

	Policy on Commercialization #5.5	
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APPROVAL: Senate		
SPONSOR: Vice-President, Research		
CONTACT: Director, Research Services		
PREVIOUS VERSIONS: N/A		

Policy Description:

In January 2022, the Province of Ontario issued its Commercialization Mandate Policy Framework (the ‘Provincial Framework’), which seeks to improve the province’s intellectual property position by “improving commercialization outcomes and realizing the benefits of policy-funded research and innovation”.

This Policy document outlines the initiatives, practices, and procedures that OCAD University (the “University” or “OCAD U”) is undertaking to meet the requirements set out in the Provincial Framework to ensure that made-in-Ontario innovations provide benefit to Ontario, and to Canada more broadly.

Scope:

This Policy applies to all Intellectual Property created by a Faculty, Staff and/or Student in the course of their employment by the University, and/or enrollment at the University, and/or with use of University Facilities as described in the OCAD University Policy on Student Intellectual Property and OCAD University Policy on Intellectual Property Rights.

1. Management and protection of IP

OCAD University is committed to knowledge sharing for its inherent value to society, while recognizing the importance of creating Intellectual Property (IP) and its potential commercialization in such a manner as to provide benefit to Ontario, and to Canada more broadly. OCAD University recognizes that IP and the right to commercialize remains with the Researcher or Community/Creator of the IP.

OCAD University recognizes that its faculty, staff, and students embark on research and creative exploration that result in noteworthy and valuable cultural production, discoveries, novel expressions of ideas, and unique inventions, and that some of these are of commercial significance with social, cultural and broader economic impact.

OCAD University is committed to ensuring that all creators of IP at the institution have access to supports and resources to ensure their IP rights are protected.

1.1. Ownership of Intellectual Property - Faculty and Student(s)

Ownership of IP shall be guided by Appendix A to the Memorandum of Agreement, entitled OCAD University Policy on Intellectual Property Rights, and the Policy on Student Intellectual Property (7004).

2. Roles and responsibilities

2.1. Office of Research and Innovation

The Office of Research and Innovation (ORI) provides support to faculty, staff, and students to help them understand their IP rights as related to research-based inventions and to provide initial guidance vis-à-vis potential commercialization. ORI staff is responsible for:

- reviewing and drafting agreements with external research partners involving Intellectual Property developed by faculty, students and staff through funded research activities,
- coordinating the receipt and evaluation of Invention Disclosures, and
- providing guidance to faculty, staff and students on the availability of external IP resources and supports.

2.2. Centre for Emerging Artists & Designers

The RBC Centre for Emerging Artists & Designers supports and develops entrepreneurship among students and alumni. CEAD staff is responsible for:

- Helping students and alumni learn more about patent and IP rights through programming, mentorship, resources, and workshops that explore the basics of starting a business.

3. Increasing IP capacity

OCAD University is committed to strengthening its Intellectual Property capacity by providing access to IP Education and Awareness resources to all students, faculty and staff. Available

resources include:

- Workshops and information sessions on creative entrepreneurship and Intellectual Property protection
- Online tools and resources on IP literacy and entrepreneurship for emerging artists and designers including [Creating in the Greyscale](#) and the [Idea to Action Worksheet](#).

Additional free resources are available through:

- [Intellectual Property Ontario \(IPON\)](#)
- [Canadian Intellectual Property Office \(CIPO\)](#)
- [Intellectual Property Education Program, University of Toronto](#)
- [Centre for International Governance Innovation \(CIGI\)](#)

4. Invention Disclosure

The invention disclosure policies that guide OCAD University's activities with respect to IP protection and commercialization will be guided by Appendix A to the Memorandum of Agreement, entitled 'OCAD University Policy on Intellectual Property'. Invention disclosures are to be submitted in writing to the Office of Research & Innovation using the appropriate forms if the IP holder intends to pursue commercialization in partnership or individually.

5. Net benefit to Ontarians

The commercialization activities of OCAD University are guided by the principles of providing net benefit to our internal community of artists and designers, and the public of Ontario, Canada, and to global communities more generally.

OCAD U Faculty, staff, or students are encouraged to share innovative project development with the University if they believe their research could or will be commercialized or if it could be utilized for social innovation.

OCAD U recognizes that typically inventions in the art and design post-secondary sector are in the early- to mid-stages of development and the University's interests include the development of such products to benefit the primary researchers as well as the wider University and provincial communities.

In concert with the principles held by other small universities in the sector, OCAD U acknowledges that intellectual property protection can and does incentivize individuals and companies to pursue projects and products that have commercialization potential.

In commercializing art and design elements and technologies with net benefit to Ontario and Canada the following framework is considered:

- a. Providing non-commercial license for research purposes
- b. Accelerator programs to support internal and provincial clients
- c. Knowledge mobilization
- d. Ontario based investment and growth
- e. Social innovation for Ontario

OCAD U intends to work closely with Intellectual Property Ontario (IPON) to raise awareness and build capacity for the operational commercialization of product development within our University and the wider sector.

Any net revenue that OCAD University may receive as a result of the application of the Policy on Intellectual Property Rights shall be dedicated to research and other forms of scholarly activity and OCAD University shall report annually to the OCAD University community on the use of all net revenue for the support of research, scholarship and creative activity.

6. Institutional engagement with the innovation ecosystem

Partnering enables researchers and administrative units at OCAD University to leverage opportunities complementing our mandate and aspirations to be a centre of research excellence in the art and design sector. OCAD University's ORI works with its partners and collaborators to accelerate commercialization by connecting the institution with public and private sector partners (e.g., those in health care, fine arts, design, media, or other related industries) in the Greater Toronto Area, as well as provincially in Ontario, nationally in Canada, and globally to broaden the entrepreneurial ecosystem for our faculty, staff, and students.

OCAD U has existing partnerships across most sectors of the Canadian economy and strong links across the following areas of concentration:

- Inclusive Design and Design Research
- Cultural Industries (Art Galleries, Museums, Media Organizations)
- Healthcare Organizations and Hospitals
- Digital industries
- University partners in Ontario, in the arts and design sector in Canada, and internationally
- Government Organizations: Provincial, Federal, and Municipal
- Real-estate Development
- Financial Services, Banking, and Business Development
- Manufacturing

References

Commercialization Mandate Policy Framework, Ontario Ministry of Colleges and Universities
[Canadian Intellectual Property Office](#)
[Intellectual Property Ontario](#)
[OCAD University Policy on Student Intellectual Property](#)

Definitions

“Commercialization” means the assignment, licensing, manufacturing or production of IP as well as the protection of IP, including, but not limited to, obtaining patent protection and copyright registration, with the goal of financial return.

“Intellectual Property (IP)” means any result of intellectual, design, literary or artistic activity giving rise to a copyright, patent, trade-mark, industrial design or trade secret that accrues to intellectual property by statute, application, or registration, or other rights accruing under this Policy, whether or not protected by statute, including:

- a. Inventions, arts, processes, machines, compositions of matter and improvements;
- b. Original literary, dramatic, artistic, and musical works as well as sound recordings, performer’s performances and communication signals , including but not limited to: publications, notes, books, texts, articles, monographs, glossaries, bibliographies, cartographic materials, modular posters, study guides, laboratory manuals, correspondence course packages, interactive textbooks, websites, course work delivered on the Internet, including distance education, multimedia instructional packages, course syllabi, tests and work papers, course lectures, public lectures, choreographic works, unpublished scripts, films, filmstrips, charts, transparencies, other visual aids, video and audio tapes and cassettes, computer software, computer programs and code of all types, layouts, interfaces, applications and tools, all databases and database layouts, live video and audio broadcasts, programmed instructional materials, drawings, paintings, sculptures, photographs, works of visual art and music (including any software which expresses the said notes, manuals, artifacts or works), and productions (including sound, video, film, hypertext multimedia);
- c. Proprietary information, trade secrets and know-how;
- d. Industrial designs, architectural designs, environmental designs and artistic designs;
- e. Tangible research property including research data, and databases, integrated circuit topography, engineering drawings, engineering prototypes and other property which can be physically distributed, whether or not any such property is registrable or registered, or the subject of applications for registration;
- f. And all other products of research or discovery which are protected by law, including by a statutory regime, or which may be licensable.

The fundamental rules guiding intellectual property (IP) rights are outlined by: Canadian law including the Patent Act, the Copyright Act, the Industrial Design Act, the Trade-marks Act, as well as the Integrated Circuit Topography Act and the Plant Breeders’ Rights Act.

“Faculty” are those who teach within the OCAD U credit curriculum, Maximum-Load or Partial Load, and who have one of the following appointments:

1. Sessional;
2. Teaching-Intensive Stream;
3. Contractually Limited Term Appointment (CLTA);
4. Continuing;
5. Probationary; or
6. Tenured.

“Patent” refers to an invention. An invention is eligible for patent protection if it is:

- new (first in the world),
- useful (functional and operative), and
- inventive (showing ingenuity and not obvious to someone of average skill who works in the field of your invention).

The invention must also be:

- a product (example: a door lock),
- a composition (example: a chemical composition used in lubricants for door locks),
- a machine (example: a machine for making door locks),
- a process (example: a method for making door locks), or
- an improvement on any of these.

“Academic Staff” refers to technicians, academic counsellors, and teaching assistants as per Article 28 of the OCAD University Faculty Association Memorandum of Agreement.

“Student” means any person taking one or more courses at the University, either full-time or part-time, in any program of study, including special students. For clarity, a student is a person who is registered in a University course of study and/or engaged in any academic work that leads to the assigning of a mark, grade or statement of performance by the appropriate authority within the University and/or entitled to a valid student ID card who is between sessions.

“University Resources” include but are not limited to OCAD University’s physical structures, research laboratories, capital equipment, technical facilities, services and personnel. OCAD University services include the administration of funds received by OCAD University in the form of grants, contracts or other support provided by OCAD University or external sponsors.

“Works” include but are not limited to books, texts, articles, monographs, cartographic materials, modular posters, course work, tests and work papers, lectures, musical and/or dramatic compositions, choreographic works, performers’ performances, unpublished scripts, films, filmstrips, charts, transparencies, other visual aids, video and audio tapes and cassettes, computer programs, live video and audio broadcasts, drawings, paintings, sculpture, photographs, and other works of art.