



Policy No:

Responsibility: Vice President, Education

Intellectual Property Rights Policy

Approved by: Board of Governors

Effective: April 27, 2000

Revisions:

Context

The purpose of this policy is to ensure appropriate recognition for the intellectual property rights of the Justice Institute, its employees, seconded staff, contractors, clients, partners, students and all other creators of intellectual property.

The Justice Institute and its employees, seconded staff, contractors and students adhere to Canadian and International law with respect to intellectual property rights. This includes but is not limited to the *Canadian Copyright Act*, *Trade Marks Act* and *Patent Act*.

Policy

Intellectual property created by the employees, seconded staff and contractors of the Justice Institute in the course of their duties belongs to the Justice Institute unless otherwise agreed to by contractual agreement. The employees, seconded staff and contractors will assign their rights in the intellectual property they create to the Justice Institute and will waive their moral rights in the copyright.

The Justice Institute seeks to maximize benefits to the Institute through the appropriate control, transfer, use and sale of intellectual property rights.

Definitions

The following definitions are based on Harris (1995) *Canadian Copyright Law*.

Author: The person who creates a work; a work's first owner. Not the person who merely supplies ideas but the person who expresses those ideas.

CanCopy: The Canadian Copyright Licensing Agency provides administrative services for many Canadian copyright owners and legal access to copyright-protected works for licensed users such as libraries, public schools and post-secondary educational institutions.

Copyright: Protection provided for the embodiment of ideas in a wide range of works in the cultural, information and technological industries. Copyright is automatic upon the creation of a work and the protection for published work lasts for 50 years after the author's death. The protection gives creators exclusive rights of their works, and protects the moral rights of the

creator. Protection in Canada ensures protection in more than one hundred countries around the world.

Intellectual property: Intangible or intellectual aspects as distinct from tangible or physical forms. Canadian law recognizes six categories of intellectual property: patents, trade marks, industrial designs, confidential information and trade secrets, copyright, and integrated circuit topography.

Moral rights: Rights which protect the personality or reputation of an author. An author retains these rights even after assigning copyright in a work. Moral rights include the right of paternity (to claim authorship, to remain anonymous, to use a pseudonym) the right of integrity (to prevent changes to a work) and the right of association, (to prevent the use of the work in association with a product, service, cause or institution).

Ownership rights: Economic rights relating to a created work; copyrights including the right of reproduction, the right of public performance, the right of publication, the right of adaptation, the right of translation, and the right of telecommunication to the public.

Trade Mark: A word, symbol, picture, logo, design or shaping of goods, or a combination of these elements, used to distinguish the goods or services of one person or organization from those of another in the marketplace.

Related JIBC Policies and Agreements

- JIBC *CanCopy* Copyright License Agreement
- Collective Agreement Between the Justice Institute and the B.C. Government and Services Employees' Union
- Fair Comparison Handbook
- Financial Management Policy - Long Form Contract