

BE IT RESOLVED that By-Law #4, set forth in Schedule "A", be adopted as a by-law of Intellectual Property Ontario this 21<sup>st</sup> day of September, 2022.

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Karima Bawa

Chair

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Melanie Herbin

Secretary

**SCHEDULE “A”**  
**INTELLECTUAL PROPERTY ONTARIO**

**BY-LAW NO. 4**  
**Eligibility for Services**

**SECTION I – Interpretation**

1.1 Definitions and Interpretation – In this by-law, unless the context otherwise requires:

- a) “advanced services” means the services described in sections 23, 24, and 26 of Ontario Regulation 4/22;
- b) “client” means a person or entity that is accepted into the initial test phase pursuant to the requirements set out in Section III of this by-law;
- c) “entrepreneur” means any person with at least 6 months of full-time experience in the last 12 months as a business owner with an active role who owns at least one third of the business, or a senior manager responsible for strategic decision-making and day to day operations;
- d) “initial test phase” means the period during which IPON provides services to a limited number of clients in order to test and validate service delivery approaches for the services described in sections 23, 24, and 26 of Ontario Regulation 4/22;
- e) “IPON” means Intellectual Property Ontario, as established by Ontario Regulation 4/22;
- f) “Ontario small-and-medium size enterprises” means any business which is constituted, established, or organized under the laws of the federal Parliament or any provincial or territorial Legislature; is controlled, directly or indirectly, by a Canadian; has fewer than 500 full-time equivalent employees; and is operating in Ontario;
- g) “person” includes a corporation;
- h) “person or entity that is an IP owner” means any person or entity that owns, is developing, or has the authority to manage intellectual property for their own use or benefit; and
- i) “researcher” means a member of a college of applied arts and technology or a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education, an academic hospital, or research institute in Ontario conducting research, including faculty members; adjunct professors; visiting professors or researchers; undergraduate students; graduate students; postdoctoral fellows; research associates; technical staff; and any other person involved directly or indirectly in research or supporting the commercialization of the research.

## **SECTION II – Applicability and Scope**

2.1 **Applicability** – This by-law applies during the initial test phase.

2.2 **Scope** – This by-law sets out the eligibility requirements for advanced services.

## **SECTION III – Eligibility Requirements**

3.1 – **Eligibility** – A maximum of 40 clients will be eligible to receive advanced services during the initial test phase. Each client will meet the requirements set out in sections 3.2, 3.3, and 3.4, and the clients will individually and as a group meet the requirements set out in section 3.5.

3.2 **Prospective Clients** – The initial test phase will only serve clients that are:

- a) entrepreneurs,
- b) Ontario small-and-medium size enterprises, or
- c) researchers.

3.3 **Prospective client categories** – The initial test phase will serve clients from the following categories only:

- a) A person or entity that is an IP owner developing intellectual property in the artificial intelligence sector, by enabling the programming, training, or operation of a device, or software, or computerized system to
  - i. perceive environments through the use of data, including big data,
  - ii. observe patterns and interpret data using automated processing designed to approximate cognitive abilities or cognitive capabilities, and
  - iii. make classification, recommendations, predictions, or decisions.
- b) A person or entity that is an IP owner in the health and medical technology sector, through enabling technologies of hardware, software or computerized systems or solutions that:
  - i. diagnose, treat, care for, monitor, manage, or improve a person’s health outcomes and wellbeing, while using information technology, digital technology, or hardware as the main catalyst to improve the person’s health outcomes and wellbeing overall or at a faster rate than before, or
  - ii. advance a medical professional’s or caregiver’s ability to improve or to impact a patient’s health outcome, experience, or wellbeing, or
  - iii. improve a medical facility’s service or value with an intervention using information technology, digital technology, or hardware as the main catalyst for this advancement.
- c) A person or entity that is an IP owner developing intellectual property in the automotive technologies sector, through enabling technologies of hardware,

software, or computerized systems relating to automotive or autonomous vehicles for transportation that are:

- i. data, mobility, or connectivity technologies that directly support, supply, or are embedded in automobiles or other micro-mobility platforms,
  - ii. low carbon, alternative power, or electric vehicle technologies that are used to directly support, supply, or are embedded in the vehicle,
  - iii. partially automated driving, highly automated driving, fully automated driving, or fully automated vehicle technologies that are used to support, supply, or are embedded in the vehicle, or
  - iv. advanced manufacturing technologies, devices, hardware, software, systems, or processes to support (i)-(iii) above.
- d) A person or entity that is an IP owner of intellectual property, or has authority from the owner to manage intellectual property, that was developed using financial supports provided through the Ontario Research Fund – Research Excellence, and that has demonstrated commercialization potential in a timeframe that will allow IPON to assess the impact of the advanced services provided following the initial test phase, and that aligns with scope of their current plan for protection and commercialization of that intellectual property.

**3.4 Terms and Conditions** - The prospective client must agree:

- a) to share relevant information and documents, including confidential information, with IPON,
- b) to participate in a debriefing meeting with IPON to share insights into the initial test phase and IPON's service offerings, and
- c) to comply with reasonable reporting requirements,

if they become a client.

**3.5 Agency Review** – IPON will review all prospective clients that meet the requirements set out in sections 3.1, 3.2, 3.3, and 3.4 against the following additional eligibility requirements.

- a) Each client must:
  - i. be the IP owner of any intellectual property that would be supported by the services, or have authority from the IP owner to manage the IP,
  - ii. demonstrate that they have existing registered or unregistered intellectual property, that aligns with commercialization plans,
  - iii. demonstrate how the services would support their business strategy,
  - iv. demonstrate a commitment to sustaining and protecting their intellectual property, and in particular the intellectual property that would be supported by the advanced services,

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- v. demonstrate its own financial capacity to advance the protection and commercialization of the intellectual property supported by the advanced services beyond the initial test phase,
  - vi. demonstrate commercialization potential in a timeframe that will allow IPON to assess the impact of the advanced services provided in a reasonable period following the initial test phase, and
  - vii. demonstrate potential to realize societal or economic benefits to Ontario.
- b) The clients as a group must, to the extent possible:
- i. be drawn from different geographic regions of the province, including both rural and urban areas,
  - ii. be drawn from all three categories set out in section 3.2,
  - iii. be drawn from all four categories set out in section 3.3, and
  - iv. be at different stages of protection and commercialization of intellectual property.

APPROVED by the Minister of Colleges and Universities this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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Jill Dunlop  
Minister of Colleges and Universities