

Ontario College Intellectual Property Survey Report

College Employer Council

May 2021



Ontario's College Employer Council confidentially surveyed its 24 members in the Spring of 2021 about the **Intellectual Property (IP) policies and practices** at their institutions; with a focus on **applied research activities in which those faculty, staff or students engaged were employed and/or paid for their effort. Curriculum-related IP was NOT addressed.** This public report summarizes the 21 survey responses.

IP policies were considered with respect to three applied research scenarios:

- General - when the institution is providing the necessary resources and support;
- Grant - typically when a funding agency is providing funding; and
- Contract – where usually industry is the funder.

Ownership/access to commercial rights of non-curriculum related IP primarily depends upon the applied research situation (General, Grant or Contract) and/or the funder. For “General” scenarios Institutional IP ownership was most frequent (eight citations) compared to Creator-owned IP (six citations). Predominately in “Grant” or “Contract” scenarios the IP ownership and/or commercial rights were ultimately granted by the institution to the industry and/or the funding partner(s). Virtually all Institutions granted their industry partner ownership and/or commercial rights of/to the IP resulting from industry-supported applied research projects. Only two of 21 Institutions have ever collected royalties or other form of payment for commercial rights to, or ownership of, research-related Foreground IP. Institutions typically retained rights for further research and education purposes.

In the last five Fiscal Years¹ for which NSERC Award data was available the 24 NSERC-eligible Ontario colleges² received 789 awards³ totalling \$76,571,694 (primarily from Research Partnership programs), with an average award value of \$97,049. The total number of awards per college ranged from 0 to 154.

The majority of colleges (~81%) have less than 5% of their Faculty engaged in funded grant or contract applied research; the balance have 5 to 10% of their Faculty engaged. Colleges retain IP from research results for further research & education purposes; while students can include their participation in industry-sponsored applied research projects on their resumes.

In summary, enabling IP ownership and/or commercial rights to the IP was essential in attracting industry partners (particularly Small- and Medium-sized Enterprises) to undertake collaborative applied research with the college sector. This is a significant value proposition which supports community economic development. Colleges routinely and freely grant IP ownership and/or commercial rights to industry partners. Colleges and industry both appear to have little interest in negotiating IP rights and licenses (only two of 21 Colleges in Ontario have ever received any royalties or other form of payment for IP rights). Colleges are leaving the commercialization of applied research results to Industry. One college indicated ***“we believe that the Province is better served when the public sector research institutions support the commercial success of our partners rather than engaging in licensing or seeking to control the IP”***.

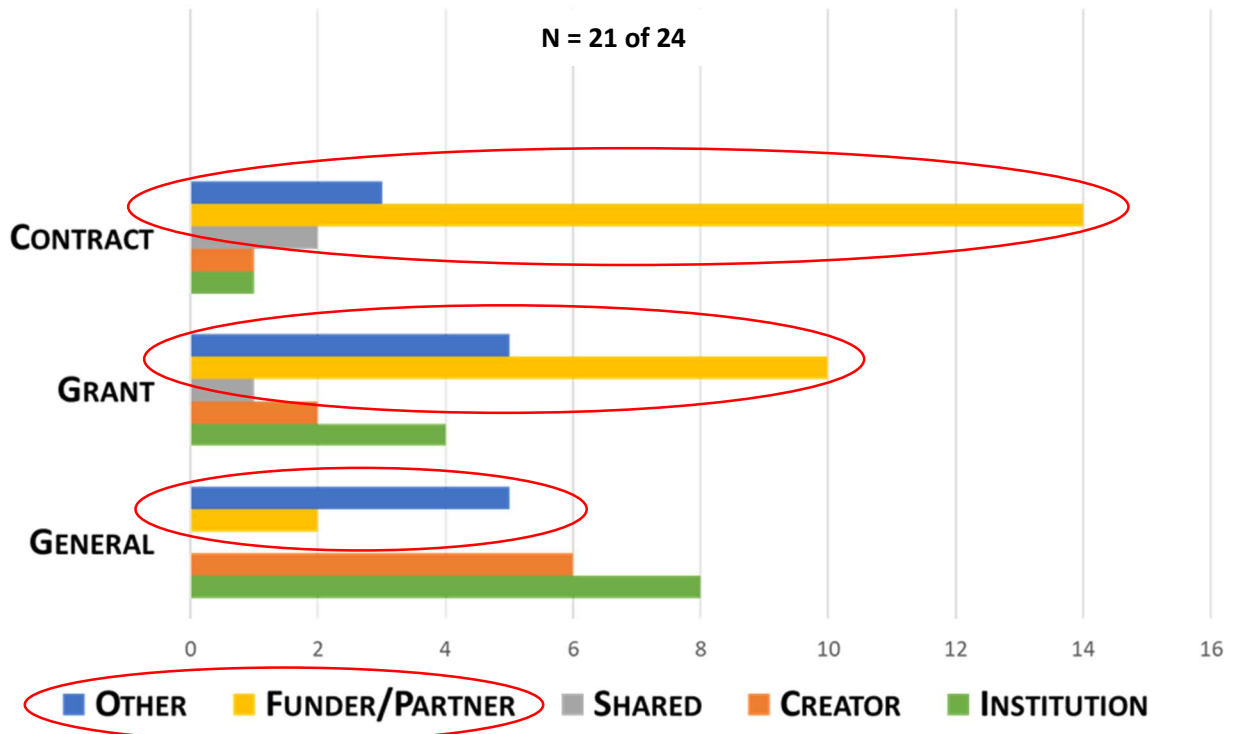
Through applied research, colleges support community economic development.

¹ https://www.nserc-crsng.gc.ca/ase-oro/index_eng.asp

² “Colleges” is intended to be inclusive of both colleges and polytechnics.

³ Multi-year grants are reported on a pro-rated basis every Fiscal Year.

IP OWNERSHIP

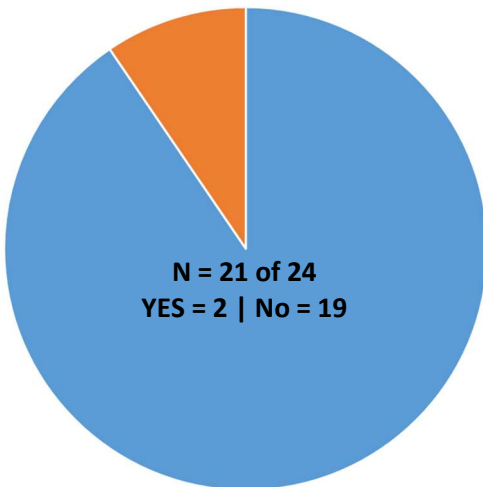


Scenario	Institution	Creator	Shared	Funder/Partner	Other
General	8	6	0	2	5
Grant	4	2	1	10	5
Contract	1	1	2	14	3

Royalties or other payments for Foreground IP in the last five FYs.

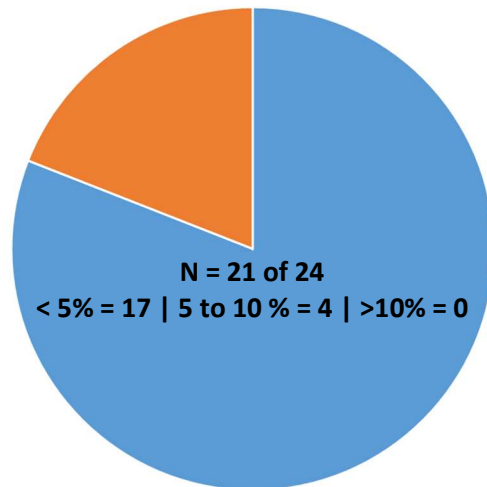
How many faculty are engaged in grant or contract research?

ROYALTIES or OTHER PAYMENTS



Legend: NO (blue), YES (orange)

FACULTY ENGAGED



Legend: < 5% (blue), 5 to 10% (orange), > 10% (grey)