the income received from the work.
  4. Whenever research or other intellectual endeavour is subject to an agreement between the University and a sponsor that contains clauses restricting copyright or other intellectual property, all such property shall be handled in accordance with the agreement. In negotiating such agreements the University shall strive to negotiate the least restrictive arrangements possible consistent with the University and individual authors commitment to the widest possible dissemination of the results of intellectual endeavors. Researchers will frequently be involved in negotiating agreements with sponsors. In all cases, all members of the University community who will be involved in sponsored research will be informed of any restrictions relating to intellectual property and will be able to make informed choices as to their participation.
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