

# Intellectual Property Policy

GSA Research Contract  
July 7, 2021

---

Purpose

---

Issue

---

Background

---

Research & Findings

---

Gaps & Recommendations

---

Questions

# Researcher - Karen Farley

---



- Master's in Sustainability Management (1<sup>st</sup> Year)
- Entrepreneurial track record:
  - Food production (2015-2020)
  - Web development (2001-2006)
  - Start-up mentor
  - Entrepreneurship speaker and writer

# Purpose

- A. How do our university's student IP rights compare to other university practices?
- B. Is there a best practice to protect student IP and patents in an academic setting throughout the innovation process (i.e., from ideation to implementation)?
- C. What are the advantages and disadvantages of our university's current approach to protecting student IP? Are there certain cases in which students are left disadvantaged (e.g., hackathons, ideation sessions, student-corporate events, and industry- or government-sponsored work)?

# Issue

- "creator-owned" model: intellectual property (IP) ownership is granted to the inventor under Policy 73
- Ambiguity relating to the implementation of these rights leading to student's having to take action to enforce and protect their IP rights or losing their IP rights

**CASE A:** A 1995 civil case was brought by a graduate student against a supervisor when UW failed to act on IP infringements by the supervisor (Gordon, 1995).

**CASE B:** In 2018, UW disputed the IP rights of student co-founders related to ownership of IP created through externally sponsored research. The university's agreement with the sponsor granted the university rights for IP developed using the sponsor's funding, however, the students had not provided informed consent to transfer their IP rights to the university or the sponsor (CBC News, 2018; Tawfik, 2018).

**CASE C:** A corporate-sponsored hackathon held in 2020 required participating students to relinquish their IP rights to participate in the event (as reported by the GSA-UW).

**CASE D:** A group of students participating in an externally organised problem-solving event hosted by UW had to ask the event lead whether or not participation in the event would prevent the students from publishing the research in a publication at a later date (based on author's experience). No IP information had been provided on the UW event webpage or online registration form.

# Background

- IP, as defined and protected by Canadian law, including the Patent and Copyright Acts, “is concerned with patents, copyrights, trademarks and the like, all of which provide legal protection for something that has real or potential commercial value” (University of Waterloo, 1997)
- [Intellectual Property \(IP\) Rights Policy #73:](#)
  - afford IP protections for academic activities resulting in the creation of intellectual property
  - intended to foster open sharing of ideas in an academic setting
  - some limitations in the scope and application of these protections

# Student's IP Rights under Policy 73

---

- Applies to all UW members including staff and students, however, it may not apply to members who are not Canadian citizens or members resident outside of Canada
- Excludes work produced as a normal part of employment

# Student's IP Rights under Policy 73

---

- **Academic coursework:** Ownership of IP created by students during course-based activities, including assignments, exams, discussions, etc., remains with the creator. For group work activities, IP ownership is shared between group members.
- **Student research projects:**
  - For self-funded student research projects: IP is owned by students
  - For externally sponsored student research, including funding through government grants and corporate sponsorship: IP is determined by the terms of the contract governing the research

# Student's IP Rights under Policy 73

---

- **Academic writing:** The contributions of students in published or unpublished academic writing must be recognized.
- **Competitions and events:** The IP rights of students participating in internal and external competitions and events are not explicitly referenced in Policy 73.
- **Commercialization of ideas or research:** Commercialization of IP created and owned by students must be disclosed to UW.

# Student's IP Rights under Policy 73

---

## **Other:**

- IP ownership for the above can be modified or waived with informed consent in writing
- Where IP rights may be impacted by collaboration or external partnerships, informed consent must be obtained for all parties involved in the activity
- IP rights may be affected by any public disclosure before the ownership of IP rights is established
- IP rights for the development of software are retained by the creators unless moral rights are waived

# IP Support for UW Students

---

- [Waterloo Commercialization Office \(WatCo\)](#)
- [Intellectual Property Presentation Series](#)
- [Electronic Intellectual Property and Commercialization Activity Disclosure Form](#)

# Research & Findings

- A. Comparison of Policies for Student Created IP in Canadian Universities
- B. Best Practices to Protect Student IP Through the Innovation Process
- C. Areas UW Students' IP Rights are Not Protected By Policy 73

# A. Comparison of Policies for Student Created IP in Canadian Universities

---

- Review of the IP policies in the Top 10 Canadian universities to compare IP policy and practices to UW's Policy 73:
  - General principle for student IP
  - Accessibility of IP policy
  - IP resources available to students

# General Principles of University IP Policies

---

## Creator Owned

McGill University (=27)

University of British Columbia  
(46)

University of Alberta (126)

McMaster University (140)

University of Waterloo (=149)

Western University (170)

University of Calgary (235)

Queen's University (240)

## Co-Owned

University of Toronto (26)

## Unknown

University of Ottawa (230)

Ranking based on QS World University Rankings  
2022: Top Global Universities (n.d.)

# Accessibility of University IP Policies

---

## Legalese

McGill University (=27) \*

McMaster University (140)

University of Waterloo (=149)

University of Ottawa (230)

Queen's University (240)

## Scenario-based

University of British Columbia  
(46)

## Q&A/FAQ-style

University of Toronto (26)

University of Alberta (126)

Western University (170)

University of Calgary (235)

Ranking based on QS World University Rankings  
2022: Top Global Universities (n.d.)

# Availability of University IP Resources

---

University	Resource
University of Calgary (235)	<a href="#">Intellectual Property Awareness Checklist</a>

Ranking based on QS World University Rankings  
2022: Top Global Universities (n.d.)

## B. Best Practices to Protect Student IP Through the Innovation Process

---

- No best practices were found
- World Intellectual Property Organization (WIPO):
  - Toolkits for developing [IP policies](#) and [IP Commercialization and Knowledge Transfer](#) policies within a university context
  - [IP Policies at Canadian universities](#), including the ten Canadian universities reviewed

## C. Areas UW Students' IP Rights are Not Protected By Policy 73

---

- Students Studying Outside Canada
  - Intended to protect the IP rights of *all* students, however, Canadian IP laws are limited to protecting the IP rights of Canadian citizens
  - [Remote Teaching and Learning: Intellectual Property](#) webpage was published on the UW website on May 22, 2020
  
- Student Competitions and Events Available to UW Graduate Students

# Student Competitions and Events Available to UW Graduate Students

---

- Review the information provided on IP rights for competitions and events available to UW graduate students.

# Location of Student Competitions and Events

---

Competition	Type	UW Round	Canadian Round	Inter'l Round
GRADFlix	Research presentation	✓		
Three Minute Thesis	Research presentation	✓		
Concept 5K	Entrepreneurial pitch	✓		
Hult Prize	Problem-solving	✓		✓
Map the System	Problem-solving	✓	✓	✓
World's Challenge Challenge	Problem-solving	✓		✓
Hack The North	Hackathon	✓		

# IP for Student Competitions and Events

---

## Public Disclosure

GRADFlix

Three Minute Thesis

Concept 5K Top 10 Teams

## No IP Information

Hult Prize

Map the System

World's Challenge Challenge

Hack The North

# Key Considerations & Recommendations

---

## a. Poor accessibility of Online Information on Policy 73

- RECOMMENDATION #1: Provide accessible information on the IP policy on UW's website for current and future graduate students based on UBC's [Intellectual Property Guide](#)

## b. Limited availability of Training on Policy 73

- RECOMMENDATION #2: Develop an IP LEARN module, either as on-demand or as mandatory training, for graduate students based on WatCo's Intellectual Property Presentation Series

## c. Lack of Information on Policy 73 in Course Outline

- RECOMMENDATION #3: State IP policy for each course activity in all graduate course outlines

# Key Considerations & Recommendations

---

- d. **No standardised process for communication of IP policy between students and supervisors (CASE A and CASE B)**
- RECOMMENDATION #4: Provide graduate students and supervisors with a tool to promote a discussion of how the IP policy relates to the student's research project based on the University of Calgary's [Intellectual Property Awareness Checklist](#)
  - RECOMMENDATION #5: Clarify the IP disclosure requirement and/or process for supervisors to disclose student created IP *or* provide graduate students with access to the online disclosure form

# Key Considerations & Recommendations

---

## **e. Limitations to IP Rights of Students Outside Canada**

- RECOMMENDATION #6: Get legal clarification of the validity of Policy 73 for international students, and students studying remotely outside of Canada

## **f. Unclear IP Rights for Students Participating in Competitions and Events (CASE C and CASE D)**

- RECOMMENDATION #7: State IP policy clearly for all competitions and events available to UW students
- RECOMMENDATION #8: Create a student representative process to review and sign off on the IP policy for external events if Policy 73 is not applicable

# Key Considerations & Recommendations

---

## **g. Review of future changes to Policy 73**

- RECOMMENDATION #9: Implement a student representative review process for any reviews or updates to Policy 73 to include the GSA-UW.



Questions?

# References

---

CBC News. (2018, October 13). University of Waterloo, former student in legal battle over invention. *CBC News*.  
<https://www.cbc.ca/news/canada/kitchener-waterloo/legal-battle-between-university-of-waterloo-salient-energy-1.4847725>

De Baere, B., & Maine, E. (2017, September 18). Canada needs a national overhaul of university IP policies |. *University Affairs*.  
<https://www.universityaffairs.ca/opinion/in-my-opinion/canada-needs-national-overhaul-university-ip-policies/>

Gordon, M. (1995, January 13). Thou Shall Not Steal (except for Intellectual Property). *Imprint*, 14–15.  
[https://issuu.com/uw\\_imprint/docs/1994-95\\_v17-n22\\_imprint](https://issuu.com/uw_imprint/docs/1994-95_v17-n22_imprint)

QS *World University Rankings 2022: Top Global Universities*. (n.d.). QS Top Universities. Retrieved June 16, 2021, from  
<https://www.topuniversities.com/university-rankings/world-university-rankings/2022>

Tawfik, M. (2018, October 21). University of Waterloo case highlights holes in Canada's university innovation ecosystem. *The Globe and Mail*. <https://www.theglobeandmail.com/business/commentary/article-university-of-waterloo-case-highlights-holes-in-canadas-university/>

University of Waterloo. (1997). *Policy 73 – Intellectual Property Rights*. <https://uwaterloo.ca/secretariat/policies-procedures-guidelines/policies/policy-73-intellectual-property-rights>

UniversityHub. (2017, February 9). Top 10 Universities In Canada For Future Entrepreneurs. *HuffPost Canada*.  
[https://www.huffingtonpost.ca/universityhubca/universities-for-future-entrepreneurs\\_b\\_9190842.html](https://www.huffingtonpost.ca/universityhubca/universities-for-future-entrepreneurs_b_9190842.html)