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INTELLECTUAL PROPERTY DISCLOSURE FORM

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NOTE: The first appearance of terms in bold in the body of this document (except titles) are defined terms – please refer to the Definitions section.

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OBJECTIVES

- To outline the process for preparing and submitting an **Intellectual Property Disclosure Form (IP Disclosure Form)**.

APPLICABILITY

Compliance with this document is required by all Alberta Health Services employees, members of the medical and midwifery staffs, students, volunteers, and other persons acting on behalf of Alberta Health Services (including contracted service providers as necessary).

ELEMENTS**1. Purpose of the IP Disclosure Form**

- 1.1 The *IP Disclosure Form* provides important information to assess the **Intellectual Property (IP)**, commercial value, utility, and feasibility to protect the IP through conducting a literature search.
- 1.2 The Vice President, Provincial Clinical Excellence (VP, PCE), or their delegate (pursuant to the *Intellectual Property Policy*) shall review the *IP Disclosure Form* in accordance with the *Intellectual Property Assessment Procedure* and provide guidance to the **intellectual property creator (IP creator)** regarding its completion.
- 1.3 Should AHS decide to protect the IP, the VP, PCE, or delegate, shall assist with the preparation and filing of the *IP Disclosure Form* in consultation with the IP creator and other stakeholders and help prosecute the IP to grant or issuance.

2. Comments on the IP

- 2.1 When the IP lies in a formulation, mixture of ingredients, or a chemical procedure involving quantities, or proportions, set out the expected workable ranges for the various ingredients. The ranges should be supported by test data, and such data should be included as an appendix. If no test data are available, estimate the workable ranges of the various components. The patent agent typically has to devise monopoly claims expressed in terms of percentage or proportion ranges. If the expressed ranges are too narrow, competitors might be able to circumvent the patent by narrowly avoiding the claimed ranges. If the ranges are so broad as to include unworkable mixtures, the patent could be attacked on this basis.
- 2.2 Computer-related IP can be patentable provided the computer, when programmed, interacts with the real world in some way. There must be some interfacing with real things in order to obtain protection under current patent law. For example, a system for regulating the operation of air-blowers in a sewage treatment plant, in which a computer performs calculations based on oxygen levels in the sewage taken is patentable (prior art permitting). Computer-related patent applications should be accompanied by at least a logic flow diagram explaining the various stages followed by the computing process. A printout of the program itself should also be included. Generally, software cannot be patented as it is protected by copyright.
- 2.3 Certain IP may be unpatentable or the patenting route is not pursued for various reasons. This IP may still be valuable and important to protect by other means such as copyright, trademark, industrial design, or trade secret. However, not all IP requires formal protection. For instance, copyright registration is not necessary in many cases and a simple copyright notice is sufficient. Similarly, trademark registration is not necessary to achieve a level of protection.

3. Approval of the IP Disclosure Form

- 3.1 The *IP Disclosure Form* shall contain confirmation in the form of signatures from the IP creator's supervisor, department head, or other relevant leaders. The *IP Disclosure Form* shall be signed by all co-inventors, the IP creator's direct supervisor, and the VP, PCE. A copy of the completed and signed *IP Disclosure Form* shall be forwarded to the VP, PCE. Issues arising with respect to the *IP Disclosure Form* shall be dealt with in accordance with the *Dispute Resolution Procedure*.

DEFINITIONS

Intellectual property (IP) means:

- the intangible nature of works or creations that is unique and original;
- any tangible expression thereof;
- the rights arising from the legal protection of IP, including copyright, trademarks, patents, industrial designs, and integrated circuit topographies; and
- know-how and other trade secrets.

IP includes, but is not limited to, technology, technical information, data, databases, formulae, computer software, computer code, drawings, graphics, designs, concepts, ideas, apparatus, processes, research tools, prototypes, methods, techniques, and all original literary, dramatic, musical, and artistic works, all print, multimedia electronic and audiovisual materials, manuals, program packages, and educational materials.

Intellectual property creator (IP creator) means the originator of IP who is an AHS employee, an individual working in association with an AHS employee, an individual using AHS resources, or a partnership of one or more individuals or organizations.

Intellectual Property Disclosure Form (IP Disclosure Form) means the form designated by the VP, PCE for the recording and documenting of new IP.

REFERENCES

- Alberta Health Services Governance Documents:
 - *Dispute Resolution* Procedure (#1137-05)
 - *Intellectual Property Policy* (#1137)
 - *Intellectual Property Assessment* Procedure (#1137-01)
- Alberta Health Services Forms:
 - *Intellectual Property Disclosure Form*

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