

COMMERCIALIZATION POLICY

Authorizer: Vice-President, Research
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POLICY STATEMENT:

This policy is to be read in conjunction with the College’s IP Policy, which addresses the ownership of intellectual property developed by its employees and students.

For the benefit of Ontarians, Conestoga College Institute of Technology and Advanced Learning (the “College”) aims to foster an environment in which the commercialization potential for Intellectual Property (IP) derived from Applied Research collaborations with third-party entities (TPEs) can be maximized. This policy provides a framework for the College’s role in supporting TPEs to commercialize arising IP.

POLICY ELABORATION:

The framework provided by this policy is comprised of the following precepts:

Disclosure:

All creators have an obligation to promptly disclose to the College IP with commercial potential. The College shall establish a procedure to facilitate such disclosure to the Office of Research Services (ORS) or TPE. Such disclosure is not considered public disclosure.

Non-Disclosure and Confidentiality:

While disclosure of IP is important, non-disclosure of IP is equally so. Creators should be aware that public disclosure may result in loss of IP protection rights. This is especially true of inventions as a patent is difficult or impossible to obtain if public disclosure of the invention has occurred. Care must therefore be taken to avoid premature disclosure before a patent application has been filed. Creators must make all reasonable efforts to identify any protectable IP as early as possible and consult the ORS before making any public disclosure of IP.

Confidentiality:

Partnerships and research collaborations with TPEs often involve the communication of confidential, proprietary information, some of which is likely to implicate intellectual property. Any agreement must contain confidentiality clauses, and any College employees and students must be made aware of such confidentiality provisions to ensure that they are respected.

Persons engaged in research shall treat as confidential all information received in the context of research activities that is designated as confidential by the disclosing party or protected by a confidentiality clause.

Use of a Proper Binding Agreement:

Applied Research activities that are supported by federal or provincial granting agencies and could result in the creation of new IP must be governed by a written contract which:

- a. protects the interests of the College, faculty and staff, and students, for example by minimizing the potential for, and the consequences of, a breach of the agreement and saves it harmless from future IP-related claims; and
- b. retains rights for the College to use the IP for educational and research purposes.

In all instances, the contract shall explicitly provide that the decision to commercialize arising IP will rest with the TPE.

Education & Awareness:

The College commits to increasing IP capacity through programming and related activities, including the provision of access to IP education and awareness resources for all relevant stakeholders within the institution.

SCOPE:

This policy applies to all employees, contractors, and paid student researchers of the College who generate IP through government-funded applied research activities.

DEFINITIONS:

Office of Research Services (ORS)

Research administration office of the College or equivalent.

Applied Research

Research and development activities directed at solving a specific challenge or providing innovative solutions to practical problems. Applied research addresses challenges faced by an external partner or TPE. Applied research at colleges is typically carried out by teams of students working under the guidance, supervision and mentorship of faculty or staff, and in collaboration with partner organizations or TPEs. Funded Applied Research refers to all research projects in which one or more external organizations provides monetary support.

Arising Intellectual Property (IP)

Intellectual property that is developed by one or more parties in the course of applied research activities which did not previously exist.

Commercialization

The process of taking an invention or scientific discovery (for example, new technology or new or improved processes) or other IP to one or more commercial markets.

Creator

Any Conestoga employee or student who makes, develops, or creates IP as a result of work for which they are paid by the College.

Invention

A tangible or intangible concept, system, device, process, machine, scientific discovery, work or creation, which is unique and original, as well as any related IP. Inventions can be issued a patent under the Patent Act (Canada).

Intellectual Property (IP)

Any form of knowledge or expression created by one's intellect that can be legally protected, including technical information, inventions, models, drawings, photographs, specifications, prototypes, computer software, curriculum and teaching materials and other creations that can be protected under patent, copyright, trademark, integrated circuit topography, plant breeders rights and industrial design laws. For the purposes of this policy, confidential information having a commercial value is to be considered IP.

Patent

A right granted by the federal government to the inventor (or a person to which the inventor has assigned her rights) to stop others from making, using and/or selling an invention from the day the patent is granted to a maximum of 20 years after the day on which the patent application is filed.

Public Disclosure

The communication of information relating to IP to external parties, including students who are not presently contractors or employees of the College. Public disclosure includes, but is not limited to, disclosure in written or oral form; communication by email; posting on a web blog or social media platform; disclosure in a news report, press release or interview; publication in a journal, abstract, poster, or report; presentation at a conference; demonstration of an Invention at a trade show; or the industrial application of an invention.

Third-Party Entities (TPE)

an industry or community partner with which the College has contracted to provide applied research services that could result in arising IP.

REFERENCES:

Ontario Commercialization Mandate Policy Framework

RELATED DOCUMENTS :

Intellectual Property Policy

REVISION LOG:

November 16, 2022

Academic Forum

December 6, 2022

Academic Coordinating Committee