

BARGAINING ALERT!

University Proposes It Should Own All Patentable Intellectual Property



The University Administration has proposed significant changes to the Article on Intellectual Property. Under their

proposal, the University would own all inventions created by Faculty Members. Inventions would include everything that could be patented. However, Faculty Members who were "acknowledged claimants" (inventors who have made a disclosure of an invention to the Office of the Vice-Principal (Research)) would have the right to decide whether to commercialize their inventions.

The Administration's proposal is similar to one that they made in the last round of bargaining in 2005 for the FLABU agreement. The Administration's bargaining team has explained that their proposal would make it easier to finance the commercial exploitation of inventions by reducing the risk of undisclosed claimants.

Under the current rules, Faculty Members own the intellectual property that they create. If they decide to commercialize their inventions, they can do so by entering into an arrangement with PARTEQ. PARTEQ then attempts to raise development capital from third parties. However, any third party runs the risk that there may be other Faculty Members or students who claim that the invention is (at least in part) theirs. The University Administration argues that this risk would be reduced if the University owned all inventions created by Faculty Members. Disputes might still arise within the University, but the Administration suggests they would not impact on the rights of third-party investors.

The University Administration's proposal does not eliminate the risk that there may be undisclosed claimants who are not covered by the Collective Agreement (such as students or faculty from other institutions), or the risk that unacknowledged creators might seriously affect any patent by the publication of their inventions. Nor does the proposal examine alternative ways to ensure that all potential claimants are identified before commercialization begins.

The full text of the University Administration's proposal is available at: <http://www.qufa.ca>. QUFA would like to hear from Members about this proposal. Please send your comments to qufa@queensu.ca.

Other Bargaining News

The following Articles have been signed off:

Article Number	Name	Date
Article 7	Association Rights	14 Mar. 2008
Article 23A	Privacy (new)	11 Feb. 2008



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