



Intellectual Property

OBJECTIVES

The objective of the present policy is to set forth the general principles governing ownership of intellectual property created or acquired as part of projects in which Genome Canada is directly or indirectly involved. Also, Genome Canada wishes to ensure proper management of the intellectual property created or acquired within the Genome Centres through large-scale projects to which Genome Canada shall collaborate.

Access to research tools is a prerequisite to continuing scientific advancement. The term « *research tools* » is used in its broadest sense to embrace the full range of tools that scientists use in the laboratory, including cell lines, monoclonal antibodies, reagents, animal models, growth factors, combinatorial chemistry and DNA libraries, clones and cloning tools (such as PCR), methods, laboratory equipment and machines. Databases and materials subject to copyright, such as software, are also research tools in many contexts. Although the information provided here may be applicable to such resources, Genome Canada recognises that databases and software present unique questions which cannot be fully explored in this document.

Ensuring broad access while preserving opportunities for product development requires thoughtful, strategic implementation of the above general principles. Genome Canada urges Participants to develop patent, license and material sharing policies with this goal in mind, realizing both product development as well as the continuing availability of new research tools to the scientific community.

1. OWNERSHIP OF INTELLECTUAL PROPERTY

- 1.1. In its dealings with Federal or Provincial government departments or Crown Corporations, private sector companies, universities, research hospitals or any other participants (the "*Participants*"), Genome Canada shall promote and facilitate product development and encourage ownership, by such Participants, of intellectual property created or acquired as part of projects in which Genome Canada is directly or indirectly involved in accordance with each of the Participants' internal intellectual property policy and Provincial and Federal legislation, if applicable.
- 1.2. Without limiting the generality of the foregoing, and as a means of illustration, intellectual property created or acquired within the Genome Centres shall belong to the researchers by whom the work was completed and/or their institutions, as the case may be, and intellectual property derived from work completed by Genome Centres for industrial clients on a fee for service or contractual basis shall be vested in such industrial clients.

2. EXPLOITATION OF INTELLECTUAL PROPERTY

- 2.1. Participants and Genome Canada shall use their best efforts to ensure intellectual property created or developed by Genome Canada or a Participant is exploited, including licensing, in a way which maximises benefits for Canada.

3. PROTECTION OF INTELLECTUAL PROPERTY

- 3.1. Genome Canada shall require from Participants the implementation of proper mechanisms for the protection of intellectual property, in accordance with Provincial and Federal legislation, if applicable, including without limitation, the execution of non-disclosure and confidentiality covenants by employees of Participants.
- 3.2. Except for intellectual property derived from work done for industrial clients on a fee for service or contractual basis, results of the projects must become readily available and accessible to the public in pursuing the furtherance of scientific knowledge through public communication and Genome Canada shall encourage the publication and disclosure of results of the projects, while respecting internal intellectual property policies, Provincial and Federal legislation and commercial interests of the Participants.