

Commercializing Intellectual Property in Universities

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Why is IP important?

- ✿ Money
- ✿ Control
- ✿ Ownership
- ✿ Respect
- ✿ Access to information
- ✿ Financing
- ✿ ...
- ✿ Monopoly
- ✿ Ethics
- ✿ Learning
- ✿ Market
- ✿ Seeking permission
- ✿ Creations
- ✿ ...
- ✿ Collaborating
- ✿ Knowledge
- ✿ Helping
- ✿ Using
- ✿ Reading
- ✿ Ideas
- ✿ Sharing
- ✿ ...

Presentation Outline

✿ Patents

- ✿ Quick primer
- ✿ Financing
 - ✿ Governments
 - ✿ Private enterprises
- ✿ Ownership and labour relations
- ✿ Not a patent (software, math)

✿ Copyright

- ✿ Quick Primer
- ✿ The digital question
- ✿ Open access / tragedy of the commons
- ✿ Fair dealings and seeking permission (chilling effect)
- ✿ Theses Canada

✿ Commerce, the University mission, some thoughts for the CFS-GSC

Other Types of IP

✿ Plant varieties

- ✿ Trade-mark: a word, symbol or design (or any combination of these features), used to distinguish the wares or services of one person or organization from those of others in the marketplace;
- ✿ Industrial designs: the visual features of shape, configuration, pattern or ornament (or any combination of these features), applied to a finished article of manufacture;
- ✿ Integrated circuit topographies refer to the three-dimensional configuration of the electronic circuits embodied in integrated circuit products or layout designs

Patents - Primer

- ✿ Monopoly on making, using or selling an invention
- ✿ Covers new inventions, or any new and useful improvement of an existing invention
 - ✿ process, machine, manufacture, composition of matter
- ✿ Lasts for 20 years after filing
- ✿ You must disclose your invention in the patent application (alternative is secrecy)
 - ✿ This allows others to innovate, but not use
- ✿ You must file for patent in all countries

Patents - Financing

✿ Governments

- ✿ If gvmt agencies control allocation of research grants, is that equivalent to telling what researchers can do or not?
- ✿ What of academic freedom?
- ✿ And the social watchdog function of universities?

✿ Private Enterprises

- ✿ More and more, researchers are asked to compose with private research grants
- ✿ Will they ask for a stake in the IP?
- ✿ Is this research independent and unbiased?

Patents - Ownership

- ✿ Research centers with faculty from multiple organizations
- ✿ Who owns the research results ?
 - ✿ Those that have financed the research?
 - ✿ The institution? The Faculty?
 - ✿ Do grads get a stake in the results?
- ✿ Look at:
 - ✿ Faculty union/work contract
 - ✿ Research grant contract (private or public)
 - ✿ In all institutions involved!
- ✿ If a researcher uses private money, will she be able to “give away” the results?

This is neither a patent, nor ©

- ✿ Some “works of the mind” do not fair well with intellectual property
- ✿ Math is a great example (think formulas)
 - ✿ Facts may not be protected by copyright
 - ✿ Patents cover processes, not ideas
- ✿ Computer software is protected by © but scientists would prefer patents
 - ✿ Better for tenure

Copyright © - Primer

- ✿ Protection for literary, artistic, dramatic or musical works (including computer programs) as well as performances, sound recordings and communication signals
- ✿ Monopoly on exploitation if in fixed format and original
- ✿ May be assigned
- ✿ All rights reserved, except...
- ✿ 50 years after the death of creator
- ✿ Automatic application in most countries
- ✿ Goal is to protect markets rather than anything else
- ✿ The Internet does not exist in Canada

© - The Digital Question

- ✿ In 1996, WIPO established 2 “Internet treaties” (WCT, WPPT)
 - ✿ Intense lobbying from rights holders
 - ✿ If you can’t change the laws locally (pesky democracies), go International
- ✿ In Canada, “studying” the issue
 - ✿ But we have yet to change our law
- ✿ Difficulty of rolling out digital classrooms

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✿ Tragedy of the commons

"That which is common to the greatest number has the least care bestowed upon it"

Aristotle

✿ How many times do you pay for you own work?

✿ Creative Commons

✿ Universities and their libraries are creating "institutional repositories"

http://en.wikipedia.org/wiki/Tragedy_of_the_commons

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- ✿ Seeking permission
- ✿ Chilling effect

Duke Law >> Center for the Study of the Public Domain
>> Tales from the Public Domain: BOUND BY LAW?



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Commercialization

- ✿ Client university or citizen university?
- ✿ What is your university's mission?
- ✿ Are its policies and practices in line with the mission?
- ✿ What could be your role in addressing this?



Finding Olivier

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The background of the slide features a dense pattern of vibrant green leaves in the upper portion, transitioning into a blue-green water surface with white ripples in the lower portion. A semi-transparent white rounded rectangle is centered on the slide, containing the text.

Fin.

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