

KINGSTON GENERAL HOSPITAL

ADMINISTRATIVE POLICY MANUAL

Subject: Intellectual Property – Employee

Number: 01-121

Prepared/Reviewed by: Vice President, Health Sciences Research
President, KGH Research Institute
Planning and Performance Committee

Page: 1 of 3
Original Issue: 2000.06
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Preamble

Kingston General Hospital (the Hospital) recognizes its responsibility to produce and disseminate knowledge. Inherent in this responsibility is the need to encourage the production of creative and scholarly works and the development of new and useful materials, devices, processes, and other intellectual property. The creation of intellectual property may have potential for commercialization, which thereby contributes to the professional development of researchers and their research staff, students, and trainees involved. It may also enhance the reputation of the Hospital, provide expanded educational opportunities, and potentially advance knowledge that brings evidence into practice for the benefit of our patients, their families and our medical community.

Policy Statement

This policy applies to all employees of the Hospital and intellectual property created by employees which results from the use of the Hospital space, funding, facilities, staff or patients (Hospital resources). The policy is designed to encourage patenting and commercial development of and promote maximum public benefits from the fruits of intellectual activity of employees using Hospital resources.

The Hospital is working collaboratively with its partners, including Hotel Dieu Hospital (HDH) and Providence Care (PC), and to the extent possible attempts to harmonize policies and procedures for issues of common interest such as research have occurred. The elements of this policy are similar to those found in the policies of HDH (Policy #350) and PC (Policy #ADM-RES-3).

Definitions

Intellectual Property means any result of intellectual activity created by an employee that can be owned by a person, and includes inventions, publications, computer software, industrial and artistic designs, compositions of matter, new or improved devices, systems, chemical compounds and any other creation that can be protected under patent, copyright or trademark laws.

Employee is a person who is employed by the Hospital and paid primarily through the Hospital, anyone providing a service to the Hospital (in the capacity as a representative of the Hospital), and/or students in a learning environment within the Hospital facilities.

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Procedures

1. Intellectual Property created by employees which results from the use of Hospital resources is owned by the Hospital, unless some other arrangement has been agreed to in advance. However, in recognition of the creator's contribution to research, the inventor is entitled to share in the proceeds of the exploitation invention as outlined below.
2. Any employee who creates intellectual property which may have commercial potential or may be patentable must disclose the creation to the Vice President, Health Sciences Research, to ensure that the potential patentability of the creation is promptly assessed.
3. Following disclosure to the Vice President, Health Sciences Research, the intellectual property will be forwarded to PARTEQ Research and Development Innovations (PARTEQ) for its review and assessment. If PARTEQ is of the view that exploitation of the intellectual property is possible, it shall proceed to protect and commercialize the intellectual property at its costs. Before proceeding with patenting or licensing, the employee must assign all rights in the intellectual property to the Hospital in writing.
4. The sharing with the Hospital of revenues from the intellectual property, net of expenses, shall be determined by the Hospital and PARTEQ in accordance with the agreement between PARTEQ and the Hospital. Any net revenue returned to the Hospital will be divided with the employee as follows: 40% to the employee, 60% to the Hospital.
5. In the event that PARTEQ determines that the intellectual property is no interest to the Hospital, the Hospital will consider assigning the rights of the intellectual property to the inventor.
6. Should the Hospital assign rights of the intellectual property to the inventor and the inventor elects to protect or exploit intellectual property developed with Hospital resources without PARTEQ, then if the inventor receives any net proceeds of exploitation, the inventor shall pay to the Hospital twenty-five percent of any net proceeds of exploitation exceeding \$500,000.00.
7. Any net proceeds to which the Hospital becomes entitled to shall be placed in the Hospital Research Institute research restricted account, for the general purpose of supporting patient-

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oriented research in the Hospital at the discretion of the Vice President, Health Sciences Research.

Related Documents: 01-122 Intellectual Property-Queen's Faculty and Staff Members with Hospital Appointments
11-012 Research Hospital Appointment
11-150 Health Research
11-151 Research and Clinical Trial Agreement Overhead
11-152 Standard Operating Procedures for Clinical Research

Authorizing Signature

Leslee J. Thompson
President and Chief Executive Officer