



MAUT – APBM Newsletter

McGILL ASSOCIATION OF UNIVERSITY TEACHERS
ASSOCIATION DES PROFESSEUR(E)S ET BIBLIOTHECAIRES DE MCGILL

Vol 26 No 3 January *janvier* 2000

In This Issue

Editor's remarks

Catherine MacAulay

*Results of name ballot, and
constitutional review*

Proposed Intellectual Property Policy

Policy on anonymous letters

Date of Spring General Meeting

*Reminder: Tax planning session
with BDO Dunwoody*

Editor's Remarks

This issue is the first since MAUT's French name, ABPM, was approved by the membership in a mail ballot (the vote tally is reported below). Since this will require new letterhead and newsletter stationery for our association, it seems an opportune time to review the format of the newsletter in general. With this issue, we are trying a new format together with a temporary bilingual masthead; Marilyn Fransiszyn from McLennan-Redpath Library has kindly agreed to format this issue in a proposed new style. Your humble editor solicits your comments on the change in format (tel 8964, fax 7336 or e-mail jwg@leacock.lan.mcgill.ca).

Please take note of the date of the Spring General Meeting (11 April, Leacock 232, 11:45 for 12:00) and of the reminder concerning the tax planning session. This session is an opportunity to hear a presentation by , and pose questions concerning tax and related matters to, experts; it will be chaired by Cheryl McWatters of the Faculty of Management (Thursday 3 February, 4pm, Leacock 232).

— *John Galbraith* ■

Best wishes to Catherine

Catherine MacAulay, our Administrative Officer, has virtually been MAUT's right hand for the past 22 years. She has been seriously ill and absent from the office since the beginning of October. We wish her a speedy recovery; if you would like to communicate your own sentiments, they may be sent to:

Catherine MacAulay
PO Box 244, RR No. 2
Williamstown, ON
K0C 2J0

— *Myron Frankman* ■

Results of name ballot, and constitutional review

The membership was recently asked in a mail vote to consider a change to the MAUT constitution, which would add a French name to our existing name. The French name, Association des professeur(e)s et bibliothécaires de McGill (APBM), was approved in a vote with 274 ballots cast as follows:

Spring General Meeting

Tuesday, 11 April
11:45am
Leacock 232

Reminder: Tax planning seminar

with Mr Erle Shrier
and colleagues from BDO Dunwoody
Chaired by Cheryl McWatters
(Management)
Thursday, 3 February
4:00pm
Leacock 232

For: 232
Against: 39
Spoiled: 3

The constitution will be amended accordingly. At the same time, the Council decided that it would be appropriate to undertake a review of the MAUT constitution as a whole to consider other relatively minor changes which have been suggested from time to time. A committee comprising your humble Newsletter editor, Patrick Glenn (Law) and Christopher Manfredi (Political Science) has been convened to undertake this review and will report to Council shortly; we expect a set of suggested changes to be ready for discussion at the Spring General Meeting.

— *John Galbraith* ■

Proposed IP Policy: The Debate Resumes

Who should own your intellectual creations? What control, if any, should you have over the commercialization of your inventions? What share of the gains from your creations should you be entitled to? What recourse is open to you if you have a dispute with McGill relating to patent rights? These are all matters which are likely to be decided this semester, although a convincing case has not been made for the need to change our existing policies on patents and inventions, other than the assertion that McGill is out of step with other North American universities, particularly those in the United States.

At the initiative of Vice-Principal Pierre Bélanger new policies on patents and inventions have been drafted and a temporary policy on intellectual property in software was adopted by the Executive Committee of the Board of Governors in December 1998, without prior consultation with the University Senate. Subse-

quently, VP Bélanger asked MAUT to constitute a committee to meet with him to discuss a draft Intellectual Property (IP) policy to replace the existing policies on copyright, patents and software. The MAUT Committee, which I chaired and whose active members were Daniel Boyer, Peter Burpee, Glenn Cartwright and Jean Gotman, had several meetings with VPs Bélanger and Pennycook and Associate VP Ian Butler in May. A draft policy elaborated at that time was the subject of several alterations during the summer on which the MAUT Committee was not consulted and further modifications were made in successive versions which appeared in the fall. No indication was given from one draft to the next of the nature of the changes that had been made or even whether any had been made. The draft that is currently under consideration is that dated October 22, 1999, which is available in pdf format on the Faculty of Graduate Studies web page together with a statement of the rationale for the new policy: <http://www.mcgill.ca/fgsr>. During fall 1999 there were widespread discussions of the draft IP policy. My perception is that faculty and staff reactions were highly unfavorable, with some suggesting that rather than giving an impetus to creative activity, the IP policy proposals might have severe adverse consequences, possibly even discouraging new faculty and students from coming to McGill. The Faculty of Engineering, for example, unanimously passed the following motion on November 9, 1999:

While the Faculty of Engineering supports the development of a clear and comprehensive policy on intellectual property and is willing to participate in its formulation, the policy as proposed by the University is inconsistent and unacceptable in its present form.

Specifically, provisions governing ownership of intellectual property as it pertains to software and patents, i.e. that the University

owns all software and inventions developed by the University community (exceptions noted), are overly restrictive and severely curtail our abilities in teaching and research.

We therefore request that the proposed policy be amended so as to ensure the University's ability to commercialize intellectual property while respecting the rights of the inventors. In particular, the moral rights to the intellectual property shall remain solely with the inventors.

At the Information Session on the proposed IP policy held by MAUT on November 17, 1999, the panelists (with the obvious exception of Associate VP

*"Until 1994
professors had been
sole owners of their
patents."*

Butler) and the audience were uniformly critical. The proposed dispute resolution procedure (article 9) was the object of particular displeasure, insofar as there is no protection against conflict of interest in the consultation procedure specified, no means for the inventor to choose a person to speak for her interests on the panel advising the Principal and no appeal from the "final decision" of the Principal. Gerry Price reminded us that until 1994 professors had been sole owners of their patents. Having compromised once, today we are being told, with

no apparent quid pro quo, that it is now necessary to give up all rights to ownership if we choose to avail ourselves of the university's assistance in commercializing our inventions. Murray Douglas urged us to consider policy at other Canadian universities, particularly that of Waterloo. In later correspondence on the proposed IP policy, Professor B. Rabi Baliga has urged that "we start with an IP policy akin to that of the University of Waterloo, and then make appropriate changes to it, if necessary."

The IP Advisory Committee that MAUT formed at VP Bélanger's request was not reconvened by him. Instead, with no prior notice of motion, he asked for and received Senate's approval on December 1, 1999 that Senate Nominating Committee suggest members for a new committee to advise him on revisions of McGill's IP policy. The academic members of the new committee are

Greg Dudek, Computer Science
Myron Frankman, Economics
Rod Guthrie, Mining and Metallurgical Engineering
John Hobbins, Libraries
Cliff Stanners, McGill Cancer Centre
Kevin Wade, Animal Science

There are two student members: one graduate (Robert Sim) and one undergraduate to be chosen by the SSMU whose name is not yet known to me. The University Legal Advisor is to serve as a resource person for the committee. The committee will choose its own chair. Many of you have sent valuable suggestions to me about shortcomings in the proposed IP policy. Here I have barely touched on the range of troublesome issues. All of your written comments will be made available to the members of the newly constituted ad hoc committee. I have created a web page (originally intended for the anticipated debate on software policy) where one can consult relevant documents on IP policy: <http://vm1.mcgill.ca/~inmf/http/software.html>.

Information will be posted there as it becomes available and updates will appear as well in the MAUT Newsletter. For timely information, I urge you to subscribe to the MAUTFORUM electronic discussion list. If you wish to be added to that list, please send an e-mail to me at inmf@musica.mcgill.ca.

— Myron J. Frankman, President,
MAUT ■

MAUT APBM Newsletter

The MAUTAPBM Newsletter is published monthly during the academic year, by the McGill Association of University Teachers, to keep all members informed of concerns and activities.

Editor John Galbraith (Economics)
Administrative Officer Catherine MacAulay
Secretary-Treasurer Cheryl McWatters (Management)

Postal Address:
McGill Association of University Teachers
3495 Peel Street, Room 202
McGill University
Montréal, Québec, Canada H3A 1W7
Tel (514) 398-3942
Fax (514) 398-6937

Policy on anonymous letters

The University appears to have no policy on appropriate response to anonymous letters alleging misconduct on the part of academic staff members (or others).

While such letters are rare, their consequences may be serious. In response to suggestions from the membership, MAUT has convened a committee to recommend a policy for the University. If you have thoughts on the matter, please express them to Marie-Claude Prémont (Law), tel 4670.

— *John Galbraith* ■

MAUT Executive 1999/2000

	Phone	Fax
President		
Myron Frankman Economics inmf@musica.mcgill.ca	4829	4938
President-Elect		
Bruce Shore Educ & Couns.Psych shore@education.lan.mcgill.ca	4242	6968
Past President		
Barbara Hales Pharmacology bhales@pharma.mcgill.ca	3610	7120
V.P. Internal		
Johanne Herbert Library hebert@library.mcgill.ca	4782	5046
V.P. Communication		
John Galbraith Economics jwg@leacock.lan.mcgill.ca	8964	4938
V.P. External		
Daniel Guitton Neurology and Neurosurgery dguitt@mni.mcgill.ca	1954	7371
Secretary-Treasurer		
Cheryl McWatters Management mcwatter@management.mcgill.ca	5851	3876

MAUT *APBM* Newsletter
3495 Peel Street, Room 202
McGill University
Montréal, Québec, Canada H3A 1W7

