STUDENT GUIDE TO INTELLECTUAL PROPERTY

MCGILL UNIVERSITY

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreword</td>
<td>2</td>
</tr>
<tr>
<td>Introduction</td>
<td>3</td>
</tr>
<tr>
<td>Commonly used terms</td>
<td>3</td>
</tr>
<tr>
<td>What is McGill’s policy on Intellectual Property</td>
<td>5</td>
</tr>
<tr>
<td>Does McGill's policy also apply to the affiliated hospitals</td>
<td>6</td>
</tr>
<tr>
<td>Do McGill students have Intellectual Property rights</td>
<td>6</td>
</tr>
<tr>
<td>Who owns Intellectual Property</td>
<td>6</td>
</tr>
<tr>
<td>Who owns the data generated in my research project</td>
<td>7</td>
</tr>
<tr>
<td>How are Intellectual Property rights determined</td>
<td>8</td>
</tr>
<tr>
<td>What are moral rights</td>
<td>9</td>
</tr>
<tr>
<td>Who is an author and who is an inventor</td>
<td>9</td>
</tr>
<tr>
<td>Where can I go for advice if a dispute arises</td>
<td>10</td>
</tr>
<tr>
<td>About the Office of Sponsored Research</td>
<td>10</td>
</tr>
<tr>
<td>Where can I find more information about Intellectual Property</td>
<td>11</td>
</tr>
</tbody>
</table>
Foreword

This brochure has been compiled to clarify and hopefully demystify some basic principles of intellectual property (IP) with emphasis on its relevance and prevalence within a university environment. It is universally acknowledged that economies are increasingly based on technology, knowledge and information. The term "Knowledge based economies" has been coined to characterize the new paradigm. Intellectual property is inextricably linked to this paradigm and will continue to be important factor in your future professional endeavors. You are encouraged to read this brochure and to gain a better understanding of IP issues – their applications and implications – at this early stage in your academic life. It is the hope that the information contained in this brochure will provide you with a good foundation upon which to build your future research career.

While this brochure is directed primarily to matters pertaining to students, it is hoped that researchers, faculty and staff of McGill University and its affiliated research and teaching hospitals will also find it useful in so far as that it also addresses many of their own particular questions or concerns related to intellectual property.

This brochure does not purport to be a legal document, a policy, or a procedure. It is meant to facilitate understanding of IP issues by students, senior investigators and academic research staff alike, and to lend clarification on governance of common intellectual property matters early on in a student's academic career. Additional information is also available in McGill University's policy document, entitled, "Policy on Intellectual Property" available at: http://www.mcgill.ca/secretariat/policies/research/

or the following website http://www.techtransfer.mcgill.ca/.
1. Introduction

McGill University is synonymous with excellence in research and scholarship. These attributes are enshrined in the University's mission statement which in another aspect also strives to "provide service to society in those ways for which we are suited by virtue of our academic strengths." McGill University has a tradition and rich history of cutting edge research and innovation. Curiosity combined with research excellence are the seed to discoveries, inventions and subsequent innovation. Discoveries and inventions are often incidental to primary research goals and all too often they have limited effect beyond meeting a fairly narrow research objective. However, "innovation" spans the broader spectrum of discovery research & development. Innovation can be transformational with profound impact on society and benefit to economic development. Whether in medicine, engineering, education, the humanities, science, arts, or music, McGill has distinguished itself on the world stage through its endeavors in research and scholarly works. In some instances the outcomes of its research have been translated into products that have had global reach and impact. The McGill University Policy on Intellectual Property (the "Policy") ratified by the Board of Governors May, 30 2001 sets forth the general principles and specific regulations governing IP ownership, disposition, rights and interests, and revenue allocation stemming from commercialization of inventions, software and learnware created by McGill academic staff, administrative and support staff as well as students. This brochure is intended to address questions frequently asked by undergraduate and graduate students and post-doctoral fellows regarding intellectual property, pre-commercialization and licensing activity. It also provides suggestions on where students can get further information and the key role that the Office of Sponsored Research (OSR) assumes in facilitating commercialization activities needed to advance discoveries and technology created at McGill University.

2. Commonly used terms

Intellectual property (IP): In the broadest sense intellectual property is all the creativity (cognitive function that results in a new way of viewing a problem)); aptitude (assessment of a problem and potential solutions); and skills (application of a unique tool set to reduce the solution to practice by experimentation). Under intellectual property law, the creator(s) and owner(s) may be granted rights to exclude all others from practicing such intangible assets, such as musical, literary, and artistic works; discoveries and inventions; and words, phrases, symbols, and designs. Common forms of intellectual property, enforceable and protectable by statute include copyrights, trademarks, patents, industrial design rights and trade secrets.

Copyright: In the United States copyrights are governed by Title 17 of the United States Code (17 U.S.C.). Copyrights grant to the creator, or subsequent copyright holder, the exclusive right to copy, adapt, distribute, perform display and the like any substantive "original" work. Copyright is triggered at the time of creation of an artistic, literary, or musical work or software. There is no mandatory requirement to register a copyright. If you are the originator, then you are the owner provided that such copyright is not transferred to another party. However, it is advisable to mark all copies of the work with a Copyright Notice generally designated as follows: © all rights reserved). Registration of a copyright enshrines the copyright holder's rights in the event of dispute. The duration of copyright protection is defined by the Copyright Act in Canada and can be as long as the life of the creator/author plus fifty (50) years. Copyright extends to other countries by virtue of international treaties such as the Berne Corporation and Universal Copyright Convention and the term in other countries depends on the applicable national law.

In general, McGill does not claim copyright to books, articles, plays, music, films, videos, or other copyrightable materials created by University faculty, staff, or students. There are however some exceptions. For example in those cases where the original "work" is a result of research sponsored by a third party pursuant to a written agreement with the University, whereby a copyrightable work outcome may be governed by provisions of the agreement. Unless the terms of the agreement explicitly transfer copyright ownership to the contracting party, copyright is owned by the
University until all rights, such as a license or an option, granted to the contracting party under the agreement has been exercised or have become extinguished, at which point the creator(s) of the copyrightable “work” becomes the sole owner(s) of copyright;

(ii) is created pursuant to an agreement with the University, wherein copyright is determined by explicit conditions of the agreement with the University;

(iii) contains software as the end product.

**Industrial Design:** refers to features of shape, configuration, pattern or ornamentation and any combination of those features that in a finished article appeal to and is judged solely by the eye. The unique shapes of early Coke bottles and the original VW Beetle are examples of industrial design. Canada’s Industrial Design Act (R.S., c. 1-8) provides the creator ten (10) years of exclusive protection for industrial designs that are registered.

**Invention:** means any new and useful process, formula, machine, manufacture, or composition of matter, within the purview of the Canadian Patent Act or its equivalent in any other country such as Title 35 of the United States Code.

**Know-how:** is a particular form of intellectual property usually relegated to expert skill or technique, trade secret known to an individual which, when practiced, has the effect of achieving a desired outcome. A researcher’s know-how can often have considerable value. A client, for example, will seek the “services” of an expert at the University whose laboratory and staff is renowned for its refined know-how in a particular domain. While it is mandatory in a patent application to disclose sufficient information to enable others to reproduce the invention, the inventor(s) will often also possess intangible know-how, expertise and technique to permit commercial optimization of a process or product. Know-how can in fact be licensed independently, and a know-how license need not be restricted to the statutory term conferred upon a patent.

**Patent:** Commonly referred to as Letters patent is an exclusive right granted by a government of a specific jurisdiction to the creator(s) of an invention. A patent grants to the applicant or its assignee the exclusive right to make, use, or sell the claimed invention for a limited period of time. In the United States of America patents are governed by Title 35 of the United States Code (35 U.S.C.) or by the Patent Act in Canada. The submission to the patent office is initially confidential but the patent application is eventually published and searchable by the public at large. Patents generally have a lifespan ranging between 17 and 20 years, provided however that prescribed maintenance fees are paid to the jurisdiction where the patent is granted. In Canada, patents have a lifetime of 20 years from the date of filing. The World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) generally ratifies agreements in trade and harmonization of intellectual property matters across international borders. Unlike peer reviewed publications, the issuance of titles to patents is governed by criteria enshrined in law. It is also a lengthy and costly process. Patent law specifies the subject matter for which a patent may be obtained and the conditions for patentability. The United States, Patent and Trademark Office (USPTO) and the Canadian Intellectual Property Office (CIPO) administer the law relating to the granting of patents in the U.S. and Canada, respectively.

**What determines whether an invention is patentable?**

There are four principal criteria that determine the patentability of an invention:

(i) **novelty:** The subject matter must not have been previously divulged or described anywhere at any time.

(ii) **utility:** The subject matter has to have and demonstrate a real life application.

(iii) **Enablement:** The invention must work (“fulfill its promise”) without undue experimentation by anyone of sufficient skill.
(iv) **non-obviousness**: This criteria is often otherwise referred to as "inventive step" and refers to whether or not subject matter could have been reasonably anticipated.

Web based publications, abstracts intended for scientific meetings, fully fledged journal publications and even a thesis are considered to be public disclosures. Taken together, it is imperative that a patent application be filed prior to contemplated disclosure or publication. It is equally important to recognize that a patent application does NOT preclude a publication. Title 35 USC § 101 provides that products, processes, machines, manufactures or composition of matter, or any new and useful non obvious improvement of any of these, such as new uses of known chemical compounds, are patentable subject matter. Novel, genetically engineered life-forms and new microbial life-forms can be patented in some jurisdictions, such as the United States, but not in others. Methods of medical treatment are also patentable in some jurisdictions, such as the United States, but not in others, including Canada and Europe. Scientific theorems or principles, as well as anything that is illegal or illicit, are not patentable. All too often however many patent applications fall short of the last litmus test - **obviousness** under Title 35 U.S.C. § 103. It is often difficult to come to terms with rejection grounded in "obviousness". Patent examiners will often cite Teaching/Suggestion/Motivation by others' works as grounds for "obviousness rejection". Before any patent applications are filed at McGill University, extensive due diligence is undertaken, which in one aspect assesses the extent to which the basic principles and criteria of patentability as satisfied.

**Trademark**: is a distinctive designation that someone uses to distinguish its product or service from those of its competitors. Coca-Cola® is an example of a trademark for a soft drink. Often used interchangeably with other terms such as “brand”, “logo” or “mark”, the law considers a trademark to be a form of property unique to the holder. Thus the trademark owner may prevent unauthorized use of its trademark or a variation that intentionally seeks by inference to be associated with the original trademark owner. McGill's wordmark and insignia for example are registered trademarks owned by McGill University.

### 3. What is McGill's Policy on Intellectual Property?


Briefly, intellectual property whether or not patentable by statute is commonly the product of collaborative relationships among academic staff, students, or administrative and support staff, within the normal course of fulfilling their functions within the University environment. In the United States, federal legislation referred to as the **Bayh-Dole Act** effectively gives sole ownership of intellectual property to universities, small businesses and other not-for-profit organizations that benefit from federally funded research. Unlike the United States, there does not exist any such comparable legislation in Canada; therefore Canadian universities, unlike their sister institutions in the United States, are relegated to implementing their respective own rules and regulations governing matters of intellectual property. At McGill University, copyrightable works are owned by the creator(s) and the University is automatically granted an irrevocable license to use for its own academic purposes, all those works created by one or more authors. The rights conferred upon the University exclude commercial exploitation or rights to reproduce published works.

Inventions, whether or not patentable, created by University staff in the normal course of duties are jointly owned by the University and the inventors. The same principles apply to software with some exceptions. For the latter you are invited to read the relevant provisions contained in the Policy on Intellectual Property. There are certain exceptions in those instances, for example, where the invention(s) are an outcome of research sponsored by a corporate entity or a Federal Agency of the United States of America (i.e. the NIH, NCI and the like) that, by obligation or agreement, make it mandatory to formally report discoveries and inventions. McGill University recognizes that original works or inventions stemming from research and protected by appropriate statute often serve the broader interest when they reach the private sector for further
development and translation into products and services. For inventions that are unencumbered by third party rights, the University may elect to file letter patents and require that all "valid" inventors assign their respective rights to McGill University as the sole owner and applicant. Any remuneration received by McGill in consideration of granting license rights to the invention or ensuing patent(s) to a for profit entity (whether it be an existing small or medium sized company, a multinational or a new start up venture) is shared among inventors and the University in accordance with the formula prescribed by the Policy on Intellectual Property. There are those rare instances that one or more inventors desire to undertake entrepreneurial initiatives independently of the University. In that event, McGill University may assign its rights and interests to the inventors subject to the appropriate provisions of the Policy on Intellectual Property and University regulations governing research and conflict of interest.

4. Does McGill’s Policy apply to affiliated hospitals?
McGill’s IP policy applies uniformly across all departments, faculties, research centers, schools and affiliated research and teaching hospitals. The Policy applies to all McGill researchers. McGill’s affiliated hospitals have entered into agreements that provide for common shared principles, rules and regulations of the Policy on Intellectual property. The Office of the Vice Principal/Research & International relations) is mandated to administer the Policy at McGill University and its affiliated research and teaching hospitals.

5. Do McGill students have intellectual property rights?
By law creators/inventors have undivided interest in inventions, irrespective of one’s academic ranking or affiliation, undergraduate or graduate students, or professors. Therefore, provided that the criteria prescribed by Law are satisfied, McGill University students have intellectual property rights under, for example, copyright and patent laws. More specifically, unless he or she has knowingly relinquished such rights by written agreement, the Law provides that a student, as any other person, benefits from intellectual property rights to his or her written or other artistic work or computer software, and any inventions created, alone or with other inventors.

McGill’s Policy on Intellectual Property only obliges formal reporting of original “works” or inventions to the Office of Sponsored Research if there is any expressed intent to exploit or otherwise commercialize or practice the invention for the purpose of benefit or profit. The foregoing however does not apply to a student unless he or she:

(i) contributed to a “work” with one or more other authors;
(ii) is a bona fide inventor with one or more other inventors,
(iii) has created an invention that he or she wishes to exploit with the assistance of the University.

6. Who owns Intellectual property?

Academic staff, Research Assistants, or Research Associates and other employees

Intellectual property created by McGill staff in the course of employment is the sole property of the University only if the work or the invention is created at the direction of the employee’s supervisor and is part of what is expected under the employment contract with the University. In all other instances, intellectual property created by academic staff, Research Assistants and Associates and affiliated researchers in the normal course of research in their field of expertise is governed by the provisions of the McGill IP Policy. In such instance the intellectual property is owned jointly between McGill and the creators/inventors.

Students

For the purpose of this document, a student is one enrolled in undergraduate or postgraduates studies, including postdoctoral fellows. As outlined in Section 5 above, a student may at his or her
own discretion choose to exploit and pursue commercialization on his or her own, provided however that he or she is the sole author or inventor of the creation. To avoid potential for conflict related to ownership, when such intellectual property is generated under a research contract with an industrial sponsor, students should be apprised of the nature and conditions of the industry sponsored research in advance. For graduate students and post-doctoral fellows undertaking research funded either through a conventional grant or sponsored research contract, the IP will in all likelihood reside with the University and they will share in the proceeds from commercialization. In those cases where students conduct research outside of McGill premises, matters of insurance and ownership of intellectual are important considerations, especially in industry settings. In that eventuality, McGill has developed a standard agreement (administered by the Graduate and Postdoctoral Studies: see www.mcgill.ca/gps) that must be ratified by the parties involved.

No other agreement should be signed by students without prior consent by the Graduate and Postdoctoral Studies or unless a formal agreement recognized by the University is in place.

**The Research Supervisor**

The Supervisor’s role varies in different fields of study, and this may bear upon the ownership of intellectual property. In disciplines such as humanities and social sciences, the norms are that students will receive guidance from their supervisors, but will generate their own ideas, conduct their own research, and seek financial support. The supervisor acts as a mentor/consultant and resource person, but rarely co-inventor. In this situation, the student could be owner of the entire rights to the IP created in the conduct of his or her research. In other fields, such as the physical and life sciences, it is typical practice that a student joins an established research group and works collaboratively with the supervisor, other students, postdoctoral fellows, research assistants and/or other employees. In this instance, the supervisor may not only furnish resources required to support and conduct the research activities, but typically also provides strategic guidance individually and to the research group on the whole. The corollary is that the supervisor frequently contributes to the creation and the inventive steps and will share in the IP rights.

7. **Who owns the data generated in my research project?**

When pondering this question, it should be recognized that data, per se, is not protectable IP under the Patent Act but is protected under the Copyright Act. Data can be important and a potentially valuable outcome of academic research, and may have to be treated confidentially in some cases. Therefore, whilst data can be retained as a trade secret, it is not advisable in the context of a university environment because of the very fabric and mandates of academic institutions, which foster open dissemination of scholarly works. If the University has provided resources or physical facilities that enabled you to compile the data, it also has an interest in any resulting IP. In most cases, research data is jointly owned by the researcher and the University, which means that both have the right to use the data. If funding for the research project from which data is derived comes from a sponsor who has been granted rights to the data, such as in the case of a service contract, then the sponsor also has IP rights to use the data, but not the methods employed or techniques developed during the course of such contracts. If you jointly own data with your supervisor or co-workers, you may incorporate the data in your research thesis with the consent of the co-owners. You will own copyright to your thesis as a whole. However, the permission granted to you to use the data in your thesis does not grant the right to use it for other purposes without prior consent. In all cases, the source of the data must be acknowledged. When a thesis is submitted for academic credit, the author represents that the document is one’s own original work. As is the case of any other literary publication, anyone making use of the concepts, expressions conclusions or overall content of the thesis must reference the work. To the extent that your thesis uses publications derived from the research team or quotes major sections of publications, it may be necessary to obtain permission from the copyright holder (e.g., an author or publisher of a journal).
In such situations, it is best to seek advice from your supervisor prior to publication, and to conform to accepted practices in the department with respect to quotation of material from external sources.

8. How are Intellectual property rights determined?

The reply is variable depending on circumstance and the applicable law, policy, or convention. For example, if the creation constitutes an invention, the determination of who is an “inventor” is governed by patent law. Moreover, if a research sponsor has rights to own or to license the results of the research; the terms of the contractual agreement will determine the flexibility or liberty regarding further use of the results. In the case of literary works, scientific or otherwise, copyright law and custom will dictate who is an author and how the authorship will be determined and shared. In short, your supervisor and other parties may have a large or small claim on the IP rights relating to the work you conduct as a student. This is something you should be aware of and discuss with your supervisor prior to initiating work that could lead to creative works or inventions. It is always encouraged that you maintain records and documentation of ideas, conceptions, results and data in paginated notebooks and have these witnessed regularly. If your work is conducted in the context of a broader ongoing research project, you should expect that your results may be used, with appropriate attribution, in furthering the research objectives of the supervisor and others working in the same laboratory or research group (e.g., in publications, presentations, grant applications and final reports). In order to preserve the commercial prospects of IP, it is imperative to secure patent protection (often referred to as “priority filing”) prior to disclosure of research findings at scientific meetings, publication in a journal, thesis defense and examination or in any medium that places a creation or invention in the public domain.

Research funding and IP rights

The relationship between funding and IP rights depends on who the funding body is and the terms and conditions attached to the funding. Not all funding bodies are the same. Some public funding agencies such as the federal granting councils – Natural Sciences and Engineering Research Council of Canada (NSERC), Canadian Institute of Health Research (CIHR), and Social Sciences and Humanities Research Council of Canada (SSHRC) – do not reserve IP rights to the research they fund; while, for example, private sector organizations may request significant IP rights in consideration for support of university research or of fellowships or scholarships for students. Still other organizations, such as some charitable associations or foundations or provincial Centres of Excellence (e.g., the Heart and Stroke Foundation or Materials and Manufacturing Ontario) may claim either licensing rights or a share of royalties. These have to be reviewed by the Office of Sponsored Research to determine the breadth of reach through conditions, since there is a propensity for many parties to claim intellectual property. For inventions subject to provisions of U.S. funding agencies, the United States Government retains what is commonly referred to as “march in rights”. Thus the United States Government has ultimate authority to use inventions for itself or grant licenses to patentable inventions derived from funding by Federal Agencies. To ascertain which of these conditions apply, you should be aware of which organization is funding the research that you undertake and what ownership rights the funding organization(s) may have to the results of your work. If you, as a student, are working on a project supported by a research contract, you should be asked to sign an agreement, which indicates that you acknowledge and agree to the IP terms and conditions. If you are engaged in research toward a thesis and wish to pursue commercialization-related activities derived from this work afterwards, you are advised to consult your supervisor and/or the Office of Sponsored Research regarding any terms and conditions toward that end.

Research sponsored through contracts and grants from the private sector are increasingly common and are encouraged by Canadian funding agencies such as CIHR and NSERC as a vehicle for fostering partnerships to exploit mutual core strengths. If the work is being conducted under a private sector contract or grant, the publication of research outcomes and rights to patents or other forms of IP may be subject to some restrictions. This should not be surprising
because of divergent mandates of public versus for-profit institutions; however it should also be acknowledged that they share many common interests. At the outset of a research project, the research supervisor should outline any restrictions to students and advisory committees. An assessment should be undertaken to determine the suitability of the sponsored research toward a research thesis. As a student, you should be clear at the outset of your graduate research; particularly in respect to any conditions laid out by the scholarship, grant, or other source of funding. If you need further clarification, do not hesitate to contact the student office, the Office of Graduate Studies or the Office of Sponsored Research.

9. What are moral rights?

The term "Moral Rights" refers to yet another aspect of intellectual property. It is the right or the protection against, alienation of copyrightable works. Under section 14.1(1) of the Canadian Copyright Act, an author of a work has a right to the integrity of his or her work and to be associated with the work by name unless he or she chooses otherwise; thereby "Integrity" and "attribution". Unlike patent rights, moral rights cannot be transferred or assigned to another person, but they can be waived. It is not recommended to ever waive one’s moral rights to a work because it exposes the creator to potential for distortion, modification or adaptation in a way that prejudices the reputation of the creator.

10. Who is an author and who is an inventor?

Inventorship and authorship remain nebulous and often provocative issues. In a culture often characterized by the "publish or perish" doctrine, no wonder that authorship can be viewed as highly prized "currency". Fortunately there are checks and balances because authorship confers responsibility for data gathering and interpretation, validation and overall integrity of experimentation upon which conclusions are drawn. Accordingly each and every author is ultimately accountable by association with the publication. No person can be cited as author without prior consent. Conversely no person should be an author without having satisfied certain criteria and scholarly norms. As a guideline, co-authorship should be recognized only where the individuals have participated in a significant way in some aspect of the research including:

(i) conception of idea and/or experimental design.
(ii) actual execution of experimentation or hands-on laboratory work in a manner beyond following direction.
(iii) data analysis and interpretation and/or
(iv) actual redaction of the manuscript for publication.

Designation of senior or first author can at times be difficult. There are those circumstances where two or more authors are specifically cited as having contributed equally to the research. In the humanities and social sciences the student will probably be the sole author of the published work that reports his or her research. In the physical and life sciences, students are frequently cited as first author in publications arising from the content of the research thesis. However, students should recognize that it is not uncommon that the research supervisor elects first or corresponding author by virtue of association with the field of study. Overall, standards vary by discipline. Where controversy does arise regarding matters of accreditation of first author, co-authorship, and/or sequence of authorship, the supervisor will usually decide the issue; unless you resort to dispute resolution mechanisms (see Question 11). The fact that a co-worker is not named as an investigator in a grant or contract under which the work was performed should not preclude him or her from being given citation as co-author, provided however that the principal criteria of this Section are met. The right to authorship may be relinquished if a participant leaves the project or does not contribute substantially to the work; although in such instances an acknowledgment may be appropriate. Normally, the supervisor, in consultation with his or her co-authors, will reach consensus as to when/whether a co-authored manuscript should be submitted for publication and to what journal. A student considering publication of his or her own paper also has a responsibility for IP considerations and co-authorship if others may have been involved in the research in some capacity. Unlike authorship of a scholarly publication, inventorship is a matter of
law. There is no priority assigned to one inventor over another, nor is there any priority assigned to the sequence that names of inventors appear. A patent that fails to name the correct inventors may be ruled invalid.

**Who then is a rightful inventor?**

To answer this question it is equally important to recognize inventorship as a process of elimination. Thus not all authors cited on a publication are necessarily inventors. Nor is it sufficient that an inventor is one who merely recognizes that a certain problem exists or that a particular outcome would be desirable. Instead the inventor must have thought through a complete and operative means of achieving the result and working solution, such that no more than routine skill is necessary to enable the invention. A person or group who provides equipment, specialized materials, reagents, space, money, no matter how important, is not an inventor. A person who works under the guidance or direction of another is not an inventor, irrespective of time invested or dedication and the like. A person who redirects experimentation in a way that renders the invention operational is an inventor. Said differently, a lawful inventor is one who meets the statutory requirements of inventorship and is associated with one or more of the claims that formally define the invention. This tenet is critical because it is not uncommon for inventors to be deleted as claims are abandoned or rejected during patent prosecution. A patent attorney is usually in the best position to determine rightful inventorship. As a first step, it is imperative and common practice among all universities that a formal disclosure of an invention be forwarded to the Office of Sponsored Research. The relevant documentation may be downloaded from the following site: [http://www.techtransfer.mcgill.ca/research/download.php](http://www.techtransfer.mcgill.ca/research/download.php)

It is your responsibility, whether student or professor, to do so if there is any intent to commercialize the invention. The report of invention (ROI) must contain sufficient documentation (for example a manuscript) that enables evaluation, assessment and due diligence. If upon due diligence a decision is made to file letters patent, inventorship is thoroughly reviewed and a legal firm is contracted to draft and file a patent application. As a precondition for securing protection of intellectual property, such as a patent application, inventors will be required to assign titles and interests to McGill University. Accordingly McGill University becomes sole owner of all titles and interest.

The Office of Sponsored Research can assist you in compiling the invention disclosure whether it may entail, software, learnware, various forms of multimedia and courseware or inventions.

### 11. Where can I go for advice if a dispute arises?

Generally, as a condition for employment in the private sector operating in high technology an employee assigns all intellectual property rights to the employer in a contractual agreement with the employer. Disputes are rare. In an academic environment characterized by scholarly collaborative relationships and free enterprise, disputes disagreements may arise. Rightful determination of inventorship is critical for the validity of a patent. In the event that a dispute regarding intellectual property rights or inventorship arises, it is always advisable to first consult with your immediate supervisor and resolve any differences amicably. If discussion with your supervisor does not resolve the disagreement, you have recourse within your department, in the following order: your research director and/or supervisor, the thesis advisory committee, the graduate coordinator of your department, the Chair of the department, and the Graduate and Postdoctoral Studies appeals committee. If Graduate and Postdoctoral Studies is unable to find a satisfactory solution, you can then seek guidance from the Office of Sponsored Research, and ultimately from the Office of the Vice-Principal (Research).

### 12. About the Office of Sponsored Research

The mission of the Office of Sponsored research is to enhance McGill University's scholarly, research, and service missions by providing the university community with customer-centered, professional, and effective administrative expertise to support the responsible management of sponsored projects. In one aspect, it is the conduit for reporting inventions emerging from research at McGill
University and its research and teaching hospitals. The unit manages all pre-commercialization activity including assessment of patentability, filing patent applications, monitoring prosecution of the patent applications. The OSR works in concert with designated inventors to seek viable corporate entities or investors capable of translating the operational aspects of inventions, software or other intellectual property into socially responsible products or services beneficial to the end user. Often, inventions benefit from pre-seed funding such as provided by the Proof of Principle Program sponsored by the CIHR or the idea to innovation program of NSERC of the Programme de soutien à la valorisation et au transfert (PSVT) sponsored by the Ministre du Développement économique, de l’Innovation et de l’Exportation of Quebec and other value added initiatives. The Office of Sponsored Research provides assistance to researchers in their relations with small and medium-sized enterprises, multinationals, government, and non-profit organizations, whether locally, nationally, or internationally. In short, research intensive universities such as McGill offer a rich renewable resource of technology, intellectual property and solutions for the private sector. The services provided by the Office of Sponsored Research are pivotal to securing sponsored research, service contracts, technology outlicensing, material transfer agreements, and other services that require memorializing transactions of various forms in a complex global environment. For answers to other questions about Intellectual property, or information about patent applications, licensing, or processes toward commercialization, feel free to consult the staff at the Office of Sponsored Research.

13. Where can I find more information about intellectual property?
The authors would like to acknowledge the organizations and sources of information whose documentation was consulted for the purpose of this brochure. In addition to the references below, the reader will be able to find a wealth of information and expert articles on the topics of this brochure.

A Guide to Protecting Intellectual Property (Canadian University Intellectual Property Group)

http://www.research.uwaterloo.ca/ttlo/guide/guide_01.html

Intellectual Property Guidelines for Graduate Students and Supervisors at the University of Toronto,
http://www.sgs.utoronto.ca/Assets/governance/ipguide.pdf

Intellectual Property Office; www.intellectual-property.gov.uk

Centre for Intellectual Property Policy
McGill University; http://www.cipp.mcgill.ca/en/

Intellectual Property guide http://www.grad.ubc.ca/

The Association of University Technology Managers (AUTM)
http://www.autm.net

The World Trade Organization
http://www.wto.org/english/tratop_E/trips_e/trips_e.htm

United States Patent and Trademark Office
http://www.uspto.gov/

Canadian Intellectual Property Office; http://www.cipo.ic.gc.ca


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