



Advancing Water Technologies (AWT) Program Intellectual Property Policy

Projects approved for contributions up to \$100,000

Definitions

Academic Partner Institution: The academic institution that is participating in a Project supported by the AWT Program and is a member in good standing of the Southern Ontario Water Consortium.

Academic Researcher: The academic researcher participating in a Project supported by the AWT Program.

Company Partner: The company participating in a Project supported by the AWT Program.

Foreground Intellectual Property (FIP): includes, without limitation, all technical data, designs, specifications, software, data, drawings, plans, reports, patterns, models, prototypes, demonstration units, practices, inventions, methods and related technology, processes or other information conceived, produced, developed or reduced to practice in carrying out a Project, and all rights therein, including, without limitation, patents, copyrights, industrial designs, trade-marks and any registrations or applications for the same and all other rights of intellectual property therein, including any rights which arise from the above items being treated by the Academic Partner Institution as trade secrets or confidential information.

Project: A sub-project of SOWC's AWT Program that has received a financial contribution.

Intent

The general intent of this Intellectual Property Policy is to ensure that any intellectual property that may emerge as a result of an investment by the AWT Program will be commercialized or otherwise used to the benefit of the Canadian economy.

Title to Foreground Intellectual Property

Title to any FIP developed as the result of a company-led Project must be owned by the Academic Partner Institution, owned by the Company Partner, or co-owned by both; to be negotiated between the Academic Partner Institution and the Company Partner, and subject to the Conflict of Interest requirements set out in this document and the policy of the Academic Partner Institution.

Conflict of Interest

The Academic Partner Institution and its consultants and any of their respective advisors, partners, directors, officers, shareholders, employees, agents and volunteers shall not engage in any activity where such activity creates a real, apparent or potential conflict of interest in the sole opinion of the Minister, with the carrying out of the Project. For greater certainty, and without limiting the generality of the foregoing, a conflict of interest includes a situation where the Academic Researcher or anyone associated with the Academic Partner Institution owns or has an interest in an organization that is carrying out work related to the Project.

Companies and academic researchers applying to receive project support from the AWT Program are required to disclose any real or potential conflict of interest according to the AWT Program policy. Applicants will be required to complete and submit



a Conflict of Interest Disclosure Form as soon as any real or potential conflict of interest has been identified, including outlining proposed mitigation measures as discussed with SOWC.

In cases where any Project-related FIP is owned by the Academic Partner Institution, the following shall apply:

If FIP has been assigned to the Academic Partner Institution, the FIP can be commercialized through an exclusive license granted by the Academic Partner Institution to the Company Partner. The Academic Partner Institution shall ensure that no exclusive and irrevocable license of the FIP will be granted or that no sublicense will be granted except: (i) whereby the Academic Partner Institution, as applicable, will be entitled to receive royalties directly or indirectly from such sub-license; or (ii) whereby the licensee of an exclusive and irrevocable license has compensated the Academic Partner Institution, as applicable, an amount at least equal to the amount which the AWT Program has contributed to the creation of the FIP being licensed.

FIP may be sold, assigned, transferred or otherwise disposed of provided that, for FIP the cost of which has been contributed to by the AWT Program, the proceeds of the disposition shall be equal at least to the amount which the AWT Program has contributed to such FIP, and the proceeds shall be paid to the Academic Partner Institution, as they may agree.

This project is funded by the Government of Canada through the Federal Economic Development Agency for Southern Ontario.

Ce projet est financé par le gouvernement du Canada à travers l'Agence fédérale de développement économique pour le Sud de l'Ontario.

Canada 

