

Intellectual Property at Dalhousie





What is Intellectual Property?

- Patents, industrial designs, trademarks, copyright and trade secrets
- Copyright and patents are the biggest factors for research and teaching at Dalhousie



New Intellectual Property Policy

- Collects all the existing laws and policies that already exist at Dalhousie
- IP Office will provide ongoing support for Intellectual Property at Dalhousie, supplementing the Copyright Office and Office of Commercialization and Industry Engagement
- Policy was approved at the Board of Governors in April, but is undergoing revisions.



Key Issues

- Interaction between collective agreements and broader IP laws
- Relationship between graduate students and principal investigators often unclear
- Ownership of IP in sponsored environments (research agreements)
- IP for scholarly activities involving Indigenous collaborators, participants, or knowledge
- Resolving disagreements and misunderstanding



IP Ownership for DFA members

DFA Collective Agreement – Article 23

You own (by default):

- Lectures, teaching materials, exams, etc.
- All creative or artistic works covered by copyright
- Inventions, improvements, designs or developments made without the use of the Board's funds or support or technical personnel (this does not include a normal academic working environment)



DFA ownership exceptions

- Dal / the Board has free use any computer program developed in the course of the administrative duties of Members, until one year after a DFA member leaves Dal
- You own your own articles for Dal journals, but the collected work of the Journal is owned by Dal
- You can be assigned to create a specific work / teaching material to be held by Dal, under a contract
- Works produced by Continuing Education DFA members for use in Continuing Education



IP Ownership for CUPE members

CUPE Collective Agreement – Article 23

- CUPE members own lectures, but not other teaching materials, syllabi, exams, etc. (by default)
- There can be unit-specific agreements about creating teaching material that will be owned by Dalhousie.
- Agreement does not address research work or creative work.



IP Ownership for Students

Students:

- Own their work, as students, by default.
- This includes the thesis, as a collected work, though the thesis may include third-party material or co-authored works.

Research Assistants:

- It depends on the agreement between the assistant and the principal investigator.
- An agreement or discussion of IP ownership, and authorship is recommended.
- Research agreements that transfer ownership to a funder should be explained to all hired researchers, including students.



IP Ownership for other staff (NSGEU, DPMG)

- In most cases, the University owns the work you create in the course of your employment.
- This includes any assigned tasks, or regular job duties.
- Contractors own the rights to their work unless stated by agreement.



Other scenarios

- External research agreements
- Co-authored / co-researched material
- Indigenous Research
- Third-party material
- Direct board funding (outside of normal salary and academic resources)
- Patents through the Office of Commercialization



External research agreements

- Research and collaborative agreements usually have an IP Clause
- Legal counsel and the IP Office can help advise and negotiate these clauses with the funders
- In many cases, you are transferring ownership to the funder, or giving them a non-exclusive right to use the work you create

Publishing agreements function similarly, and you are often transferring copyright to the publisher



Co-authored / co-researched material

- Co-authors jointly hold copyright by default, unless there is an agreement to the contrary
- For instance, two DFA members will jointly hold copyright in a co-authored article
- This means you may need the permission of your co-author before using these works for future research
- Discuss copyright and ownership with your co-authors before you begin research and writing



Indigenous Research

- IP for research or community engagement involving Indigenous peoples or communities usually remains with the community (data, publications, inventions, etc.)
- In some scenarios, IP for these scenarios may be jointly held, if the participants agree
- In all cases, the ownership and use of IP should be decided based on local guidance, and relevant guidelines including the TCPS 2:

https://ethics.gc.ca/eng/tcps2-eptc2_2022_chapter9-chapitre9.html



Related Services

[Copyright Office](#) – Copyright for teaching and learning, purchase of materials or licenses, seeking permission for third-party material

[Office of Commercialization and Industry Engagement](#) – Patent advice and services

[Office of Research Services](#) – Indigenous research resources and advising



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