

IMPORTANT NOTICE: Intellectual Property arrangements for members of the Faculty Associations Units 1 and 2 are now governed by the Collective Agreements between the Faculty Association and the University of Prince Edward Island.

University of Prince Edward Island Patent Policy

(Approved by Senate, 13 September 1991)

The essential principle of the University Patent Policy is that, in respect of all research work undertaken, University employees and students are encouraged to discuss and publish the results of their research as fully as may be reasonably possible. If, however, a University employee or student, not specifically employed for the purpose, (hereinafter sometimes referred to as "inventor"), using University facilities, makes an invention, discovery, improvement, new plant breed, industrial design, trade secret, computer programme, or the like (hereinafter referred to as "Proprietary Technology"), which he (used inclusively to mean he or she) at his own discretion wishes to patent, register, obtain the granting of plant breeders rights, copyright, licence, sell, or otherwise dispose of or deal with in whole or in part for commercial gain, the Proprietary Technology must be submitted to the University through the Office of Research Development. The University will then advise the inventor whether it wishes to participate in the commercial exploitation of the invention and, if it does, all rights to the Proprietary Technology are to be assigned to the University. The University and the inventor will share in any benefits that may be realized from the commercial exploitation of the Proprietary Technology.

The following paragraphs elaborate upon the above principle:

The University is both a community of scholars entitled to pursue undirected research and an employer of these scholars. The University also provides services to students, any of whom may participate in such research and/or use facilities of the University for research. Therefore, in the event of any Proprietary Technology resulting from research work done by an employee, or student (or "inventor") using University facilities, the University as well as the inventor shall each be deemed to have an interest in any benefits to be obtained from commercial exploitation of the Proprietary Technology.

An inventor may, at his sole discretion, publish the results of his work immediately notwithstanding that such publication will publicly disclose any Proprietary Technology, or alternatively provide a full and complete disclosure of the Proprietary Technology to the University through the Office of Research Development. The said office on behalf of the University has 30 days from the date of the disclosure to it of the Proprietary Technology to advise the inventor whether the University intends to pursue its interest in benefiting from commercial exploitation of the Proprietary Technology. If it so advises in the affirmative, all rights to the Proprietary Technology shall be deemed to be vested in the University, the inventor shall sign any assignments to this effect and the University will proceed

expeditiously to attempt to exploit commercially the Proprietary Technology. The University shall have sole discretion as to the extent of attempts it shall make to exploit commercially the Proprietary Technology and the budget for the same. The University and the inventor will each obtain 50% of net revenues earned from commercial exploitation of the Proprietary Technology, unless there is a mutual written agreement covering some other arrangement. If the University elects not to pursue its interest in the Proprietary Technology or fails to respond to the inventor within 30 days from the date of the disclosure of the Proprietary Technology to the University, all rights to the Proprietary Technology shall be deemed to be vested in the inventor.

Any employee, student, or any other person who develops Proprietary Technology in respect of which University facilities have not been used and which is unrelated to his work or activities at the University for example, resulting from extracurricular or off-campus activities, may at his own discretion disclose the Proprietary Technology to the University. The University may at its sole discretion then elect to obtain an interest in Proprietary Technology which, in the absence of a separate agreement, shall be deemed to be valued at 35% of net revenues earned from commercial exploitation of the Proprietary Technology. The inventor shall have an interest valued at 65% of net revenues earned from such commercial exploitation. In such a case, all rights to the Proprietary Technology are to be assigned to the University. The University will then proceed expeditiously to attempt to exploit commercially the Proprietary Technology, subject to the sole discretion of the University to determine the extent of attempts it shall make to exploit commercially the Proprietary Technology and the budget for the same.

Proprietary Technology that is disclosed to the University by an inventor and in respect of which the University elects to pursue its interest in the commercial exploitation of the same, may, at the University's discretion, be licensed or assigned in whole or in part to a third party for the purpose of commercially exploiting the Proprietary Technology. The third party may, at the University's discretion, receive a share of any net revenues earned from such commercial exploitation.

Within the University, all matters relating to Proprietary Technology are dealt with by the Senate Committee on Research. Such Committee, through its Chair, administers arrangements for receiving, examining accepting or rejecting for the purpose of pursuing the University's interest, and submitting for action, Proprietary Technology that is presented to the University through the Office of Research Development.

Schedule A to AGREEMENT TO ASSIGN INTELLECTUAL PROPERTY RIGHTS

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