



Policy Name: Intellectual Property Ownership and Use
Approving Authority: Research Committee

Policy # RE-003
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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 the disposition of intellectual property to ensure maximum benefit to the creators, the University, and the community. The Research Committee will review this policy every five (5) years.

Purpose

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

Roles and Responsibilities

This policy applies to all faculty, visiting faculty, staff, students, and other individuals using University resources and facilities while creating or developing copyrightable works, including works of authorship under the University’s jurisdiction. The Vice President of Academics and the Vice President of Operations are responsible for the implementation of this policy. The Research Committee is responsible for oversight.

Policy

The University is dedicated to the pursuit and development of knowledge. Its mission is to enable and encourage teaching, research, and development by serving the public and making the results of intellectual inquiry available. 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, in support of these goals.

The University’s resources are made available to faculty, visiting faculty, all staff, and students in order to encourage the development of ideas. Intellectual property is the material or communicable result of all intellectual activity. Ownership of intellectual property, and all rights pertaining to it, are vested in the 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 exceptions are as follows:

1. Creators of intellectual property who are members of the University community own their works. However, 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 the 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 that do not involve a fee or royalty. Disclosure is made to the Dean, where required.
 - b. The University will have a royalty-free, nonexclusive right to use and reuse 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 results 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 that involve the collection of specimens from human subjects or clinical trials, there will be a mutual agreement that determines who has rights to the intellectual property of the data collected. In instances where it remains shared intellectual property, an agreement will be made in writing and reviewed by both institutions.
 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 intellectual property to the creator.
 8. The University will not make agreements that affect a creator's ownership rights without the creator's consent.

Allegations, Review, and Inquiry Process

Refer to the Student Corrective Action Policy for the University's process for allegations, review, inquiry of misconduct, and appeal process for student allegations. Refer to the Employee Corrective Action Policy for employee allegations.

Related Policies and Documents

AA-004 Student Corrective Action Policy
HR-018 Employee Corrective Action Policy