

March 4, 2005

**Bargaining Update
Intellectual Property -
Proposed Changes to Existing Article 16**

The University Administration has proposed changes to the Intellectual Property Article of the Collective Agreement.

Under the existing Collective Agreement, all Intellectual Property, including inventions that could be patented, are owned by the Member who creates or invents it. The Member can decide whether to commercialize the invention and PARTEQ is given a first right of refusal to undertake this commercialization. The University Administration has argued that this arrangement hinders attempts to commercialize because of the uncertainty about who may be the inventor. They claim it is difficult to obtain investments because of the risk that other Queen's employees may come forward with a claim to ownership.

The University Administration has proposed that this uncertainty could be reduced if the University owned all inventions created by Members -- at least in the first instance. Members who created the invention would still have absolute control over whether there should be any attempt at commercialization and the right to have the intellectual property assigned to them, so that the Member could commercialize elsewhere, if PARTEQ declined to undertake commercialization.

The University Administration's proposal does not prevent disputes arising amongst collaborators about who participated in the invention and who should benefit from it. However, if such claimants are University employees, their claims will not affect the rights of any outside investor who has been granted either the intellectual property or a licence to use the property by the University through PARTEQ.

Before QUFA adopts a position on the University's proposal, we would like to hear from concerned Members. Any Member who is interested in this matter and would like to see or comment on the proposed text should contact the Bargaining Team c/o the QUFA Office before March 23.

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