

Policy Name: Intellectual Property Ownership and Use
Approving Authority: Academic Council

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Statement

The Intellectual Property Ownership and Use Policy of Beal University Canada (“BUC” or the “University”) encourages the application of research results and disposition of intellectual property to assure maximum benefit to the creators, the University, and community. The Academic Council will review this policy annually.

Purpose

This policy on Intellectual Property Ownership and Use establishes the principles, and associated rights and responsibilities on ownership of copyright in works created by members of the University. The policy provides for the University’s appeals process based on the principles of natural justice.

Roles and Responsibilities

This policy applies to all faculty, staff, and students at the University. This includes faculty such as instructors and visiting faculty, students, staff, and any other individuals using University Resources and facilities while creating or developing copyrightable works. The policy applies to all works of authorship created by academic staff including instructors and visiting faculty, students, staff, and any other individuals using University Resources and facilities while creating or developing copyrightable works.

Policy

The University is dedicated to the pursuit and development of knowledge. Its role is to enable and encourage the activities of teaching, research, and development, serving the public by making available the results of intellectual inquiry. Academic freedom assures both the openness and responsibility of comment and criticism on all intellectual matters. The University has a responsibility to educate and to broaden the knowledge of the wider society, supporting its goals.

The University's resources are made available to faculty, staff, and students in order to encourage the development of ideas. Intellectual property is the material or communicable result of all intellectual activity. The ownership of intellectual property and all rights pertaining to ownership are vested in its creator unless qualified by law or written agreements to the contrary.

Ownership of Intellectual Property

It is the University’s policy that the creator of intellectual property is the owner of Intellectual Property that is the result of the creator's scholarship. However, the policy exceptions are as follows:

1. Creators of intellectual property who are members of the University community own their works. At the same time, if they have used University facilities and support in creating Intellectual Property, the University has a right to share in the net revenues earned from commercializing the property.

- a. The creator of Intellectual Property will disclose to the University any proposed paid assignment, sale, license, or exploitation for profit of any Intellectual Property that is covered by the revenue sharing guidelines. The creator and University will discuss and determine ownership and revenue sharing according to this policy. Disclosure is not required for works placed in the public domain or for assignments or licenses to publishers which do not involve a fee or royalty. The disclosure is made to the Dean.
 - b. The University will have a royalty-free, non-exclusive right to use and re-use within the University any work produced jointly by a creator and the University, or recorded with the creator's permission by the University or at the University's expense. Without the consent of the creator, the University's use and re-use will be limited to the purposes for which the work was produced or recorded.
2. The University is the owner of Intellectual Property produced by a creator as a result of a contract between the University and an outside Sponsor under which rights to or ownership of the Intellectual Property are conveyed to the Sponsor or another party, and where the creator has agreed in advance to the arrangements;
 3. The University is the owner of Intellectual Property which is the result from work assigned by the University pursuant to a contract of employment;
 4. The University is the owner of Intellectual Property which results from the performance of a contract for service, agreement, or commission in which the University and the creator have agreed that the Intellectual Property will be University owned.
 5. In the event faculty collaborate to conduct research at healthcare facilities external to the university which involve the collection of specimens from human subjects or clinical trials, there will be mutual agreement that determines who has rights to the intellectual property of the data collected. In instances where it remains a shared intellectual property then an agreement will be made in writing and reviewed by both institutions for agreement.
 6. Owners of Intellectual Property may voluntarily assign or transfer any interest in the Intellectual Property to the University, including assignments made to enable the University, at its discretion, to transfer ownership to others.
 7. Where the University is the owner of Intellectual Property, it may assign or transfer any interest in the Intellectual Property to the creator.
 8. The University will not make agreements which affect a creator's ownership rights without the creator's consent.

Allegations, Review, Inquiry and Appeals Process

Refer to the Corrective Action Policy for the University's process for allegations, review, and inquiry of misconduct. Additionally, the Corrective Action Policy provides the required steps for complainant's appeal process.

Related Policies and Documents

AA-004 Corrective Action Policy