



PROFESSIONAL CONSTRUCTORS

COPYRIGHT and INTELLECTUAL PROPERTY POLICY

Purpose:

Acres Enterprises Ltd. strives to maintain fair and consistent policies towards its employees.

The purpose is to outline the rights of the Acres employee and the rights of Acres Enterprises Ltd. in relation to ownership and copyright of works created by the employee during the course of the employment and experience with Acres.

Scope:

This policy applies to every employee of Acres Enterprises Ltd.; and its subsidiaries and affiliated companies.

All Acres employees are expected to apply the principles outlined in this Policy in exercising judgment when we face questions, concerns or issues regarding workplace copyright and/or intellectual property.

Benefits to Our Business:

Establishing intellectual property protection for our goods, services and our brand/name is important for a variety of reasons. Intellectual property can:

- Establish a right to, and ownership of, our intellectual creations so we can profit from them;
- Prevent our competitors from copying or closely imitating our products or services;
- Protect the distinct identity, image, and reputation of our business; and
- Build customer trust and loyalty by establishing our own unique brand, name, and image.

PROCEDURES

Reporting:

As an employee of Acres, if you would like to submit a notification of alleged infringement, counter a notice of copyright infringement submitted against you, or withdraw a notification of infringement that you submitted, please refer to the matter to your immediate supervisor/leader, and Human Resources.

Notices of Intellectual Property Infringement:

Acres strives to respond quickly when we receive proper notice of intellectual property infringement by removing or disabling access to the allegedly infringing material.

LEGAL CONTEXT and OVERVIEW:

Introduction and Purpose:

Copyright is a component of the Intellectual Property Law of Canada. Copyright does not protect the "idea" but it does protect the "expression of the idea." Copyright is automatic; effective from the moment the work is created.

If a person develops an idea, expressing it in writing or otherwise and does so on their personal time, then that person is both author of the work and owner of the copyright to that work. If it is developed on company time, the employer owns the copyright but the creator retains authorship. This then holds true

for students depending on how the works were created.

In addition, the creator retains “moral rights” where the creator has the right to have his/her name on the work or be anonymous and to have his or her reputation protected (protect integrity of the work and prevent distortion of the work).

Inventorship vs. Ownership and Authorship:

Neither joint inventorship nor joint ownership is automatically granted.

Inventorship of subject matter in patents are determined by complex legal criteria. Acres relies on the law of the jurisdiction where and when a patent is being filed to guide determination of inventorship of a patent.

Inventorship is attributed at the time that the patent is being filed, so it is not appropriate in to specify that all patentable intellectual property arising from a particular project will be jointly invented.

A lawful inventor is one who meets the statutory requirements of inventorship and is associated with one or more of the patent claims that formally define the invention. As a general statement, inventorship requires some involvement in the conception of the invention.

A contribution of equipment, materials, space or financial resources, for example, does not entitle a sponsor to being named as an inventor.

Ownership is a separate concept from inventorship and is determined by agreement between the parties. Co-owners or joint owners of patents have varying rights dependent on the jurisdiction where the patent is filed.

Neither joint inventorship nor joint ownership are synonymous with joint authorship. Determination of inventorship and authorship are each governed by very different criteria.

Authorship is typically attributed in accordance with rules that have evolved through a specific academic field of study.

DEFINITIONS:

Authorship: the creator of an artistic, literary, musical, dramatic or digital work (retaining intellectual property rights).

Copyright: the sole right to produce or reproduce a work (or substantial part of it) in any form. In Canada, all original works are protected by copyright, including books, journal articles, songs, video recordings, websites, and computer software.

Creator(s): a sole individual or group of individuals working collaboratively and/or cooperatively, to make, conceive, reduce to practice, author or otherwise make a substantive intellectual contribution to the creation of intellectual property.

Intellectual Property: the legal rights that result from intellectual activity in the industrial, scientific, literary and artistic fields. IP rights, whether in the form of patent, trade-marks, copyrights, industrial designs, reward this intellectual activity.

Moral Rights: the creator’s right to be associated with the work by name, and include the creator’s right to

the integrity of the work. Moral rights remain with the creator of a work, even where the work, or the copyright in the work has been sold or assigned.

Employee Material or Work Product. any material/original work created in whole or in part by a employee while employed (i.e. with Acres) such as written material (proposals, reports, deliverables, drawings, brochures, posters, handouts), digital work (presentations, websites, programming language, video recordings), artwork (paintings, drawings, songs), or other work.