

Nova Scotia Community College
Intellectual Property Policy
(Wednesday, July 11, 2001)

I. POLICY

This policy governs the ownership and disposition of intellectual property and creative works developed by Nova Scotia Community College personnel. All administrators, faculty, staff, and students are defined as College personnel. Intellectual property and creative works referred to in this policy include, but are not limited to, inventions, computer software, instructional materials, natural history and analogous collections, etc. Items such as creative works of art, scholarly writing, and textbooks are also considered to be intellectual property in which the College has an interest, when produced under specific arrangements approved by the College which involve significant use of College resources. A policy will be developed which will better define the conditions under which these latter items become College property and describes procedures to be followed in the distribution of income from the sale, lease, use or other transfer of this property. In the interim, such arrangements are on a case by case basis.

II. OWNERSHIP

Intellectual property or creative works developed by College personnel within their field of expertise and/or scope of employment at the College, and within the limitations described in Paragraph 1, are the property of the College. Personnel who anticipate engaging in off-campus research development, or creative activities in their area of expertise which are independent of their campus endeavors and in which such personnel may claim an ownership interest must communicate the scope of such off-campus endeavors to their Department Head and Dean or analogous supervisors, and obtain written approval prior to commencing the endeavors. Persons who develop intellectual property or creative works which arise in relation to participation in their programs of College study or through the use of College facilities, shall, at a minimum, grant the College a world-wide, royalty-free, paid-up license to the property of works for internal, non-commercial use in addition to any College claim to ownership of the property or works.

III. ADMINISTRATIVE PROCESSES

Prior to public disclosure or submission for publication, developers of intellectual property or creative works shall disclose to their Department Head and Dean any such property or works upon realization that it has commercial potential suitable for development. The College will adopt a final plan only after consultation with the developers, Department Head, and Dean (or other unit administrators).

Developers shall fully disclose to the College any financial and/or other relationships, which they have that might affect or encumber the transfer of intellectual property or creative works to any off-campus individual or entity. Examples of such required disclosures are developer consulting agreements, stock equity arrangements, employment outside the College (including director status), research agreements, etc. Prior to or contemporaneously with disclosure, developers shall obtain from all students and College personnel working on the development of the intellectual property or creative works a signed standard form "Confidentiality and Non-Disclosure Agreement." Developers shall also sign a standard form "Assignment and Royalty Agreement" with the College.

The College may, at its sole discretion, determine to release its ownership rights in the intellectual property or creative works to developers upon conditions the College deems beneficial and fair to all parties. The release of rights will be verified in writing to all parties.

IV. DISTRIBUTIONS

IV.A. Income Distribution

All revenues derived from the intellectual property or creative works will be received and administered by the College.

IV.B. Compensation for College Personnel

Revenue received by the college or by faculty research accounts must be used in accordance with College policies and cannot be used to pay bonuses or other types of compensation to College personnel over and above that approved by the job classification. The developer's personal share of the revenue also should not be used to compensate College personnel for work performed within the scope of their employment.