



National  
Defence

Défense  
nationale



CANADIAN  
ARMED FORCES

# DEMYSTIFYING INTELLECTUAL PROPERTY (IP)

CIPMM National Workshop

5 June 2019

AnhThu Vu

Canada



The Crown uses

and/or

creates IP *everyday*



INTANGIBLE ASSET = THE NEW GOLD



MANAGE











4 PARTS

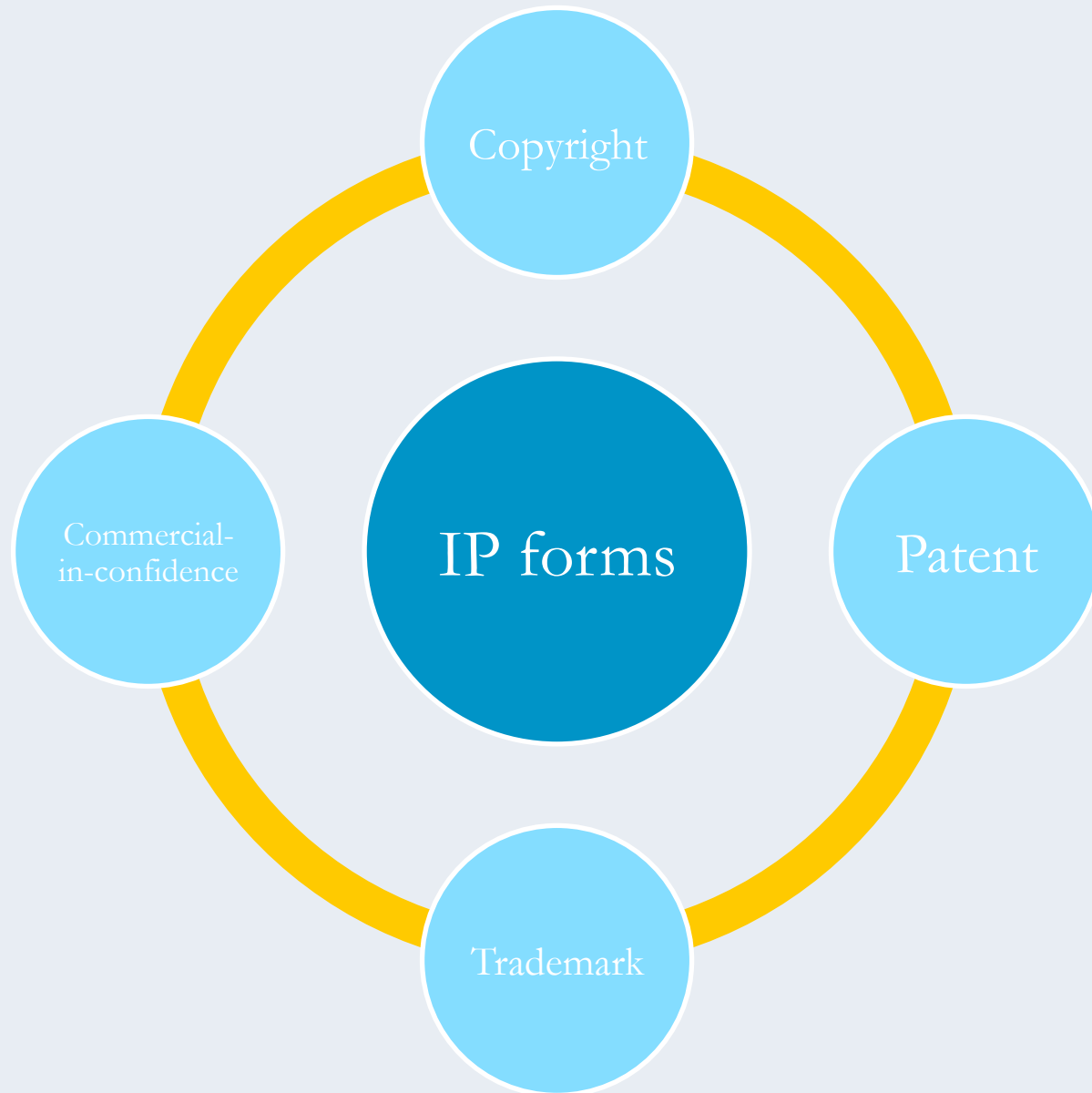
PART 1

WHAT IS IP?



Intangible **asset**  
originating from  
the creation of  
the **mind**







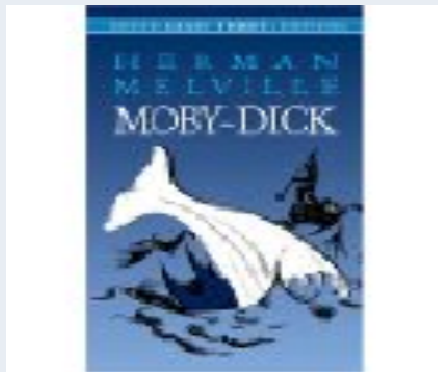


Musical



Dramatic

Copyright  
protects the  
expression  
of the work

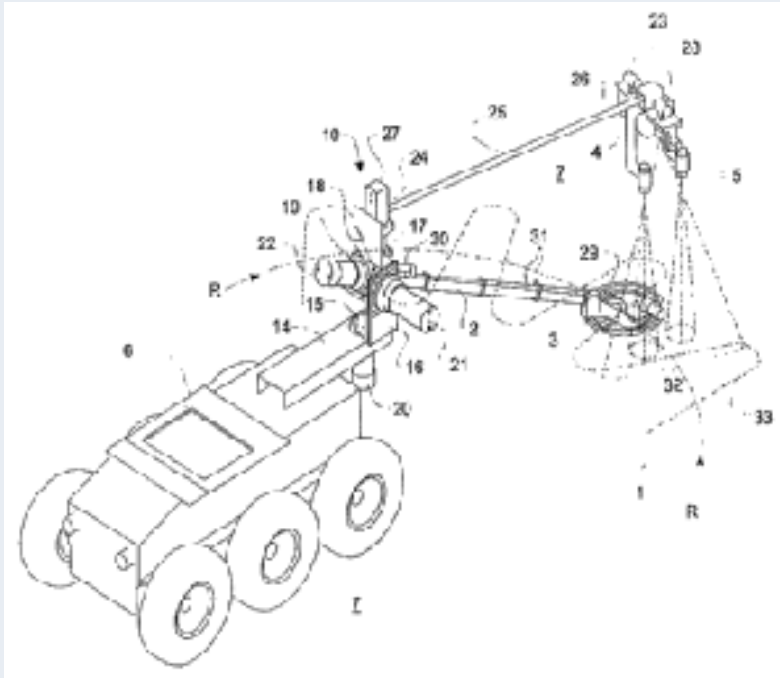


Literary



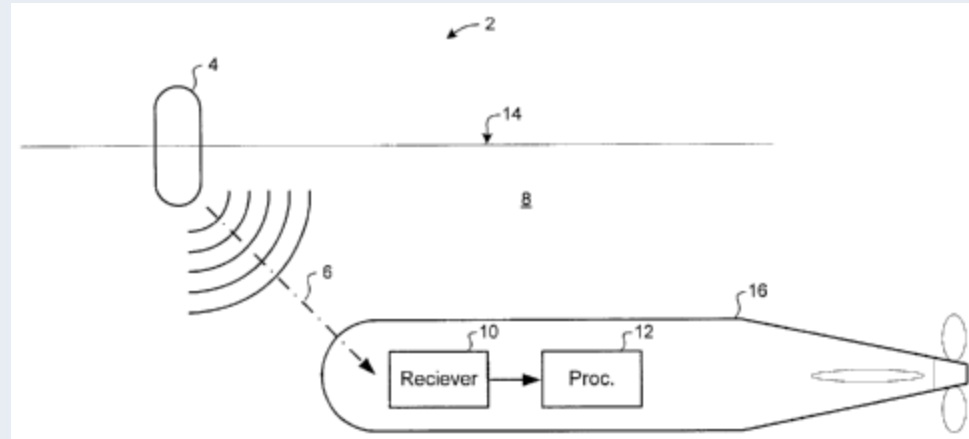
Artistic

# Patent protects an invention



CA 2,339,924

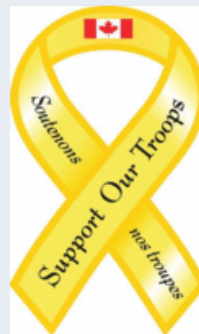
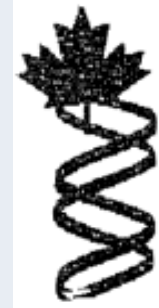
“Articulated Robotic Scanner for Mine Detection”



CA 2,770,247

“Homing System and Method for an Autonomous Underwater Vehicle”

Trademark protects a word,  
symbol, design or sound



**INNOVATION CANADA**

# Commercial-in- Confidence Information

protects the

*confidentiality* of the  
information





PART 2

SO WHAT?



The Crown uses

and/or

creates IP **everyday**



# Policy development























A photograph of a submarine, likely a Russian Kilo-class, docked at a pier. The submarine is dark grey and has a conning tower with a Russian flag on top. Several crew members are visible on the deck. The text "NOT IP READY!" is overlaid in large, red, outlined letters across the middle of the image. The background shows a body of water and a distant shoreline under a clear blue sky.

**NOT IP READY!**



**BEST PRICE?**



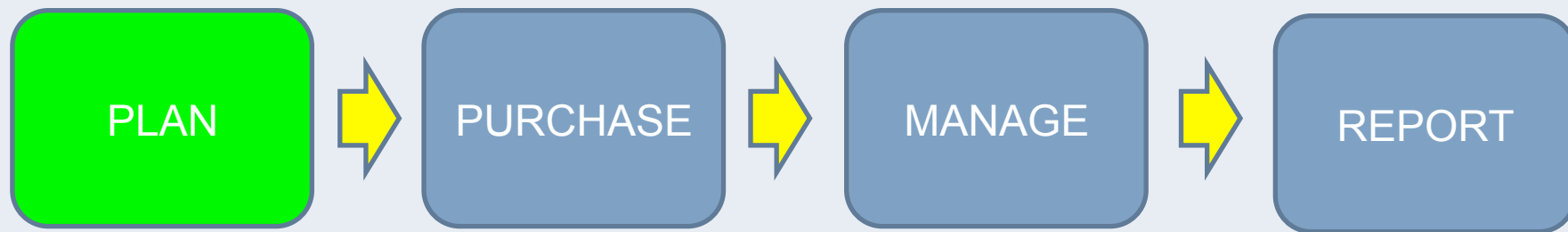
A close-up photograph of a person's hands holding an open, empty brown leather wallet. The wallet is made of textured leather and has a visible zipper on the right side. The interior is dark and appears worn. The hands are light-skinned and are holding the wallet from the sides, showing its empty compartments. Overlaid in the center of the image is the text "EXORBITANT COST!" in a bold, blue, serif font with a white outline. The background is a dark, out-of-focus surface.

**EXORBITANT  
COST!**



# PART 3

## IP MANAGEMENT



two aspects to planning





Identify





Knowledge

Learning

Training



Policy on Title, and guide

CSPS C282

DND Basic

DND for procurement officer

IP Offices:

- Canadian IP Office
- World IP Office







**Old Way**

**New Way**

**Upgrade**

**Update**

**Modify**

**Repair**

**Design**

**Reproduce**

**Translate**

**Create**

**Invent**





What do we need?

two aspects to defining requirements

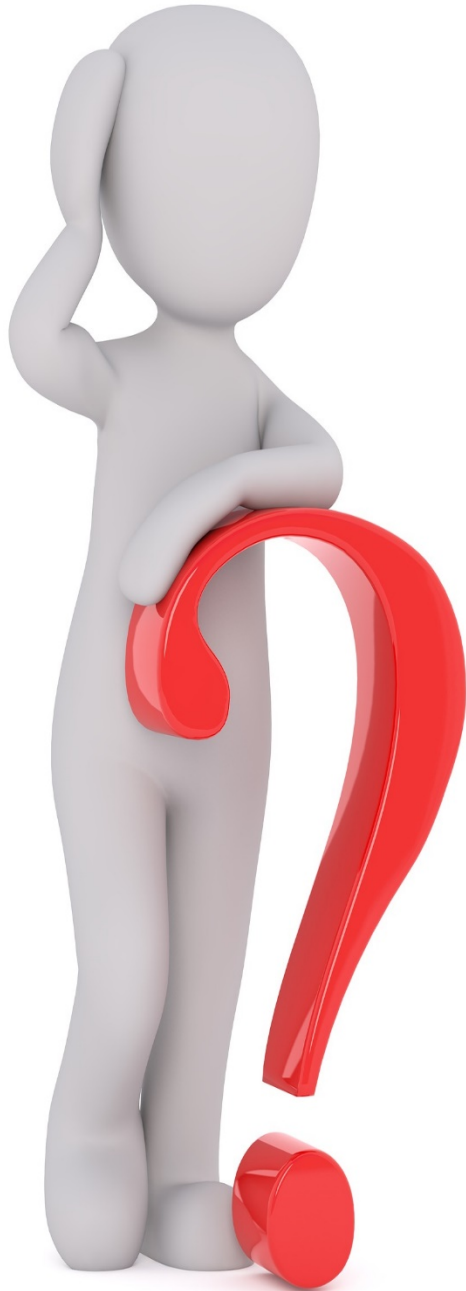




What IP right?

For what purpose?





License

or

Ownership

License = limited right

Limited  $\neq$  insufficient



Ownership = full right



Policy on Title





Enhance economic growth

Contractor owns Foreground

Crown owns under exceptions

# Foreground and Background

Foreground

is

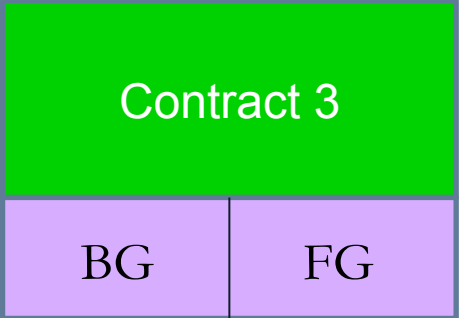
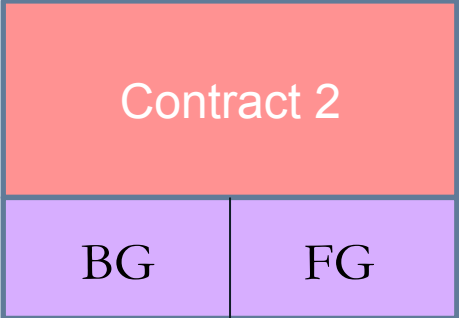
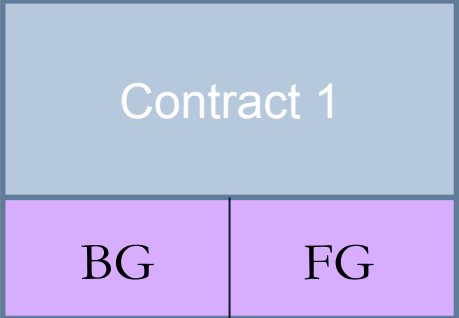
developed under the contract



Background

is

Everything else



Sitzecke





5 exceptions

# National security



Law

Prior obligation



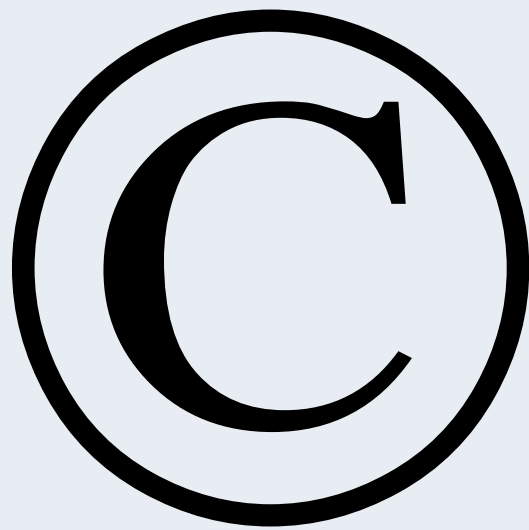




Public dissemination

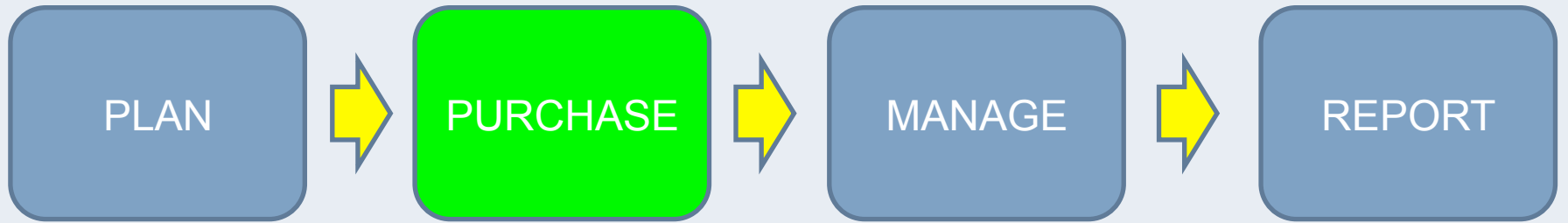
Augment Crown background

Subsystem









3 types SACC





General

Supplemental  
general

Standard  
procurement

General condition

2010B

2030

2035

2040





Supplemental general  
4006/4007

most comprehensive

Standard procurement

K clauses

Specific situations



## Annex 4.2

(Supply Manual)

## DND flowchart

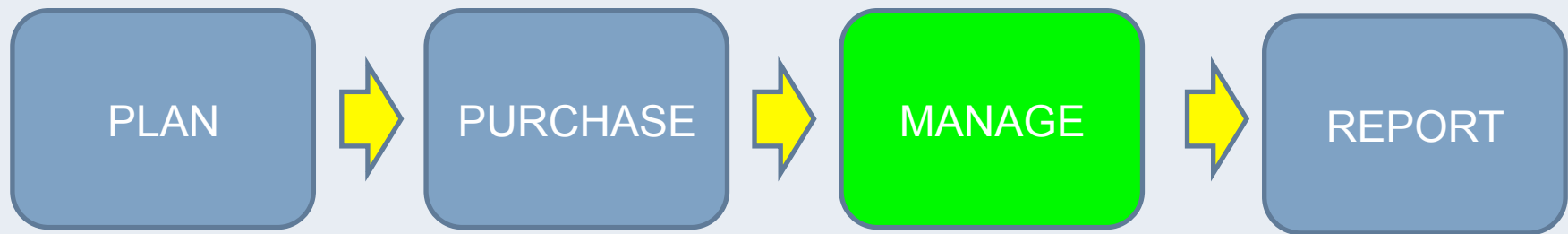
(handout)





4006/4007

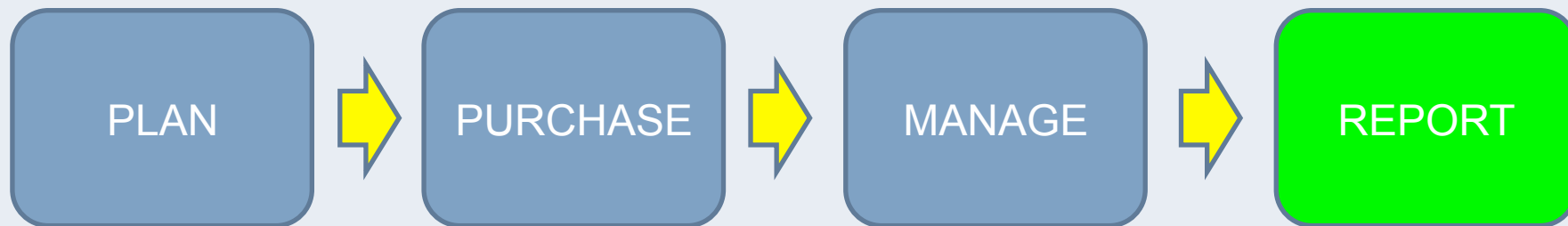
K clauses



Validate deliverables

Keep record of  
**survival** clause





Ownership

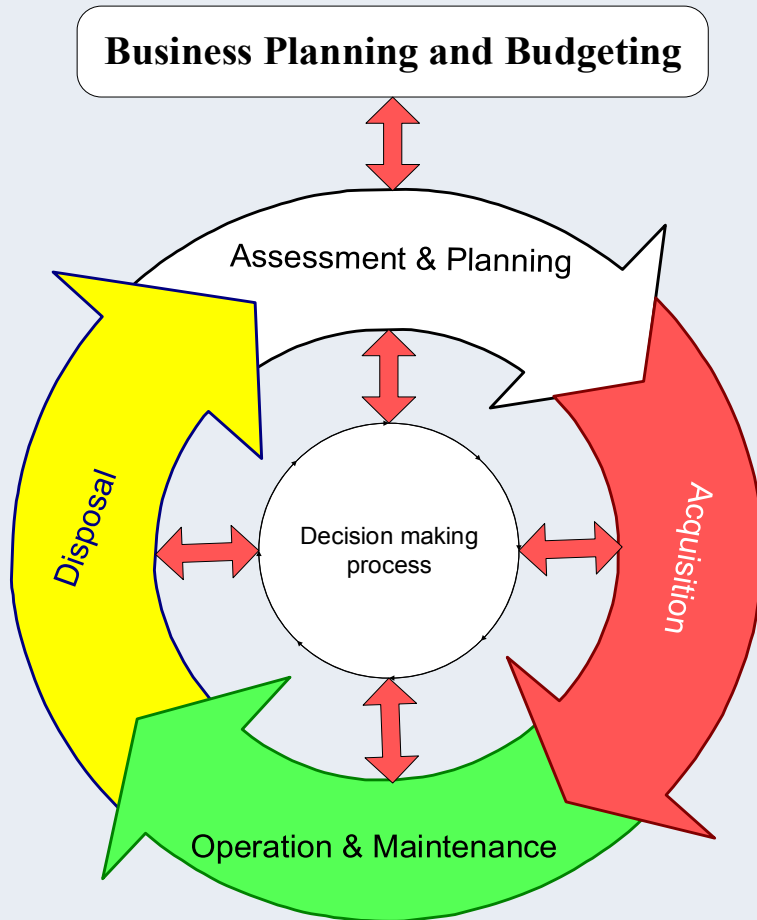
Commercialization

# PART 4

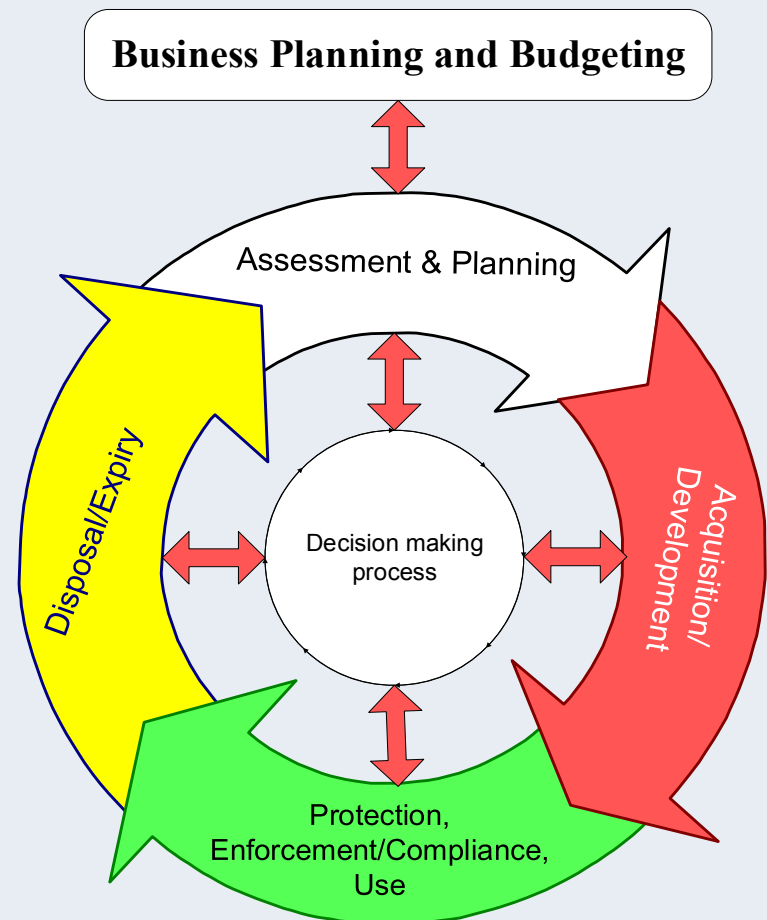
## TBS IP GUIDE



## MATERIEL LIFE-CYCLE MANAGEMENT



## INTELLECTUAL PROPERTY LIFE-CYCLE MANAGEMENT



### 2 Scenarios

- IP owned by Crown
- IP licensed to Crown



THANK YOU!

AnhThu Vu  
DND Intellectual Property Manager  
[anhthu.vu@forces.gc.ca](mailto:anhthu.vu@forces.gc.ca)  
819-939-8672

Q & A



## QUESTION 1

Is there IP created in the purchase of an off-the-shelf product?

ANSWER 1

No

## QUESTION 2

The GoC generally wants suppliers to keep the IP created in the course of a Crown procurement contract. (True/False)



ANSWER 2

True

## QUESTION 3: Would IP be relevant?

Situation	Yes/No
R&D contract	
Contractor conducts a study on fish habitat and provides a report	
Under the contract, a logo is created	
Contract to update a Crown courseware	
Contract to purchase stationary	

## QUESTION 4: Foreground/Background?

Situation	FG/BG
Material that is newly created	
Excerpt from a copyrighted work that exists prior to contract issuance	
Source codes updated from existing Crown software	
Technical drawings used in previous contracts	