

# Federal Science Expenditures and Personnel 2009/2010

Si vous préférez ce questionnaire en français, veuillez nous appeler au (613) 951-6830.

Intellectual Property Management, Fiscal Year 2008/2009

## Information for respondents

### Survey Objective

This survey collects data that are essential to ensure the availability of pertinent statistical information to monitor science and technology related activities in Canada and to support the development of science and technology policy. The data collected will be used by federal and provincial science policy analysts.

### Authority

This survey is conducted under the authority of the *Statistics Act*, Revised Statutes of Canada, 1985, Chapter S19. Completion of this questionnaire is a legal requirement under the *Statistics Act*.

### Confidentiality

Statistics Canada is prohibited from publishing any statistics that would divulge information relating to any identifiable organization without the previous written consent of that organization.

### Data sharing agreement

To reduce response burden and to ensure more uniform statistics, Statistics Canada has entered into an agreement under Section 12 of the *Statistics Act* with Industry Canada for sharing information from this survey. Industry Canada must keep the information confidential and use it for statistical purposes only.

Under Section 12 of the *Statistics Act* you may refuse to share your information with Industry Canada by writing to the Chief Statistician and returning your letter of objection along with the completed questionnaire in the enclosed envelope.

I hereby authorize Statistics Canada to publish any or all portions of the data supplied on this questionnaire that could identify this department.

<sup>1</sup>  Yes      <sup>2</sup>  No

Name of person authorized to sign		Signature	
Official position		Program	
Department or agency			
Internet address		Telephone number	

## Enquiries to be directed to:

Name	Position/Title	Telephone number
Date	Email address / Internet address	Fax number



# 1 General Information

## 1.1 Establishments generating, managing or commercializing intellectual property (IP)

1.1.a. In your organization, IP management, including identification, protection, promotion and commercialization (see definition in Reporting Guide in Section 6.1) is conducted by:

- The individual establishment (directorates, services, research and development (R&D) establishments, etc.)
- A corporate-level office
- An external organization (please specify): \_\_\_\_\_
- A combination of the above

1.1.b. Please list the names of the organizations (directorates, services, research and development (R&D) establishments, etc.) included in your figures. Use an additional sheet of paper, if required.

Also, please indicate whether or not they are engaged in IP management (identification, protection, promotion or commercialization).

Name of establishment	Engaged in IP management	
	Yes	No
	<input type="radio"/>	<input type="radio"/>
	<input type="radio"/>	<input type="radio"/>
	<input type="radio"/>	<input type="radio"/>
	<input type="radio"/>	<input type="radio"/>
	<input type="radio"/>	<input type="radio"/>
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## 1.2 IP management expenditures

Please indicate **total** resources dedicated to IP management.

- "Full-time equivalents" (FTEs) is an estimate of the number of person-years.
- "Patent and regular legal expenditures" include expenditures for patent filings, patent searches, registration of copyright, etc.
- "Litigation expenditures" are those related to disputes over patents/other IP and include settlements.

Employees engaged in IP management	Operational expenditures for IP management				Total operational expenditures for IP management
	Salaries and benefits (corresponding to FTEs)	Patent and regular legal expenditures	Litigation expenditures	Other operational expenditures (see Section 6.1 for definition)	
FTEs	thousands of dollars				

### 1.3 Contracts and collaborative arrangements

R&D contracts often result in IP being created in the form of inventions, computer software, databases, published papers, etc. This section requests information on the role of contracts and collaborative arrangements in your organization. Please see *the Respondent Guide (Section 6.1)* for detailed definitions of contracts and collaborative arrangements.

1.3.a. Who were the **sponsors/clients** of the R&D contracts undertaken during reference year 2008/2009?

R&D contracted in from:	Number of contracts	Value of contracts (thousands of dollars)
Federal government		
Provincial and other levels of Canadian government		
Canadian business		
Other Canadian organizations		
Foreign governments		
Foreign business		
Other foreign organizations		
Multi-stakeholder groups (e.g., consortia)		
Other (please specify) _____		

1.3.b. Who were the **partners** with which collaborative R&D activities were undertaken during reference year 2008/2009? "Activities" could be counted as specific agreements or projects. Please estimate the full value of in-kind contributions, such as staff time, travel and use of facilities.

Partners in collaborative R&D activities	Number of activities	Value of contribution (thousands of dollars)
Federal government		
Provincial and other levels of Canadian government		
Canadian business		
Canadian universities, hospitals or colleges		
Other Canadian organizations		
Foreign governments		
Foreign business		
Foreign universities, hospitals or colleges		
Other foreign organizations		
Multi-stakeholder groups (e.g., consortia)		
Other (please specify) _____		

## 2 Identifying IP

### 2.1 Reports and disclosures

Please indicate the number of **new** instances of IP reported or disclosed during reference year 2008/2009.

Please indicate how many instances of IP (not necessarily new) resulted in protection activity by this organization and how many were declined for protection by this organization. *The types of IP are defined in the Respondent Guide, Section 6.1.*

	Number of new IP reports and disclosures	Number of IP reports and disclosures	
		resulting in protection activity	declined for protection
Inventions			
Copyrightable IP (computer software, databases, educational material, other material)			
Industrial designs			
Trademarks			
Integrated circuit topographies			
New plant varieties			
Know-how			
Other (please specify): 			

## 3 Protecting IP

### 3.1 Patents

3.1.a. During reference year 2008/2009, how many initiating and follow-on patents were applied for and how many patents were issued with the support of this organization? Initiating patent applications include provisional or first filings. Follow-on patent applications include any that claim priority from an initiating patent application (e.g., CIP's). International (for example, Patent Cooperation Treaty applications, PCT) and regional applications (e.g., European Patent Office applications) should be counted as **single applications**.

New patent applications			Total patents issued
Initiating	Follow-on	Total	

3.1.b. Patents held, commercialized and pending

	Total
Total patents held (including patents issued during the reference year)	
Total patents pending	
Patents (held or pending) licensed, assigned or otherwise commercialized during the reference year	

## 4 Licenses

### 4.1 New and active licenses

Please report the number of **new licenses** executed during reference year 2008/2009 and the number of **active licenses** at the end of reference year 2008/2009. If detailed figures are not available, please report totals in the appropriate cells. *Please see the Respondent Guide for detailed definitions.*

	Exclusive or sole license	Non-exclusive or multiple license	Total
a) <b>New</b> licenses executed with Canadian licensees			
b) <b>New</b> licenses executed with foreign licensees			
<b>Total new licenses (a + b)</b>			
c) <b>Active</b> licenses executed with Canadian licensees			
d) <b>Active</b> licenses executed with foreign licensees			
<b>Total active licenses (c +d)</b>			

### 4.2 Income received from IP

Please specify the **nature of the income** received during reference year 2008/2009 from IP commercialization.

Income received from IP commercialization	(thousands of dollars)
Running royalties and milestone payments	
One-time sale of IP (in exchange for a single payment or several payments)	
Reimbursement of patent, legal and related costs	
License income received from another Canadian institution under a revenue sharing agreement	
Other (please specify) _____	
Other (please specify) _____	
<b>Total income received from IP commercialization</b>	

## 5 Impacts of IP transfer

### 5.1 Spin-offs

New companies are often formed to commercialize technologies that are owned by public sector organizations. Spin-offs can result from several institutional arrangements:

- **Licensing:** A new company is formed to license and commercialize the organization's technology (these are sometimes called start-ups)
- **R&D** – A new company funds research at the organization to develop technologies that it plans to license.
- **Service** – a new company is formed to provide a service that was originally offered through the organization. This also includes employee takeovers, or companies that are started by former employees on an arrangement to commercialize the technology.

List the legal names of spin-off companies **incorporated within the past 5 years**, their year of incorporation, the company status (conceptual stage, early stage, active, merged, inactive, closed) and the institutional link (licensing, R&D, service or other).

Legal name	Year incorporated	Company status	Institutional link

*Use additional sheets of paper, if necessary.*

## 6 Respondent guide

This questionnaire, in general, covers the intellectual property generated from R&D activities. We acknowledge that commercializable IP arises from other activities as well and that it may be difficult to differentiate. Whenever possible, please report figures for IP generated from R&D activities. If this is not possible, please note that the figures include IP generated from non-R&D activities.

If exact numbers are not readily available, please provide estimates with a note indicating this.

Please do not leave any question blank. Enter zero responses with the digit "0" if the value is known to be zero. If the data are not available, enter "N/A". In cases where the question is not applicable, please indicate this.

**Report all dollar amounts in thousands of dollars.**

### 6.1 Notes on survey questions

1.1 Section 1.1 determines the overall coverage of the response. If only part of the organization is covered, please note this here. If discernable groups within the organization generate IP, please list them here.

"*Intellectual property management*" includes intellectual property identification (reporting, patent disclosures), protection (patenting, registration of industrial designs, etc.), promotion (market studies, business plans, prototypes, etc.) or commercialization (licensing, research contracts, consulting, and spin-off investment).

1.2 The term "*operational expenditures*" is intended to capture all expenditures except for those on capital equipment. The sub-categories are as follows:

- Salaries and benefits
- Expenditures on patent applications, including:
  - Initial description and reporting of invention
  - Inventor determination
  - Patent searches
  - Prior art searches
  - Patent validation
  - Regular Legal expenditures, including:
    - Patent application preparation
    - Patent filing ( Domestic and off-shore)
    - Patent examination and prosecution
- Litigation expenditures
- Other operational expenditures, including:
  - Case administration
  - Patent maintenance
  - Awards management
  - Monitoring, enforcement and exploitation
  - Patent infringement
- Total - this should be the sum of the above.

1.3 *Research contracts* are arrangements under which the research centre, or an individual within the research centre, agrees to undertake a research project on a specified problem, using the research centre's facilities and /or personnel, for a sponsor/client that provides funds to meet all or part of the costs of the project.

*Collaborative arrangements* are formal joint R&D activities in which each party normally pays for the costs of its own participation under the agreement.

For the purpose of this survey,

- A *Canadian business* is any business that is incorporated in a Canadian jurisdiction.
- A *foreign business* is any business that is not incorporated in a Canadian jurisdiction. *Foreign* includes the United States.
- A *multinational* would be classified as a Canadian business if it has an operation incorporated in a Canadian jurisdiction.
- In the case of *multiple sponsors*, if possible, create a group under "other" that specifies the category of sponsors (e.g., "federal and provincial government"). The sums of the number and value of contracts should correspond to the totals."
- Canadian and foreign "*organizations*" include not for profit organizations and associations.

2.1 Identifying IP – Reports and disclosures:

- *Invention*: include any new and useful art, process, machine, manufacture or composition of matter, or any new and useful improvement in any art, process, machine, manufacture or composition of matter (Public Servants Inventions Act. R.S., c. P-31, s. 1.). Some inventions are patentable in some jurisdictions but not in others; these include novel genetically-engineered life forms, new microbial life forms, methods of medical treatment and computer software.
- *Copyrightable IP* can be broken into the following:
  - **Computer software or databases**: As noted above, computer software can be patented but normally it is protected by copyright. Databases may also be copyrighted.
  - **Educational materials**: This category includes special materials that may be copyrighted but are not necessarily in the form of printed books. This could include broadcast lessons, Internet pages, booklets, posters or computer files, among others.
  - **Other material**: This category includes any copyrightable works other than computer software and databases and special educational materials such as literary, artistic, dramatic or musical works, books, and papers.
- *Industrial designs*: These are original shapes, patterns or ornamentations applied to a manufactured article. Industrial designs are protected by registration with the Canadian Intellectual Property Office.
- *Trademarks*: These are words, symbols, designs, or combinations thereof used to distinguish your wares or services from someone else's. Trademarks are registered with the Canadian Intellectual Property Office.

- *Integrated circuit topographies*: This is a three-dimensional configuration of the electronic circuits used in microchips and semiconductor chips. Integrated circuit topographies can be protected by registration with the Canadian Intellectual Property Office.
- *New plant varieties*: Certain plant varieties that are new, different, uniform and stable may be protected by registration with Plant Breeders' Rights Office, Canadian Food Inspection Agency.
- *Know-how*: is practical knowledge, technique or expertise. For example, certain information is codified in the patent application but a researcher's know-how could be valuable for commercial optimization of the product. Know-how can be licensed independently of the terms of a related patent.

### 3.1 Patents

- *Initiating patent applications* include provisional or first filings.
- *Follow-on patent applications* include any that claim priority from an initiating patent application (e.g., CIP's).
- *Patents pending*: A label sometimes affixed to new products informing others that the inventor has applied for a patent and that legal protection from infringement (including retroactive rights) may be forthcoming.

### 4.1 New and active licenses:

- *"New licenses executed"* refers to the completion of an agreement with a client to use the institution's intellectual property for a fee or other consideration (such as equity in the company).

- *"Exclusive or Sole licenses"* refers to agreements allowing only one client the right to use the intellectual property.
- *"Exclusive license"* refers to one granted that is exclusive for a territory, for a field of use worldwide or otherwise. Hence, there may be multiple exclusive licenses for a single patent.

### 4.2 Income received is in thousands of dollars:

- *Running royalties* are those based on the sale of products.
- *Milestone payments* are those made by a licensee at predetermined points in the commercialization process.
- *One time sales of IP* includes income from assignments to commercial exploiters.
- *Other income received from IP*: For example, if a potential licensee contributes the funds to apply for the patent, this could be considered another source of income. Please list all items whether or not figures are available.

## Comments

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**Thank you for your cooperation!**