



Expert Panel Recommendations

The Expert Panel met November 26 and 27, 2008, and recommended that NSERC's Intellectual Property (IP) Policy be revised.

The Panel recommended that the following principles be adhered to:

1. Research results should be exploited for the maximum benefit to Canada.
2. The contributions that each partner makes and the need for each partner to benefit from the collaboration should be recognized. All partners should have their interests protected.
3. NSERC should not support secret or classified research; the results should be publishable in the open literature.
4. The institution and its researchers should retain the right to use the knowledge or IP for non-commercial purposes in future research or teaching
5. There should be no delay for the defence of a student's thesis.

To ensure that these principles are respected, all IP agreements should contain clauses that address these points.

The Panel recommended increased flexibility on the issue of assignment of ownership. Access to research results could include the following arrangements depending on the situation or research relationship:

- open dissemination with no restriction
- non-exclusive licensing
- exclusive licensing
- joint ownership
- partial assignment of ownership
- full assignment of ownership

The Panel recommended that for any program where an IP Agreement is required as a condition of award, NSERC continue to review the agreements to ensure that the above mandatory elements are present before releasing any funds. In those cases where the finalization of an IP Agreement is delayed beyond a specified deadline (usually six months for most RPP programs), NSERC should withdraw the offer of award.

The Panel also recommended that NSERC develop two sets of guidelines to assist those institutions and companies with limited experience in third party collaborations which could lead to the development of transferable IP:

1. Guidelines and Obligations of Project Participants – to ensure that all students, post-doctoral fellows and other research personnel are fully informed by their institution and supervising researcher as to their obligations and rights within the project
2. Guidelines for Developing IP Agreements – to outline the roles of the various participants, key issues to be considered and typical timelines. Various templates or sample agreements should also be provided as starting points for discussion between the two partners.



The above guidelines are currently being developed and will draw heavily on material already in place at certain institutions and associations. It is expected that these guidelines will continue to be updated as appropriate.