

Intellectual Property FAQs for Students

Please note: All capitalized terms are defined in Sheridan's Intellectual Property (IP) Policy. Sheridan's IP Policy is effective September 15, 2017.

A. General Questions

1. What is Intellectual Property (IP)?

IP is the legal protection for a form of your creative endeavour, including but not limited to, any work, invention, publication, work of art, computer software, artistic design, or other creative pursuit you may develop or assist in developing.

2. Why is IP important?

IP is important to you because you may want to protect your rights over work you develop. Additionally, you also want to ensure that you understand what IP means when working on research, creative pursuits, capstones, and SRCA projects, including those with industry or other external partners.

3. Who is covered under Sheridan's IP Policy?

The IP Policy applies to all Members of Sheridan as defined in the Policy: "Employees, Students, volunteers, consultants, Contractors, visitors, and any other persons at Sheridan."

4. What is the difference between Academic Freedom and the Intellectual Property Policy?

Academic Freedom gives Members of Sheridan the right to: research and pursue knowledge without reprisals from Sheridan or third parties, communicate acquired knowledge and the results of their research freely, discuss and explore ideas in an environment of tolerance and mutual respect, and promote and protect creativity at Sheridan.

On the other hand, the IP Policy gives creators the right to own their IP, delineates the ways in which Sheridan can use IP created at Sheridan, gives Sheridan recognition for any assistance in creating IP, and provides guidelines on IP ownership.

B. IP Ownership and Sheridan License

1. How does the IP Policy affect Students?

Sheridan's IP Policy states that any work you create or develop at Sheridan will be owned by you, unless you sign an agreement stating a different delineation of IP rights.

However, Sheridan shall be granted a worldwide, non-exclusive, non-transferable, irrevocable, fully paid-up and Royalty-free license to use Sheridan work for teaching and learning purposes, which includes quality assurance.

2. When does the IP Policy NOT apply?

The IP Policy does not apply when an agreement is signed by Students where the terms of the contract differ from Sheridan's IP Policy. This may occur when Students participate in research, creative pursuits, capstones, and SRCA projects, including those with industry or other external partners, where external partners typically own the IP.

3. How will it be decided who owns the IP?

IP ownership will be decided based on the delineation described within the IP Policy, unless there is an agreement expressly stating an alternate arrangement.

4. What happens if I am part of a Sponsored/Funded Research project? ?

Please refer to Section 9 of the IP Procedure. You may be required to sign a Student Participation Agreement waiving any rights you have to IP to the external party. In this instance, Sheridan's default IP Policy may not apply.

5. What happens if I do a capstone project or other unfunded curricular-based scholarship, research, and/or creative activities involving a company or external organization?

Students shall enter into agreements directly with a company or external organization involved in a capstone or other curricular-based research where the company or external organization wishes to retain any IP generated. Such agreements are between a Student and the company/organization, and Sheridan is not a party to such agreements.

Students enrolled in courses identified as including a capstone or other curricular-based research shall complete a Student Acknowledgment of Informed Consent for Intellectual Property via My Student Centre.

6. What happens if I am part of other research projects requiring a formal agreement?

Please refer to Section 9 of the IP Procedure. In such circumstances, Students may be required to sign a Student Participation Agreement waiving their IP Rights to the company/external party. In this instance, Sheridan's default IP Policy may not apply.

7. How will it be determined if the application of a Sheridan license is for a non-commercial purpose?

This will be determined on a case-by-case basis. As a general rule, Sheridan and/or a Member of Sheridan cannot receive monetary gain when using material due to the use of IP under a Sheridan license. The Sheridan license can only be used for the purposes of teaching, learning, scholarship, and creative activities.

8. How long will Sheridan retain a License?

Sheridan retains a perpetual license, which does not expire. It would be the responsibility of different faculties to determine when certain materials are out of date and should no longer be used for teaching purposes at Sheridan.

9. Can Sheridan make modifications or create derivative works based on the IP it uses under the Sheridan license?

Yes, the license given to Sheridan will allow Sheridan to make modifications or create derivative works based on the IP. Any modifications or derivative works will still give attribution to all creators and/or Contributors to the development of the IP.

10. If one group of Students is working on a project and leave Sheridan, and then a second cohort of Students come and continue work on that same project, can the second cohort of Students commercialize their work?

This is a very specific case example. Certain situations will have to be dealt with on a case-by-case basis. In this scenario, the second cohort of Students may be able to commercialize their work if the first cohort of Students signed a waiver or release relinquishing any IP ownership rights to the project. Another possibility may be that the two cohorts of Students reach an Agreement about how IP ownership will be delineated between them.

Regardless of IP ownership, all Students and/or Contributors will receive attribution for their work and contribution to the project.

C. Authorship

1. How do we ensure Contributors receive credit?

Sheridan's IP Policy states that all Contributors should receive attribution. We rely on the integrity of all Members of Sheridan to ensure that all Contributors receive appropriate attribution, acknowledgment and credit.

If there is a dispute where a Contributor feels they have not received sufficient

attribution, there is a dispute resolution mechanism in the IP Procedure.

2. Which Contributors will receive attribution?

All Contributors will receive attribution. Sheridan will also receive attribution and/or acknowledgment for any direct or indirect support.

3. How will attribution be delineated when working in a team?

Attribution will be delineated by Agreement of all members of the team. Names may be listed by the amount of work completed or contribution given to the particular project, or in another mutually agreeable manner.

Sheridan will also receive attribution for any direct or indirect support.

4. What is considered sufficient recognition of Sheridan?

Sufficient recognition may vary on a case-by-case basis. Sheridan should receive any acknowledgment or attribution which would reasonably be considered to be sufficient recognition.

For example, a scholarly article written by a faculty member may state: "I would like to acknowledge all support received from The Sheridan College Institute of Technology in writing this article."

5. What is considered sufficient attribution of other Contributors?

This may also vary on a case-by-case basis. Sufficient attribution and acknowledgment may contain an acknowledgment statement or list a Contributor's name. Please refer to the IP Procedure for further information.

D. Dispute Resolution

1. What are the Dispute Resolution mechanisms for the IP Policy?

Dispute Resolution mechanisms are embedded in the IP Procedure. We are hoping that disputes can first be resolved at a local level among faculties before issues are escalated.

2. Does Dispute Resolution have a mechanism for determining who owns the IP and/or how much of the IP?

Yes, if disputes arise regarding who owns IP rights and/or how much of the IP is owned, the Dispute Resolution mechanisms will be used to resolve such disputes.