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Parent Policy: Patent Policy

Declaring Best Interests of Inventor (Section 10 Variation of Patent Policy) Procedure

Office of Administrative Responsibility:	Research Services Office
Approving Authority:	Vice-President (Research)

Purpose

Where the University believes that such agreements are in the best overall interests of the University and the **inventor**, Section 10 of the Patent Policy permits "the University to enter into certain contracts, grants, sponsorships and research agreements on its behalf or on behalf of certain of its members, with industrial companies, government agencies and other bodies", that "may contain provisions, whereby all **patentable intellectual property (PIP)** are licensed to such companies, agencies and other bodies or assigned to the University and licensed to such companies, agencies or other bodies, and may contain provisions which are at variance with the provisions of the Patent Policy."

The purpose of this procedure is to provide a means through which a **principal investigator** can provide information to assist the University in determining whether a proposed contract, grant, sponsorship or research agreement is in the best overall interests of the University and the inventor.

Definitions

The attached definitions table outlines the terms used in this procedure and any specific rules of interpretation that apply.

Scope

Compliance with University procedure extends to all members of the University community.

This procedure does not apply to **technical service agreements**.

Procedure

An individual who will be designated as the principal investigator of research to be undertaken pursuant to a contract, grant, sponsorship or research agreement to be entered into by the University pursuant to Section 10 of the Patent Policy may advise the University of the interests of that individual in relation to the relevant contract, grant, sponsorship or research agreement through completion and submission of a Declaration of Interests of Principal Investigator Form.

The principal investigator will consider the following when completing the Declaration of Interests of Principal Investigator Form (hereafter referred to as the "Declaration of Interests").

1. The completion and submission of a Declaration of Interests is voluntary and no individual is required to complete and submit a Declaration of Interests. An individual who chooses to complete and submit a Declaration of Interests must be accurate in statements of fact contained in such Declaration of Interests but is entitled to complete the Declaration of Interests without influence or pressure from the University and is entitled to seek independent advice from persons of the principal investigator's choosing.

2. The University will accept the Declaration of Interests as an accurate statement of the beliefs of the individual completing and submitting the same. The University is entitled to use the Declaration of Interests in the establishment of the relevant contract, grant, sponsorship or research agreement and in assessing whether it believes a contract, grant, sponsorship or research agreement is in the best overall interests of the University and the inventor.

3. Verification of Applicability – A contract, grant, sponsorship or research agreement may be entered into by the University pursuant to Section 10 of the Patent Policy only if the research to be undertaken is within the area of research at the University of each of the members of the University participating in such research including faculty, researchers, staff and students, whether registered for credit or not. The participation of a member of the University in undertaking such research constitutes an acknowledgment by such member that such research is within that member's area of research as contemplated in the Patent Policy.

4. A Declaration of Interests may be completed and submitted at any time prior to the execution of the relevant contract, grant, sponsorship or research agreement.

Definitions

Any definitions listed here apply to this policy document only with no implied or intended institution-wide use. For clarity, defined terms listed here include grammatical variations thereof.	
Inventor	The creator or creators of patentable intellectual property.
Patentable Intellectual Property (PIP)	Includes patents; patentable ideas, including but not limited to plant cultivars, germ plasm, and computer software that is capable of being legally protected by patent, whether in Canada or elsewhere. This Procedure does not apply to copyrights on work published or unpublished.

Principal Investigator (PI)	The person on a research proposal, application, agreement, contract or award responsible for the conduct of the research project.
Technical Service Agreements	The application of a particular existing expertise rather than original research. They have the following characteristics: • Use of existing knowledge, skills or expertise to provide a service • Use of University of Alberta facilities, resources, and time • Start and end dates of project are defined • Partial payment in advance with a percentage holdback tied to deliverables is preferred; payments can be made, however, after services are complete Knowledge or skills developed or utilized by the University of Alberta in provision of the services is owned by the University of Alberta.

Forms

- Declaration of Interests of Principal Investigator Form

Parent Policy Suite

- Patent Policy
- Commercialization of Patentable Intellectual Property Procedure
- Declaring Best Interests of Inventor (Section 10 Variation of Patent Policy) Procedure

Related Policy Documents

- There are no related policy documents for this procedure.

Related Links

- There are no related links for this procedure.

For questions surrounding policy document interpretation or implementation, please contact the Office of Administrative Responsibility.

The official version of this document may be obtained from https://www.ualberta.ca/policies-procedures/index.html