

**TITLE: STUDENT INTELLECTUAL PROPERTY**

**POLICY STATEMENT:**

Red Deer College (RDC) is committed to fostering a culture which promotes creativity and innovation, advances scholarship, and supports the dissemination of knowledge for public benefit. The College values academic excellence, inquisitiveness, and curiosity and seeks to instill these values in its learners. RDC encourages students' creative, innovative, and entrepreneurial endeavours and recognizes that these activities may result in the creation of Intellectual Property (IP).

**PURPOSE:**

This policy informs students of the different types of IP and IP protection. It helps students understand the extent of their IP ownership rights and the conditions under which the College may exercise an interest in student-owned IP. It provides guidelines for revenue sharing between interested parties when IP is commercialized and outlines a dispute resolution mechanism where necessary.

**SCOPE:**

This policy and the associated *Student Intellectual Property Guidebook* apply to students who create IP in the course of their enrolment at RDC. Students enrolled in collaborative degree programs are also governed by this policy to the extent that it coincides with the policies of the collaborative university where they are registered. In the case of a contradiction, the collaborative university's policies shall prevail.

**PRINCIPLES:**

1. Policies at RDC:
  - 1.1. Treat all persons fairly and respectfully.
  - 1.2. Are non-discriminatory and non-intrusive.
  - 1.3. Incorporate open, honest, and timely communication.
  - 1.4. Are made in a timely manner.
  - 1.5. Provide appropriate confidentiality and privacy.
  - 1.6. Provide appropriate access to the College and education.
  - 1.7. Ensure that all persons have access to informed support regarding policies, procedures, rights, and responsibilities.
  - 1.8. Operate with clear written expectations for conduct and handling of complaints.
  - 1.9. Meet all regulatory standards.
  - 1.10. Maintain and clearly state a high standard of instruction and administration in all areas of educational programs and services.
  - 1.11. Are communicated in alternate forms to those who require such accommodation.

2. The following principles apply specifically to this policy:
  - 2.1. The provisions of this policy are subject to the legislation of Canada and Alberta applicable to the ownership of Intellectual Property. This includes but is not limited to the Government of Canada's Intellectual Property Statutes.

#### **DEFINITIONS:**

**Academic Purposes:** teaching by RDC faculty to registered students, research and scholarly activity carried out at the College by faculty, students, and staff of RDC, or promotion of the College and its credit, non-credit, or apprenticeship programs.

**Commercialization:** the marketing, manufacturing, sale, distribution, licensing, sublicensing, transferring, granting of rights of use, or leasing of IP or products or services covered by, claimed by, or incorporating IP.

**Indigenous Works:** works created predominantly by people of First Nations, Inuit, or Métis descent. Indigenous Works include any knowledge or expression of Indigenous tradition, including: language, oral traditions, performing arts, stories, rituals, festivals, social practices, craft, visual arts, environmental and ecological knowledge, and any intellectual creation or innovation based on the preceding (adapted from the *Aboriginal Heritage Act 2006*, Parliament of Victoria, Australia).

**Intellectual Property (IP):** any form of knowledge or expression created partly or wholly with one's intellect and which can be legally protected through IP Statutes and applicable common law. The Canadian Intellectual Property Office defines the various forms of IP and the legal protections that apply to them:

- **Copyright:** protection for literary, artistic, dramatic, or musical works (including computer programs) and other subject-matter known as performer's performances, sound recordings, and communication signals. Canadian law protects all original creative works, provided the conditions set out in the *Copyright Act* have been met.
- **Industrial designs:** visual features of shape, configuration, pattern, or ornament, or any combination of these features applied to a finished article. Industrial design registration provides protection for the original visual features of a product.
- **Integrated circuit topographies:** the three-dimensional configurations of electronic circuits embodied in integrated circuit products or layout designs. Registered topographies are protected against copying.
- **Patents:** grant exclusive right to new and useful inventions (product, composition, machine, process) or any new and useful improvement to an existing invention.
- **Plant breeders' rights:** allow plant breeders to obtain exclusive rights to produce and sell reproductive material from their new plant variety.
- **Trademark:** one or many words, sounds, or designs used to distinguish the goods or services of one person or organization from those of others. The sole right to use a trademark across Canada for 15 years can be obtained by having it entered into the Register of Trademarks.

**Intellectual Property Statutes:** the Government of Canada's *Copyright Act*, *Patent Act*, *Trade-marks Act*, *Industrial Design Act*, *Integrated Circuit Topography Act*, and *Plant Breeders' Rights Act*.

**OCAP® Principles:** standing for ownership, control, access, and possession, OCAP® asserts that Indigenous peoples have control over data collection processes in their communities and they own and control how this information can be used (First Nations Information Governance Centre, 2017).

**Principal Investigator:** the RDC faculty or staff member who is identified as principally responsible for the performance and supervision of a research or IP development project.

**Student-Creator:** a student who creates, conceives, designs, discovers, develops, invents, or authors Intellectual Property.

#### **GUIDELINES:**

1. In general, students own IP in works developed as part of their normal course requirements, subject to respect for the rights of other contributors and any employment or other obligations between the student and the College or any external parties that sponsor or support the student in the development of the IP.
2. Clarity of IP ownership is particularly important should a student decide to claim copyright, register other types of IP under the provisions of IP Statutes, or commercialize their work.
3. In conjunction with its support for the processes of Truth and Reconciliation, the College is particularly conscious of the need to respect the Intellectual Property rights of Indigenous Peoples. RDC adheres to the OCAP® Principles and the UN Declaration of the Rights of Indigenous Peoples. The College acknowledges that the intellectual and cultural property rights of Indigenous peoples must be preserved and respected. RDC claims no IP ownership rights in Indigenous Works and expects its students to respect this principle.
4. Student-Creators and the College shall make all reasonable efforts to maintain the confidentiality of proprietary or business information when discussing IP and Commercialization plans. Students must not divulge or distribute works and related intellectual property belonging to a third-party client or sponsor.
5. Student-Creators shall obtain the approval of Marketing and Communications before using the College's name or logo in connection with the Commercialization of IP.
6. The Office of the Associate Vice President Academic Research and Student Affairs will serve as a resource centre to assist Student-Creators with IP questions and issues.

#### **PROCEDURE:**

1. Although students generally own the IP rights to any original work they submit or create as part of their normal course requirements, they must respect and acknowledge the IP rights of all contributors. Other contributors may include other students, RDC faculty or staff, the College itself, or a third party.
2. RDC may retain physical possession of a student's original work in certain situations (e.g. examination answer sheets). Although the College retains the work, it does not acquire the IP rights in doing so. According to Freedom of Information and Protection of Privacy legislation, RDC is required to retain graded assessments for up to one year if they are not returned to the student.
3. A RDC instructor or staff member who wishes to use a student's work for Academic Purposes must first obtain a signed release from the student.

- 3.1. In some instances, where faculty plan to use student work for research and scholarly activity, they must first consult the Research Ethics Board.
4. When students are employed by RDC, the College owns the IP rights to all works they create in the performance of their employment duties, unless otherwise provided for by law or by a written contract approved by the College and the Student-Creator.
5. In sponsored or contract research projects, ownership of IP rights may be determined in whole or in part by the regulations of the third-party sponsor or the terms of the contract.
  - 5.1. Students who are involved in College or third-party sponsored projects where IP is developed must be informed of any intent to commercialize by the Principal Investigator, who must make equitable and fair arrangements with them.
6. Students may commercialize, without the involvement of RDC, any original work they submit or create as part of their normal course requirements. They may also choose to enter into Commercialization agreements with a third party or request the assistance of the College in the Commercialization process.
7. If a dispute over the ownership of IP rights arises among creators (among Student Creators or between Student-Creators and other members of the College community) or between Student-Creators and the College, every effort shall be made by all parties acting in good faith to resolve the dispute at the lowest possible level. If the dispute cannot be settled at this level, then the matter shall be resolved according to the processes outlined in the Student Appeals Policy and the Guidebook for Student Appeals Policy.

**REFERENCE:** *Student Intellectual Property Guidebook*

**ACKNOWLEDGEMENTS:** This policy and its associated guidebook were developed with the aid of intellectual property policies from a number of Canadian institutions, with particular reference to policies from SAIT, the University of Calgary, and Lakehead University.

**OFFICER RESPONSIBLE:** Vice President Academic

**POLICY CATEGORY:** Non-Academic

**RECOMMENDING AUTHORITY:** Deans' Council

**CONSULTATION FOR REVIEW:** Associate Vice President Academic, Research, and Student Affairs; Red Deer College Students' Association; Finance; Academic Policy Committee; Research and Scholarship Committee; Research Ethics Board; School Councils; Deans' Council

**POLICY REVIEW DATE:** July 1, 2023

**EFFECTIVE DATE:** July 1, 2018

**REVISION HISTORY:** New policy

**RELATED POLICIES:**

- [Academic Freedom](#)
- [Copyright Materials Acceptable Use](#)

- [Integrity in Research and Scholarship](#)
- [Intellectual Property](#)
- [Research Involving Humans](#)
- [Scholarly Activity](#)
- Student Appeals Policy
- [Student Misconduct: Academic and Non-Academic](#)
- [Student Rights and Responsibilities](#)
- [Workplace Learning](#)

**CONNECTION TO BOARD POLICIES:**

All RDC policies support relevant Board of Governors policies.