



Date of Issue	September 2009
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Subject	INTELLECTUAL PROPERTY RIGHTS
References	Intellectual Property Policy 2260
Links	
Contact	Business Services

1. Purpose

1.1 This Administrative Procedures Memorandum (APM) provides guidance to employees of the Simcoe County District School Board (board) to recognize products for which the board has intellectual property (IP) rights. This APM outlines the process for staff and contracted staff to follow when creating, loaning, transferring and distributing board IP.

2. Description

2.1 Intellectual property is the product of human intellectual or creative activity which has the potential to be protected in law. Similar to owning physical property, institutions and individuals can own the products of their creativity or intellect. Owners can control the use of their property by for example excluding others from its use and can transfer ownership rights.

2.2 Intellectual property rights can be attributed to: ideas that can be documented; unique names, logos or symbols; trade-marks; business methods; industrial processes; inventions; computer software; literary creations, artistic expressions, musical, or visual works; electronic circuits; presentations and publications.

3. Board Intellectual Property Rights

3.1 Where IP is created within the employment relationship by staff or contracted staff, the board holds the legal property rights. The IP product may use board resources or expertise, or may be tasks or responsibilities assigned to staff or contracted staff, or may be tasks done on board time by staff or contracted staff.

3.2 An employee or contracted staff cannot enter into a contractual arrangement outside of their employment contract with the board which obligates them to generate IP during their regular duties with the board or to use board resources in the development of IP.



- 3.3 Employees freely share personal learning resources created to meet their responsibilities to the board. A product developed from these personal learning resources which has the potential for financial value in the marketplace becomes board IP.
- 3.4 The ownership of IP products developed by an external contract is board property unless explicitly identified otherwise in the negotiated terms of the agreement.
- 3.5 Clarity in the delineation of IP ownership shall be sought in consultation with the Superintendent of Business Services.

4. Process to Loan, Transfer and Distribute

- 4.1 Prior to loaning, transferring and distributing board IP, authorization of the Superintendent of Business Services is required using Form XX-1. This authorization process is not intended to limit the external use of board IP but is intended to protect and communicate the board's IP legal rights.
- 4.2 When the board and its employees share and collaborate on IP works with other boards and organizations the ownership, loan, transfer and distribution of the IP is according to the terms of the negotiated agreement.

5. Notice to Employees

- 5.1 Supervisors are responsible to ensure their staff and individuals on contract are informed of the content of this APM.

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Revised

Issued under the authority of the Director of Education



**AUTHORIZATION TO LOAN, TRANSFER AND DISTRIBUTE
BOARD INTELLECTUAL PROPERTY**

1. Intellectual Property Name and Description

(Include characteristics to distinguish it from other similar products)

2. Request For Authorization

As creator of the above named intellectual property, this request is for authorization to:

Loan Transfer Distribute

The recipient individual and/or organization of this board IP is: _____.

Creator: _____

Title: _____

School/ Department: _____

Signature: _____

Date: _____

3. Authorization Recommendation

Name (creator's supervising manager, principal or superintendent): _____

Title: _____

School/ Department: _____

Signature: _____

Date: _____

4. Authorization

Name: _____

Superintendent of Business Services

Signature: _____

Date: _____