



Policy No:

Responsibility: Dean, Office of Applied Research

Policy - Commercialization of Research Intellectual Property

Approved by: Board of Governors

Effective: November 16, 2010

Revisions:

Context

The purpose of this policy is to establish principles and processes related to the commercialization of original copyright material and intellectual property. It is intended to encourage equitable and mutually beneficial arrangements between the Justice Institute of British Columbia (JIBC) and creators of intellectual property in order to support dissemination and commercialization

Policy

The JIBC values creation and innovation and encourages members of the JIBC community to create innovative works, inventions and related entrepreneurial products. The JIBC will support the dissemination and commercialization of the products of innovative and inventive activity as widely as possible while respecting applicable laws and ethical principles. The JIBC will act in a manner which benefits the creators, the JIBC, and the wider community, in establishing guidelines that address ownership, disclosure, commercialization and revenue sharing, and dispute resolution.

Definitions

"Commercialization" means the creation of commercial processes, products, and services derived in whole or in part from intellectual property with the goal of financial return. The process of taking the intellectual property to market.

"Courseware" includes textbooks, instructional websites, or other instructional materials, created in either hardcopy or electronic format by a JIBC member in the course of employment with the JIBC or arising from research, scholarly and/or creative activities.

"Justice Institute of British Columbia Faculty" means staff selected to develop or advise on learning programs, teach students, conduct applied research and supervise practica. Faculty may include JIBC employees, employees seconded from other organizations, volunteers or contractors.

"Justice Institute of British Columbia Employees" means persons employed by the JIBC, including full-time, part-time, casual and term employees, both faculty and non-faculty.

"Justice Institute of British Columbia Member(s)" includes JIBC employees, JIBC faculty and students.

"Justice Institute of BC Resources" means JIBC facilities, the JIBC's physical structures, classrooms, research laboratories, equipment, technical facilities, services and personnel, and JIBC services, including the administration of funds received by the JIBC in the form of grants, contracts or any other support provided by the JIBC, affiliated agencies, or partners, or external sponsors.

"Creator(s)" means the author, inventor, initiator or developer of the intellectual property, including co-creators.

"Overhead" is based on a percentage of direct costs for a project. Please see the Self Funded Activity policy for current overhead rates. In situations where a project is funded by sources that do not allow for overhead expenditures, there will be an "overhead-due" amount. In the event that a project results in commercialization, overhead-due shall be called overhead and attributed to the project.

"Direct Costs" means the JIBC's costs and fees, including overhead as well as legal fees and agents' fees, associated with the acquisition, management and/or commercialization of the intellectual property directly by the JIBC. This includes costs of evaluating the intellectual property, obtaining and maintaining intellectual property protection, preventing unauthorized use or infringement, prototype development, and negotiating and administering licenses or other agreements with third parties, and may include costs incurred prior to the initiation of commercialization. Direct costs may also include research funds where such funds have been provided through research or related grants administered by the JIBC.

"Intellectual Property" means the result of intellectual or artistic activity created by a JIBC member in a scholarly, professional, or student capacity, including but not limited to inventions, processes, designs, word marks, design marks, logos, slogans, publications (including scholarly publications), educational materials, computer software, original works of art or performing rights, industrial and artistic designs, new plant varieties, confidential information and know-how that can be protected by intellectual property rights such as patent, copyright, trademark, integrated topography, plant breeders' rights and trade secrets.

"Publication" means making intellectual property available to the public by way of speech, print, paper and electronic or other means.

"Release Time" means time paid for by the JIBC provided to JIBC members away from their regular teaching or other duties.

"Revenue" includes all revenues derived in whole or in part from commercialization of intellectual property, which includes but is not limited to proceeds from royalties, profit-sharing, lump sum payments, and monies from the sale of equity shares.

Scope

This policy applies to intellectual property created by all JIBC members involved in research activities and by external research contractors, unless there is a written agreement approved by the JIBC that provides otherwise.

This policy is subject to applicable federal, provincial, and local laws and statutes, such as the *Copyright Act*, *Patent Act*, *Trade-Marks Act*, *Plant Breeders' Rights Act*, *Integrated Circuit Topography Act*, the *Industrial Design Act*, and other laws of general application.

This policy does not apply to intellectual property created in the course of non-JIBC activities that does not make use of JIBC resources, nor funds administered by the JIBC. This includes but is not limited to outside employment or other activity in an area unrelated to JIBC activities, or activity conducted wholly while on an unpaid leave of absence away from the JIBC.

Procedures

[Ownership of Research- Related Intellectual Property Procedure](#)

[Disclosure Procedure](#)

[Commercialization and Revenue-Sharing Procedure](#)

[Dispute Resolution Procedure](#)

Related Documents

[Conflict of Interest Policy](#)

[Intellectual Property Rights Policy](#)

[Integrity in Research and Scholarship Policy](#)
[Research on Human Subjects: Ethics Policy](#)