



**SIMON FRASER UNIVERSITY**  
**Policies and Procedures**

**Date**  
October 1, 1992

**Number**  
R 30.02

**Revision Date**  
July 27, 1995

**Revision No.**

## Patent Policy

**This policy has been superseded by R30.03 effective July 22, 2004. R30.01 and R30.02 will remain in effect for intellectual property created on or before July 21, 2004.**

### General

#### 1. Objectives

The objectives of the University patent policy are:

- a. to provide an incentive to research development and innovation,
- b. to provide a service to faculty and staff for effective development and utilization of discoveries, when such development would be in the public and University interest,
- c. to provide the possibility of extra funds to promote and aid independent research and development in the University, and
- d. to provide a check on possible University obligations that may be involved in patents relating to contract research carried out in the University.

#### 2. Principles

- a. Research done solely in anticipation of profit is incompatible with University research activity. However, the University and the inventor have a responsibility in the course of University research, and ideas or processes may be developed, on which, in the public interest, patents should be sought.
- b. The University recognizes, under existing patent law, that the University inventor - be it a member of faculty, staff or the student body - has the first right of ownership to patents, even if the patentable process or development was produced solely using University time and facilities. This principle or guideline may not apply in the case of outside contract research that may have particular terms regarding patents.
- c. The University rejects the alternative and more restrictive principle of requiring faculty and staff to assign patent rights to the University in advance, i.e. as a condition of employment. Rather, the University desires to provide a service and incentive by helping faculty and staff in the complicated area of patenting on the basis that they have the first right to patents on their discoveries arising out of work in the University, and should be free to choose whether they wish to pursue a patent on their own or to avail themselves of the services of the University in this regard.
- d. The University has a strong interest in maintaining complete freedom of research and the unrestricted dissemination of information.

The University wishes to encourage the publication by faculty members and others in the University of any of their findings from research and wishes to prevent any restrictions being placed in the way of such publication. The University therefore,

encourages its researchers to avoid contract research which, through patent or other agreements, in any way restricts the freedom of publication. However, researchers are reminded that in most countries publication introduces deadlines on patent filing.

### **Policy**

1. Simon Fraser University recognizes that in law, patent rights to any invention made by a faculty, staff or student inventor of the University on University time, belong to the inventor unless there is a written contract to the contrary, between the inventor and the University and/or a sponsoring agency, assigning such patent rights to the University or to the agency.
2. Before pursuing a course of action on patenting any discovery arising out of his/her University research, a faculty or staff inventor is required, as University policy, to report his/her intentions to the department chair or advisor. This policy is in no way intended to place any restriction by the University on the inventor regarding possible pursuit of a patent. Rather it is required because of possible University obligations regarding contract research and patents, because of the University's legitimate interest in being informed of the University activities of its faculty, staff and students in this area, and because of its desire to communicate the existence of its services regarding patenting to the inventor.
3. If it is determined that no University or other obligations exist regarding the patents of a discovery which a faculty or staff member brings forth, and once the University services to aid in patenting have been made clear to the faculty or staff inventor, he/she shall be absolutely free to decide whether to proceed on his/her own or to ask the University for aid in patenting. University services

3. If it is ascertained by the Vice-President, Research that the patent rights do not belong to any agency or to the University, and once the inventor has been made cognizant of the University patent service and the conditions of utilizing this service, the inventor, if he/she wishes to proceed with an attempt to have the invention patented, will have the choice of:

a.