

Name: **Student Intellectual Property Policy**

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## 1. INTRODUCTION

This policy sets out the guidelines and regulations around intellectual property (IP) related to works created by CBU students as part of their course work as well as when they are employed to conduct research. During the creation of this policy the following policies, documents and websites were consulted:

- 1) [Graduate Student IP](#), University of Calgary
- 2) "[A Guide to Intellectual Property for Graduate Students and Postdoctoral Scholars](#)", Canadian Association for Graduate Schools
- 3) "[Ownership of Student-Created Intellectual Property](#)", Wilfrid Laurier University
- 4) "[Ownership of Student-Created Intellectual Property Policy](#)", Brock University
- 5) "[Student Guide to Intellectual Property at McGill University](#)"
- 6) "[FGSR Intellectual Property Policy](#)", University of Regina
- 7) [Canadian Intellectual Property Office](#) (CIPO)
- 8) "[What your students need to know about intellectual property: Teaching IP Basics](#)", University Affairs, January 9, 2012

IP means the legal rights that result from intellectual activity in the industrial, scientific, literary and artistic fields. The CIPO defines six types of IP:

- 1) Patents,
- 2) Trade-marks,
- 3) Copyright,
- 4) Industrial designs,
- 5) Integrated circuit topographies, and
- 6) Plant breeders' rights.

This policy applies to IP created by students as part of their course requirements or employment at CBU while registered as CBU students. It does not apply to IP created by students outside their course work or employment, such IP rest with the individual(s) who created the IP and CBU makes no claim to ownership of this IP.

To be protected as IP, a creation must satisfy three criteria:

- 1) It must be an original creation and be non-obvious to someone skilled in the art being described

- 2) It must be a specific expression of an idea not just an idea.
- 3) It must be fixed in a physical form.

Generally, ownership of IP rests with the creator unless the IP was created as the result of a “work-for-hire”.

## **2. IP AS PART OF A DEGREE PROGRAM OR COURSE WORK**

Students who submit an original work, which is eligible for IP protection, as part of their academic program requirements are entitled to inventorship of the creation. Examples of such creations are tests, examinations, data sets, computer software, theses, dissertations, laboratory reports, research papers, essays, musical scores, plays, lyrics, poems, video recordings, and research data.

While the IP belongs to the student, CBU requires:

- 1) The original work is the property of CBU (i.e. submitted essay, examination papers, etc are the property of CBU and will not necessarily be returned to the student).
- 2) Except for test and examination papers, CBU has a world-wide, royalty free, non-exclusive license to make copies for internal use and to circulate the work as part of the CBU library collection.

A course instructor does **NOT** have any claim of ownership of a student’s course work and may not use it as part of his/her own research. Research courses such as honours thesis, direct studies, applied research projects may result in joint IP between a faculty member and student. In these cases, an agreement on the distribution of IP should be negotiated prior to the student starting any course work. In a situation where the creation of joint IP was not anticipated but is recognized after a project has begun, the faculty member and student should immediately contact the Office of Research and Graduate Studies to discuss and sign an agreement. (A template is available from the Office of Research & Graduate Studies).

In cases where a student independently develops commercially viable IP whether during a course or outside of her/his studies, the student may enter into an agreement with CBU, through the Office of Research & Graduate Studies, to assign and develop the IP, with appropriate consideration being part of the agreement. While it is solely at the discretion of the student to start these negotiations, CBU is not committed to enter an agreement and will assess each case on its own merits as to whether or not there is value for CBU to pursue commercial interests in the IP.

### 3. IP AS PART OF EMPLOYMENT DUTIES

Students have no rights to any IP created as a result of employment at CBU. This includes students who are hired by a faculty member to conduct research. This is generally referred to as a “work-for-hire”. In such cases, the IP belongs to CBU (who through collective bargaining agreements or other agreements assign the IP to other individuals or organisations). This may only be superseded through a **PRIOR WRITTEN** agreement. Award of a scholarship or research assistantship or stipend (even if paid from a faculty member’s research grant) to a student for the purpose of conducting original research is not considered employment and as such CBU makes no claim to IP created by a student under these circumstances.

A particular student may have a scholarship or research assistantship in addition to being employed by a faculty member to conduct research. Ownership of IP is often unclear in these situations and the student and faculty member should negotiate a PRIOR agreement as to ownership of IP. The Office of Research and Graduate Studies must be consulted and will help in such negotiations.

This policy does not supersede rather supplements the policy on [Integrity in Research and Scholarship](#). For a guidance concerning authorship on publications, the read is referred to the Integrity in Research and Scholarship policy.

### 4. DISPUTE RESOLUTIONS

Any dispute that arises over the ownership or use of IP should be dealt with promptly using the process below.

- 1) The parties involved attempt to resolve the matter through discussions. The Office of Research and Graduate Studies should offer advice to the parties involved.
- 2) If an agreement cannot be reached through 1), either of the parties may request that the Dean of Research & Graduate Studies act as an informal mediator.
- 3) If an agreement is not reached after 2), the Dean of Research & Graduates Studies will refer the matter to the Senate Research Appeals Committee.