

Section:	Academic/Student (AC)
Subject:	Programs and Curriculum
Legislation:	<i>Copyright Act</i> (R.S.C., 1985, c.C-42); <i>Patent Act</i> (R.S.C., 1985, c.P-4); <i>Trade-marks Act</i> (R.S.C. 1985, c.T-13).
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APPROVED: _____
Chair, on Behalf of SAIT's Board of Governors

POLICY

The policy of the Board of Governors is to protect the intellectual property resulting from works or inventions developed using SAIT's facilities, funds or resources and to encourage creative and innovative endeavours of SAIT employees.

PHILOSOPHY

SAIT believes that society's interests are best served by creating an intellectual environment which encourages and rewards educational excellence, innovation and creative efforts. As part of its obligation to society, SAIT has a responsibility to educate, broaden knowledge, explore new ideas, encourage innovation and communicate these discoveries to the public.

This policy assists SAIT in meeting its responsibilities. It helps SAIT achieve educational excellence. It encourages the discovery and creation of new ideas and new processes, recognizing that some of these discoveries may have commercial value for SAIT. It provides information and a framework that will assist in the effective dissemination of knowledge. Finally, it expresses SAIT's commitment to creating an atmosphere conducive to growth and to the development of ideas and their material outcome.

DEFINITIONS

The following definitions apply to this policy and its accompanying procedures.

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Assign	To transfer one or more rights or interests from one party to another in exchange for consideration.
Commercialization	A technology transfer resulting in economic rights.
Conflict of interest	A situation in which an employee has a private or personal interest sufficient to appear to influence the objective exercise of the employee's responsibilities, or a situation in which an employee, directly or indirectly, competes with or aids another to compete with SAIT, or engages in a business or practice contrary to SAIT's interests, goals, objectives or business.
Copyright	<p>The form in which literary, artistic, musical and dramatic works may be protected. It arises by statute in Canada under the <i>Copyright Act</i> and protects original expression only (for example, not ideas). It prevents reproduction only. In most cases, copyright subsists for the life of the creator plus 50 years. The <i>Copyright Act</i> also protects the "moral rights" of the creator. These moral rights allow the creator to:</p> <ol style="list-style-type: none">1. Assert paternity in the work or require the creator's name to be associated with the work.2. Object to or restrain certain uses of or associations with the work.3. Object to or restrain any distortion, mutilation or modification of the work which may prejudice the creator's honour or reputation. <p>The creator can waive in writing, but cannot assign, the creator's moral rights. Moral rights subsist for the life of the creator plus 50 years.</p>
Creator	An individual who has made a substantial intellectual or other contribution to the development of a work or invention. The individual must have contributed to the work or invention so as to take public responsibility for its contents in whole or part, and the individual's contribution must be relatively substantial to the development process of the final work or

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invention. Creators include but are not limited to SAIT's students, employees and independent contractors.

Curriculum

The assessments, materials, laboratory and other learning activities that facilitate learning. It includes the purposeful and proactive organization and management of the dynamic interactions between instructors, learners and knowledge.

Disclosure

To advise or notify.

Economic rights

The rights to receive monetary or other benefits arising from commercialization. Economic rights may be assigned, transferred, shared or waived.

Industrial designs

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. The design must have features that appeal to the eye. To be eligible for registration with the Industrial Design Office, the design must be original.

Integrated circuit topographies

An innovative, three-dimensional circuit design used in many different products and intended to perform an electronic function.

Intellectual property

Any right or protection existing from time to time under applicable laws relating to patents, copyrights, moral rights, trade secrets, trademarks and other types of intellectual property, and includes rights arising under legislation.

License

A right granted to another party to access and utilize an asset or a right to, among other possibilities, develop, manufacture and benefit commercially from a work or invention, in exchange for royalties or other compensation. The license may be granted on an exclusive, sole or non-exclusive basis. It is either perpetual or for a stated period of time.

Moral rights

Defined above, in relation to copyright.

Net revenues

Monies, revenues, fees, license fees, funds and any other consideration received at any time and from time to time in relation to the license, lease, disposition or other

commercialization of a work or invention, and may be comprised of or include cash, corporate shares, partnership units or other equity, and dividends payable to SAIT in respect of same, less operating costs.

Operating costs

Any and all taxes (including non-recoverable G.S.T.) payable or withheld by SAIT in respect of such consideration, and any and all other costs and expenses incurred by SAIT in relation to the licence, lease, disposition or other commercialization of the work or invention.

Ownership

Legal and beneficial title in and to a work or invention and its related intellectual property rights. The owner generally has the right to restrict the use of the work or invention, to adapt or modify it, to permit others to use it, to commercialize it and to be associated with it. An employer retains ownership rights in work, inventions and related intellectual property created by its employees in the course of employment and/or using its facilities, funds or resources.

Patent

A patent gives an inventor the right to prevent others from doing certain things with the inventor's work. In particular, the *Patent Act* protects the creator's interests in the creator's 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. They arise only from legislation and, in the case of patents in Canada, under the *Patent Act*.

Right of first refusal

A party has the right to pursue an opportunity prior to any other parties. If that party declines to pursue the opportunity, the opportunity may then be offered to other parties.

Risk

Exposure to any possible loss or liability, including but not limited to monetary loss.

SAIT resources

Any assets or rights owned, leased or licensed by SAIT. This includes facilities or assets that are not available to members of the general public except by special request. SAIT resources may be tangible or intangible. They include but are not limited to computer software, computer hardware, office facilities,

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laboratory facilities, privileged information, production and reproduction services, and the specialized knowledge and skills of staff and illustration, editorial and instructional design services.

Trade secret

Information including but not limited to formula, pattern, compilation, program, method, technique or process, or information contained or embodied in a product device or mechanism which (i) is, or may be used, in a trade or business; (ii) is not generally known in the trade of business; (iii) has economic value from not being known generally; and (iv) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Trademark

A word, symbol, packaging or picture, or any combination of the foregoing, used to distinguish the goods or services of one person or organization from those of others. In Canada, trademarks are entitled to legal protection, regardless of whether or not they are registered. The *Trade-marks Act* provides certain protection for trademark owners.

Teaching material

Any material, in any format, created to convey educational and training information. Teaching materials may include but are not limited to lecture notes, laboratory manuals, modules, articles, books, works of visual art, maps, charts, plans, photographs, engravings, sculptures and music.

Waive

The creator or owner expressly agrees not to exercise certain rights or interests. A waiver should be in writing.

GOVERNING PRINCIPLES

1. The Applied Research and Innovation Services department (ARIS) will assist SAIT employees to deal effectively, efficiently and consistently with intellectual property issues.
2. To maximize the benefits to SAIT from the creation of works in which intellectual property rights may exist, ARIS will serve as a resource centre for intellectual property, including license agreements, technology development agreements and revenue sharing agreements.

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3. This policy is intended to:
 - a) Encourage the creation and discovery of works and inventions resulting in intellectual property rights, and the distribution of the benefits of those rights in the best interests of the creator and SAIT.
 - b) Affirm SAIT's ownership of and intellectual property rights in any work or inventions created or discovered through the use of SAIT's facilities, funds or resources, either on-campus or off-campus.
 - c) Outline the responsibility for related development and commercialization costs.
 - d) Address possible risks.
 - e) Protect the respective ownership and intellectual property rights of SAIT and creators in existing works and inventions.
 - f) Recognize and uphold the principles of academic integrity in the development and commercialization of works and inventions, and their related proprietary and intellectual property rights.
4. This policy applies to intellectual property rights inherent in or resulting from the following categories of works and inventions:
 - a) Works or inventions of an independent contractor or consultant who is contracted to create and develop a work or invention for SAIT and who is reimbursed therefore.
 - b) Works or inventions developed in the normal course of employment at SAIT.
 - c) Works or inventions resulting from the use of SAIT's facilities, funds or resources, in whole or in part.
 - d) Works or inventions relating to SAIT's business or with respect to which SAIT actively participates in the development, manufacture and commercialization.
5. This policy does not apply to:
 - a) Intellectual property that is created outside the scope of employment or relationship with SAIT, that is unrelated to the business that SAIT carries on, and that does not result from the use of any of SAIT's facilities, funds or resources.

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- b) Intellectual property resulting from a work or invention created by an independent contractor or consultant for SAIT, unless that individual assigns those intellectual property rights to SAIT.
- c) Intellectual property arising from a student's work or invention, as such rights are governed by procedure [AC.3.10.1 Ownership of Student-Produced Work](#).
- d) Intellectual property arising from a work created by others but used by SAIT employees or contractors in the course of their creative activities.
- e) Intellectual property placed in the public domain.

POLICY/PROCEDURE REFERENCE

- AC.2.11.1 Intellectual Property procedure
- AC.2.11.2 Revenue Sharing and Commercialization procedure

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