

## Encouraging Innovation by Promoting Intellectual Property Education in Canadian Post-Secondary Institutions

March 29, 2018 by William Foster

On August 21<sup>st</sup>, 2017, the Canadian Intellectual Property Office (“CIPO”) released its [five-year business strategy](#) for 2017 to 2022. Of the five main strategies for supporting Canadian innovation and businesses, CIPO outlined a plan for building intellectual property (“IP”) awareness and education throughout Canada by expanding CIPO’s presence and partnerships in innovation focused networks and communities. While CIPO’s proposed initiatives to implement its IP education plan are commendable, they seem to primarily focus on small to medium sized businesses. Most notably, CIPO’s proposed plans do not outline a specific IP education strategy for post-secondary students involved in research at higher education institutions.

From conducting bench-top experiments to launching on-campus tech start-ups, Canadian post-secondary students play a crucial role in creating the IP that drives Canada’s innovation economy. According to Statistics Canada, [Canadian universities and affiliated teaching hospitals reported a total income of \\$53.2 million from IP in 2008](#). Presumably, this amount has only grown as Canadian companies have continued to [increasingly invest in research and development](#) at higher education institutions in the intervening years. Despite these investments, and a greater [recognition of the value of IP assets](#), many Canadian post-secondary students have only a limited understanding of IP and their own IP rights.

While post-secondary institutions have started to integrate IP education into their course offerings, these courses vary considerably from institution to institution and may not be accessible to all students wishing to enroll (e.g. many law programs feature IP courses, however, students from other programs may be prohibited from enrolling). While post-secondary institutions are likely to continue developing their own IP curricula, the Federal Government is uniquely positioned to bridge the gap for the time being by offering post-students access to reliable IP resources and programs (i.e. online resources, seminars, and/or courses). For example, such programs could be similar in structure and content to those proposed in CIPO’s 2017-2022 business strategy for small to medium sized business except tailored towards the needs of post-secondary students.

On June 7<sup>th</sup>, 2017, the Standing Committee on Industry, Science and Technology (the “Committee”) [announced a new study](#) on IP and technology transfer from post-secondary institutions to industry. According to the accompanying news release, the proposed study aims to: (a) review the various technology transfer practices and policies presently in use; (b) compare these practices nationally, and with the best international practices; (c) identify incentives for researchers to register IP; (d) identify incentives and practices for the private sector to identify and utilize post-secondary IP; and, (e) review partnerships between colleges, universities, government and the private sector. To date, nearly twenty interested parties have submitted briefs outlining their positions on the proposed topics and discussions are underway in Ottawa.

While not specifically outlined in the study’s aims, it would be arguably worthwhile for the Committee to consider the value of offering IP education to post-secondary students as a means of facilitating, and ultimately improving, post-secondary IP technology transfer. By offering students access to IP resources and programs from the onset of their post-secondary education, students would be entering the lab or the classroom with a more refined appreciation for the value of IP. This understanding would hopefully encourage students to innovate with IP as a primary objective of their work, rather than simply a by-product. This proactive approach to IP education would presumably translate into a greater overall IP yield from post-secondary institutions while providing students with a more nuanced understanding of their own IP rights.

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