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

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

版权
- 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

- **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.

[http://strategis.gc.ca/sc_mrksv/cipo/patents/pat_gd_protect-e.html#sec1](http://strategis.gc.ca/sc_mrksv/cipo/patents/pat_gd_protect-e.html#sec1)
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

http://strategis.gc.ca/sc_mrksv/cipo/patents/pat_gd_protect-e.html#sec1
Patents - Financing

Governments
- If gvt 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 fare 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

http://strategis.gc.ca/sc_mrksv/cipo/patents/pat_gd_protect-e.html#sec1
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 your 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?
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?
Fin.

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