

National Cybersecurity Consortium Intellectual Property Policy



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Intellectual Property (IP), Policy on

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1 Purpose

The National Cybersecurity Consortium (NCC) Intellectual Property Policy governs and supports the NCC's activities related to Intellectual Property (IP).

2 Scope

The objective of this Policy is to provide a framework for IP activities within the NCC to help foster the creation, use, protection, ownership, commercialization, and enforcement of, and access to, any IP associated with Network Activities. The policy is applicable across the full set of NCC activities that may hold or generate intellectual property.

This Policy applies to:

- NCC employees and contractors
- NCC Funded Projects: note that the core procedures to implement the policy are captured in the "Procedure on Intellectual Property (IP)" and

specific funding programs may be supplemented with procedures specific to a particular funding agency.

3 Definitions

In this policy:

- a) *Background Intellectual Property (BIP)*: means Intellectual Property that is pre-existing IP brought into a project either as a foundational element or used to create Eligible Project Intellectual Property.
- b) *Eligible Project*: means a project undertaken by an Ultimate Recipient supported materially by the NCC.
- c) *Eligible Project Intellectual Property (EPIP)*: all Intellectual Property conceived, produced, developed, or reduced to practice in carrying out an Eligible Project that is supported by the NCC, the Ultimate Recipients and/or any of their affiliates or any of their employees, agents, contractors, or assigns.
- d) *Intellectual Property (IP)*: means all ideas, data, improvements, inventions or discoveries, whether or not patented or patentable, proprietary commercial and technical information, whether or not constituting trade secrets, and all copyrightable works, industrial designs, integrated circuit topographies, models, and trademarks, whether or not registered or registrable.
- e) *Participant*: means any individual, legal or personal representative, partnership, corporation, limited liability corporation, incorporated syndicate, unincorporated or incorporated association, trust or governmental body, or organization that participates in a project funded by or through the NCC.
- f) *Inventor/Creator*: An inventor or creator is anyone who contributes materially to the production of intellectual property. Note: these terms are used interchangeably within this policy and any corresponding procedures because there is no distinction from a policy perspective, but they may carry different legal meanings under different forms of legal ownership such as patent, copyright, trademarks, etc.
- g) *Activity*: actions, discussions, or collaborations that generate claimable EPIP.
- h) *Repository*: means the Repository of template agreements made available by the NCC to facilitate Network Activities, including Eligible Projects; this will include, *inter alia*, templates of non-disclosure agreements, research project agreements and license agreements.
- i) *Ultimate Recipient*: means an organization selected by the NCC to receive funding to carry out Eligible Projects.

4 Policy Statement

4.1 EPIP is inventor/creator owed by default:

EPIP is, by default, owned by its inventors/creators unless explicit documentation is put in place by the inventors/creators, their employers, or by legal requirement.

4.2 NCC holds no claim to EPIP generated by its funded projects:

Consistent with inventor/creator ownership, the NCC makes no claim on EPIP generated nor does it participate in any IP arrangements made a project's

participants. The NCC encourages all participants to ensure they understand their IP rights and obligations within any project that they work on and to ensure that there is adequate, clear, and enforceable IP agreements in place.

4.3 IP derived from data:

All IP derived from data on a funded project, including anonymized data, datasets, labelled data, representations, derived models and other artifacts are considered EPIP.

4.4 Protection of EPIP:

Patents, copyrights, trademarks, and any other ownership claims are the responsibility of the inventors/creators and must be done in agreement with all inventors/creators or resolved through conflict resolution mechanisms put in place *a priori*.

4.5 BIP Requirements:

Background IP used during the funded project must be appropriately licensed throughout its use; both during the project activities and in any subsequent use of the EPIP through commercialization or other distribution activities.

4.6 EPIP Generated by NCC Internal Operations:

Any EPIP generated by the NCC or its staff, Board members acting on behalf of the NCC, or processes arising from operations of the organization are owned by the NCC.

4.7 Funder specific requirements:

Any requirements specific to a particular funding source that directly or indirectly supports a particular project will be documented in a funder specific procedure and must be accepted in advance to received funds from that provider.

5 Responsibilities:

5.1 Approval Authority:

- a) Ensure appropriate rigour and due diligence in the development and revision of the corresponding policy

5.2 Approval Officer:

- a) Review the policy and related procedures to ensure consistency in practice.
- b) Sponsor the revision of this policy and related procedures when necessary.

5.3 Implementation Authority

- a) Review the policy to ensure consistency with the procedures and any external funding agency requirements.
- b) Provide regular (generally annual) reviews of the policy to determine if updates are necessary and facilitate the processes necessary to implement any changes.

6 Related documents

- Procedure on Intellectual Property (IP)
- Procedure on Intellectual Property (IP) – CSIN Specific

7 History

- Update: December 2024
- Inaugural Procedure: April 2023