

# Intellectual Property (IP)

Research Services Office



## What is Intellectual Property or (IP)?

- Intellectual property (IP) is a phrase used to define a concept in which tangible expressions of intellectual/creative pursuits — such as inventions, designs, creative works, etc. exists
- UCalgary uses the term “**Research Results**” for discussing intellectual property in research projects and it refers to all results, data and information created in the performance of the project.
- Research project IP may include: a new and useful art, discovery, innovation, manufacture or composition of matter, substances, processes, formulations, technical information, data, reports, publications, photographs, drawings, plans, specifications, models, prototypes, inventions, samples, software, databases or know-how.

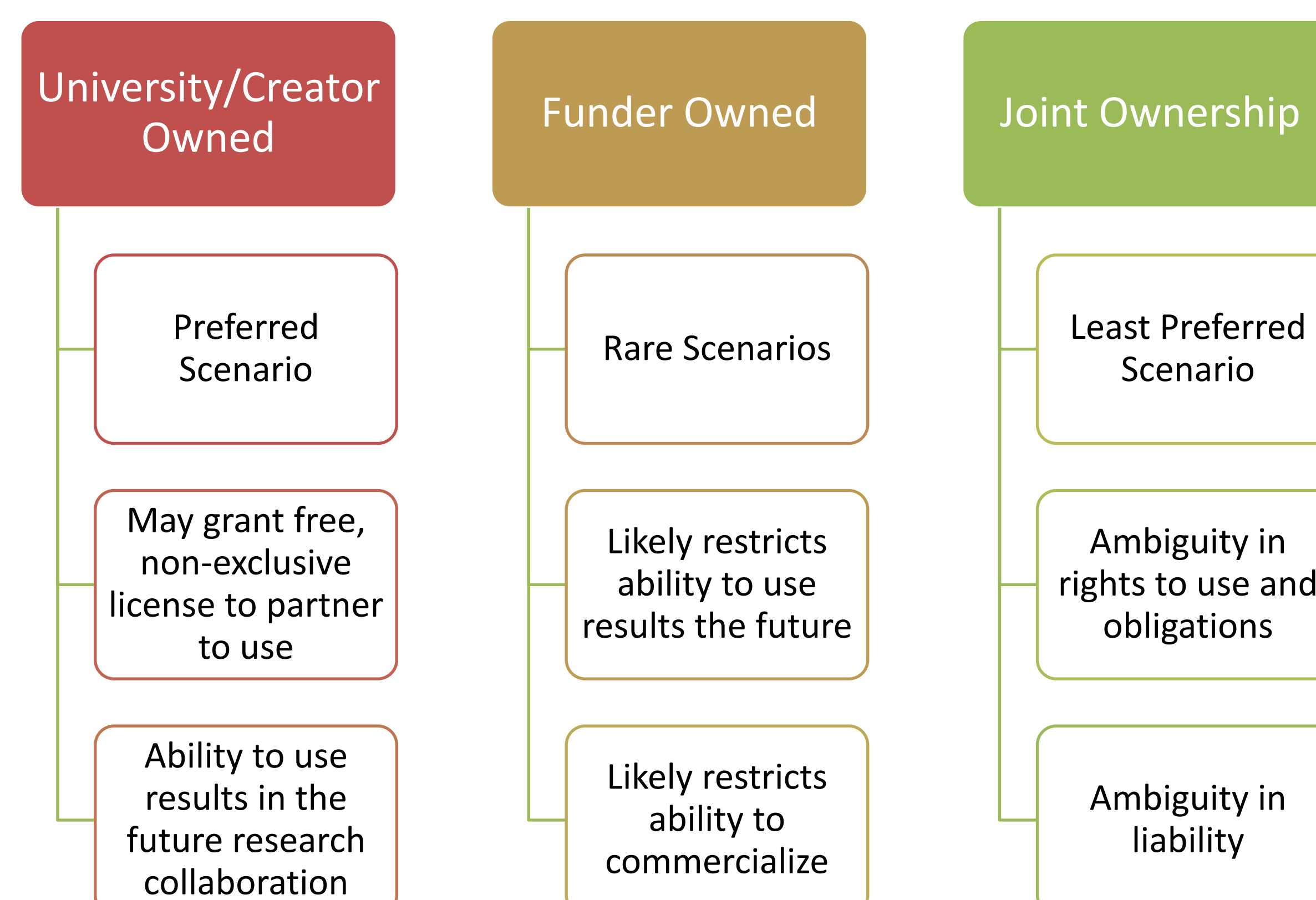
## Examples of Formal Intellectual Property Registrations

- Copyrights** - the exclusive legal right, given to a creator to print, publish, perform, film, or record literary, artistic, or musical material, and to authorize others to do the same (i.e. journal articles, reports, academic publications)
- Patents** - a government authority or license conferring a right or title for a set period, especially the sole right to exclude others from making, using, or selling an invention. Certain criteria must be met in order to secure a patent. Contact Innovate Calgary for questions regarding potential patent filings
- Trademarks** - a symbol, word, or words legally registered or established by use as representing a company or product

## Working with Student, Post Docs and Other Research Personnel

- It is important to have IP discussions with all personnel prior to them joining a lab or participating in a research project
- Students, post-docs and research personnel may create IP in several different capacities: academic coursework (i.e. capstone courses), graduate thesis, summer lab student, employee of the university (i.e. teaching assistant), lab technicians etc. PIs need to discuss IP with all personnel involved in research projects and ensure agreement and compliance with applicable IP terms.
- Remember, ownership of IP will be subject to any legal agreements finalized with funders/partners/collaborators. PIs need to ensure that all personnel understand and agree to the IP arrangements of the legal agreement before participating in a project

## Ownership of Intellectual Property



UCalgary’s IP Policy covers academic staff, students and the commercial exploitation of IP developed at UCalgary. When embarking on a research project, principal investigators (PIs) need to identify research results that may arise and who will own such results. This should happen prior to the start of project activities.

Typical research project IP ownership scenarios are:

- University/Creator owned** - UCalgary’s principal investigator (PI) owning research results is the preferred ownership option. Ownership allows PIs to expand on the research later without requiring permission and may commercially exploit such IP if they choose. The legal agreement can provide license rights to the research results to the funder or other parties so they can use the results for the purpose they require. Such license rights usually exclude the right to commercialize the results and PIs may enter into a commercialization agreement with the funder later (if required) once the outcomes of the research are known.
- Funder (or other party) owned** - It does not always make sense for the UCalgary PI to own the research results. If the research is improving on a funder’s intellectual property or analyzing proprietary funder data (as examples), the funder might want to own the research results. If the funder owns the research results, PIs need to determine if they require the right to use the research for academic, research, or other purposes in the future and the legal agreement will be drafted to incorporate such rights.
- Joint ownership** – it is common to want to default to joint ownership of the research results. Joint ownership can appear as a compromise, but it carries substantial ambiguity. For example, will joint ownership be 50/50 or in broken down further by individual contributions? Who has the right to commercialize the results and who can publish the results first? How are the parties allowed to use the research results? The legal agreement can help answer some of these questions but there remains risk that certain terms have not been discussed or captured that can result in a dispute in the future.

Given UCalgary’s policy vests ownership of intellectual property in the creator, the creator is responsible for approving any contractual term which attempts to assign, transfer or limit such ownership. RSO Legal will identify ownership provisions to the PI’s attention during legal negotiations and the PI will provide ultimate approval on acceptability of such ownership provisions. Given the creator’s personal rights may be impacted, UCalgary reminds creators that they may seek independent legal advice regarding such provisions.