

History:**Approved:**Senate
Board of GovernorsApril 20, 2017
May 27, 2017Minute IIB2
Minute 16.1*Full legislative history appears at the end of this document.***SECTION 1. SCOPE****1. Principles and Objectives**

This policy sets forth the rules applying to ownership of, and rights to, intellectual property covered by copyright, but excluding Software, developed by McGill University academic staff, administrative and support staff, students, as well as any other physical person working or doing research at or under the auspices of the University. The rules applicable to the ownership and rights to Software covered by copyright are set out in the Policy on Inventions and Software.

The primary functions of the University are education, research, and creation and dissemination of knowledge. The University affirms the principles of wide freedom of research and of free publication of the information generated from research. The University encourages, supports, and values the innovation agenda pursued by its academic staff.

Works of authorship can be the product of individual effort or of a cooperative relationship among academic staff, administrative and support staff, students, and the University. Such Works derive from the creative energies of the individual(s) fostered by the academic community and environment, including facilities, equipment and financial aid, in the form of grant funding, provided and administered by the University.

This policy aims to encourage the development of original Works of authorship and to recognize the contribution of both Authors and the University to Works of authorship.

2. Definitions

For the purpose of this policy, the following definitions apply.

- 2.1 “Author” means a student or employee of the University, whether academic or administrative and support staff, or any physical person, such as a visiting professor, working or doing research at or under the auspices of the University, who has written or created a Work.
- 2.2 “Software” means any set of instructions that is expressed, fixed, embodied, or stored in any manner and that can be used directly or indirectly in a device in order to bring about a specific result.

- 2.3 “Student Academic Work(s)” means any Work that is created in the course of, or as part of, a student’s coursework or extracurricular activities, unless such coursework or activity: (a) involves research or coursework that is the subject of an agreement with a third party; or (b) is a Work of joint authorship with another non-student Author.
- 2.4 “Work(s)” means any original literary, scientific, technical, dramatic, musical, artistic, or architectural work or any other original production including performances, sound recordings and communication signals covered by copyright, with the exception of Software.

3. Application of the Policy

- 3.1 This policy is binding on all students and employees of the University and all physical persons working or doing research at or under the auspices of the University. This policy also applies to academic staff or administrative and support staff on sabbatical leave or leave of absence unless the host institution or company has rules which preclude the application of this policy and, in the case of a company, the University agrees in writing to other arrangements.
- 3.2 This policy shall apply to any and all Works disclosed after the date fixed for implementation of this policy.
- 3.3 This policy does not apply to Student Academic Works. Student Academic Works shall remain with its creators and ownership and rights thereto shall be determined in accordance with applicable law and shall not be impacted by this policy.

4. Policy on Copyright

- 4.1 *Copyright:* In relation to any Work, the Author owns copyright. The Author is entitled both to determine how the Work is to be disseminated and to keep any income derived from the Work. Should an Author wish to disseminate a Work with the assistance of the University, he or she may contact the Technology Transfer Office. If the Technology Transfer Office agrees to assist with the dissemination of the Work, the University may ask that a portion of any revenues derived from the Work be attributed to the University. In such cases, the revenues would be split between the University and the Author in accordance with section 5.1.1 of the Guidelines on the Application of the Policy on Inventions and Software.
- 4.2 *Exceptions:* Notwithstanding section 4.1, copyright in a Work might not belong to the Author if:
- a) the Work was created as a result of research sponsored by a third party pursuant to a written agreement with the University, wherein copyright is determined by specific terms of the agreement. Unless the terms of the agreement give ownership of copyright to the third party, copyright is owned by the University until all rights, such as a license or an option, granted to the third party under the agreement have become extinguished, at which point the Author becomes the sole owner of copyright;
 - b) the Work was created pursuant to a formal agreement with the University, wherein copyright is determined by specific terms of the agreement;

- c) the Work contains Software as the primary constituent. In such cases the Work will be treated as Software under the Policy on Inventions and Software; and
- d) the Work is covered by a collective agreement, wherein copyright is determined by the specific terms of the collective agreement.

4.3 *License to University:* The University is automatically granted a non-exclusive, royalty-free, irrevocable, indivisible, and non-transferable license to use, for its own academic purposes, all works created by an Author:

- a) with University assistance; or
- b) with the use of University equipment, facilities, or resources; or
- c) in the course of academic duties or work in the course of study, research, or teaching.

This license shall confer to the University neither commercial rights, nor the right to reproduce published Works. The University shall not disseminate Works in a way that would allow persons who are not members of the University community to have electronic access to them. For the purpose of this section, the University's "own academic purposes" refers to research carried out at the University by staff, including academic and administrative staff, and students of the University and teaching by academic staff of the University to students registered at the University.

5. Dispute Resolution

Should an Author disagree with the application of this policy, he or she may bring forward a grievance under the appropriate University policy.

6. Enforcement

The University and Authors shall, within a reasonable time-frame, execute all documents, forms, and agreements reasonably required to give full effect to this policy.

7. Review of Policy

7.1 After a further three (3) years of its operation, and if Senate so determines, this policy shall be reviewed by a working group comprised of the Office of the Vice-Principal (Research and Innovation) as chair, the Office of the Provost, and one representative each of MCGSS, MAUT, SSMU, PGSS, MACES, MCSS, AMURE, MUNACA, and MUNASA. The working group may make recommendations for modification of this policy.

7.2 There shall be an annual meeting convened by the Office of the Vice-Principal (Research and Innovation), or delegate of the working group identified in 7.1, to review the operation of this policy. The focus of such a meeting will be on enhancing the University's efforts to meet the principles and objectives articulated in section 1 while staying current to new developments and technologies that could impact the policy.

Policy on Copyright

History:

Approved:

Senate	April 20, 2017	Minute IIB2
Board of Governors	May 27, 2017	Minute 16.1

(The current "Policy on Inventions and Software" and Policy on Copyright replaced the Policy on Intellectual Property).

History:

Approved:

Senate	April 18, 2001	Minute 11
Board of Governors	May 30, 2001	Minute 11

Amendments:

Executive Committee	June 26, 2001	Minute 8
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