



Letter from Minister Bailey

From day one, our government has worked to make life better for all people – and by doing so we've seen B.C.'s economy become more diversified and resilient. It's exciting to see the growth of various sectors, including the tech sector where I worked before being elected MLA for Vancouver-False Creek.

In 2022, the StrongerBC Economic Plan outlined a vision of clean and inclusive growth for our province – as well as the concrete actions we must take to achieve this vision. Those actions have included the launch of the Mass Timber Action Plan and the Life Sciences and Biomanufacturing Strategy, and it's also led to the development of B.C.'s Intellectual Property Strategy as part of our mission to foster innovation across our economy.

Intellectual property, a creation that can be protected through patents, copyright, trade secrets and other tools, has significantly contributed to our province's world-renowned expertise and innovations in clean tech, life sciences, digital media and other high-growth sectors.

In the summer of 2022, I met with industry leaders to get a first-hand understanding of the state of intellectual property use within the province. From those engagements, we identified the need to increase awareness of this nuanced area and ensure our innovators have the tools and supports they need to thrive and succeed – here at home and in markets worldwide.

By pursuing the initiatives outlined in this strategy, we will create a stronger intellectual property foundation in B.C., which will build our expertise and capacity in this area and protect the innovative ideas developed in our province. Those ideas are what will fuel clean and inclusive growth and build an economy and future that works for all British Columbians.



A blue ink handwritten signature of Brenda Bailey.

Honourable Brenda Bailey

Minister of Jobs, Economic
Development and Innovation



Executive Summary

British Columbia is transitioning to an economy where knowledge-based sectors are playing a greater role than ever before. Intellectual property is a critical part of an innovation-driven economy and ensuring B.C. businesses and entrepreneurs know how to use and protect their intellectual property will be essential for harnessing the power of innovation to support clean and inclusive economic growth.

Ideas are easy to use, but harder to protect as they are not something you can physically see or hold. Intellectual property – which includes processes and business methods, the design of a product, a logo or brand, and software and web content – can be protected through legal tools. In a knowledge-based economy, the use of intellectual property impacts how innovations are commercialized and protected. Intellectual property is a complex field, and it can be challenging to understand its national and international nuances and implications.

Nationally, Canada's Intellectual Property Strategy focuses on guiding investments in programs and resources. In January 2023, the federal government's ElevateIP program awarded \$12.5 million to New Ventures BC that will be used to create AccelerateIP, a program to support start-ups in British Columbia. B.C.'s Intellectual Property Strategy builds on these initiatives to make it easier for B.C. innovators to understand and navigate the complicated financial and legal issues behind intellectual property.

In the summer of 2022, the Province held several engagement sessions with industry leaders who represented a cross-section of B.C.'s innovation ecosystem to assess the current state of intellectual property awareness and identify priority areas for action. These sessions underlined the need for a multi-phased approach, starting with building a strong foundation of

intellectual property awareness among our province's innovators and then developing more specific and targeted strategies in future years. The Province is contributing \$2.5 million to carry out this IP Strategy.

The current focus of this strategy is to build a robust intellectual property foundation through:

- **IP Training:** Working with the Crown corporation Innovate BC to create new training opportunities and resources to raise awareness of intellectual property
- **IP Hub:** Establishing a virtual intellectual property hub that will serve as a one-stop shop for businesses seeking information and tools
- **IP Smart:** Applying an intellectual property lens to provincially funded programs, increasing awareness of the importance of intellectual property and the availability of resources through provincial programs

By focusing on these elements, B.C.'s Intellectual Property Strategy will build the province's intellectual property capacity by increasing the awareness, use and protection of intellectual property by small and medium-sized enterprises. This will ultimately create the conditions that will contribute to a more sustainable and viable innovation ecosystem in B.C.

Introduction

Intellectual property refers to creations of the mind that are legally considered to be owned property in the same way that physical assets are owned by, and belong to, an individual or business. Intellectual property can include the written words in a book, artistic creations, software, an invention, a business logo or a design of a new product.

As shown in the table below, different types of intellectual property are protected in different ways. A company can hold a trademark on its logo; copyright on its documents, marketing publications and web content; and a patent on its unique and novel technology. The ability to protect intellectual property ownership and use is essential for the successful commercialization of any innovation.

If intellectual property is not properly protected, there is the risk that it could be used by others without authorization – with potential far-reaching impacts. That’s why it’s essential for all organizations to have a basic understanding of intellectual property and its applications, which include fair dealing, branding and trademark.

At the federal level, Innovation, Science and Economic Development Canada has developed a comprehensive intellectual property strategy to foster innovation within the country.

The federal intellectual property strategy focuses on three primary areas: legislation, literacy/advice and intellectual property tools. As intellectual property legislation is firmly within federal jurisdiction, B.C.’s Intellectual Property Strategy targets intellectual property literacy and awareness and intellectual property tools, with a specific emphasis on the needs of small and medium-sized enterprises.

This strategy aligns with the StrongerBC Economic Plan and its mission to foster innovation throughout the provincial economy. B.C.’s Intellectual Property Strategy supports this mission by connecting innovators and businesses to the resources, training and tools they need to protect their ideas and thereby compete successfully, domestically and internationally. This strategy builds on work already completed by the federal government and leverages supports available through programs like AccelerateIP.

Intellectual property

	Patent	Trade secret	Industrial design	Trademark	Copyright
Coverage	New, useful and non-obvious invention	Invention, business information	Visual features of a product	Source of goods or services	Original literary, artistic, musical, or dramatic work
Scope (examples)	Product, process, machine, chemical composition, use	Business method, invention, recipe, manufacturing process	Shape, pattern, ornament, or configuration, or any combination of these features	Word, design, taste, texture, moving image, sound, and others	Software, sound recording, photograph, web content, painting
Rights	Exclude others from using, making or selling your invention	No formal rights (contractual obligations)	Exclude others from making, using, selling or importing something that uses your design	Prevent others from using your trademark	Prevent others from reproducing your original work
Duration	Up to 20 years from date of filing	As long as confidentiality is maintained	Up to 15 years from date of filing	10 years (renewable)	Life of creator + 70 years (in general)

Table source: Innovation, Science and Economic Development Canada, Canadian Intellectual Property Office. “Intellectual property in Canada.” 2020

The growing importance of intellectual property to B.C.'s economy

The StrongerBC Economic Plan shares a vision of clean and inclusive growth to improve quality of life for all and foster innovation as we transition to a low-carbon economy.

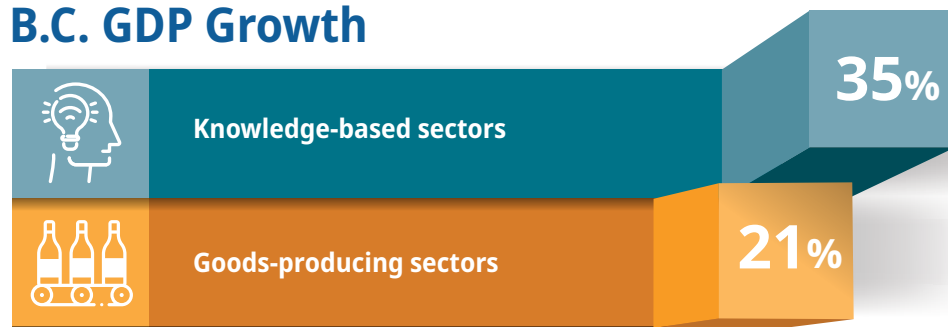
Organizations from across all sectors of our economy gain competitive advantages from their innovations and ideas. To succeed, they need to be as strategic in protecting these intangible assets as they are their physical ones. Understanding intellectual property is therefore essential for any company that wants to commercialize its innovations, grow revenue and build a sustainable and competitive business.

Knowledge-based sectors are major drivers of economic growth in B.C., making it crucial that companies within these sectors have the awareness, knowledge, and tools to manage their intellectual property. Small and medium-sized businesses that hold intellectual property rights are three times as likely to have expanded domestically and four times as likely to have expanded internationally.¹

Protecting and commercializing intellectual property is also important in traditional resource-based industries. Resource-based industries like forestry, fishing and mining remain important sectors in B.C.'s economy, and these industries can also benefit from increased intellectual property literacy.

Although intellectual property training and resources are available through various organizations in the province, the general awareness of intellectual property is not widespread. Taking steps to increase awareness and use of intellectual property is essential to our long-term prosperity. The strategic use of intellectual property can help companies compete, scale up and grow, which will benefit our provincial economy through high-value job creation, new service or product offerings, and valuable export opportunities.

B.C. GDP Growth



Statistics Canada
(Table: 36-10-0402-01).
Data over a ten-year period
from 2010 to 2020

¹ Innovation, Science and Economic Development Canada, Government of Canada launches intellectual property strategy, April 26, 2018.

What we heard

During the summer of 2022, the Ministry of Jobs, Economic Development and Innovation held engagement sessions with industry leaders from the innovation ecosystem to assess the current level of understanding of intellectual property and its use. These sessions were attended by participants from a range of industry sectors and included representation from Indigenous groups.

While many people have a sophisticated understanding of intellectual property and have used it to successfully grow their companies, others are less familiar but interested in learning more, and some are unaware of the importance of intellectual property to their business. Indigenous participants drew attention to the challenges Indigenous innovators and creatives face protecting their intellectual property.

Given the significance of intellectual property to our province's economic growth and prosperity, it's important to make it easier for people to access intellectual property resources and build capacity within B.C.'s intellectual property ecosystem. This can partly be achieved by creating a centralized location for supports and creating more opportunities for networking and mentorship.

CASE STUDY: AbCellera

AbCellera is a Vancouver-based company that is breaking barriers of conventional antibody discovery to bring better medicines to patients, sooner. AbCellera's engine integrates expert teams, technology, and facilities with the data science and automation needed to propel antibody-based medicines from target to clinic in nearly every therapeutic area with precision and speed.

From its roots in 2012 in a UBC research lab to a record US \$555 million initial public offering in 2020, the company's success is in part a result of its ability to obtain and maintain intellectual property protection for the components of its discovery and development engine and the therapeutic antibodies it discovers.

AbCellera has developed an expansive patent portfolio with claims related to multiple aspects of its discovery and development engine, beginning with its first patent applications exclusively licensed from UBC, in 2013. AbCellera maintains its competitive advantage in the industry by continuously assessing new ways to improve its technology platform and expand its IP through license or acquisition of third-party patent portfolios.

CASE STUDY: MineSense

MineSense is a Vancouver company creating technologies that provide mines with the ability to sort ore from waste in real time using innovative sensing systems and data analytics. Its signature product is ShovelSense®, a sensor attached to shovels to perform real-time analysis of ore. The technology collects valuable data that can be used to identify ore in waste rock, enabling mining companies to isolate the ore and capture revenue. In addition to holding trademark protection on the name ShovelSense, MineSense has also used patents to protect its groundbreaking technology in Canada and abroad.

B.C.'s Intellectual Property Strategy

Governments around the world understand the importance of intellectual property for empowering people and businesses to benefit from their innovative ideas and intellectual goods.

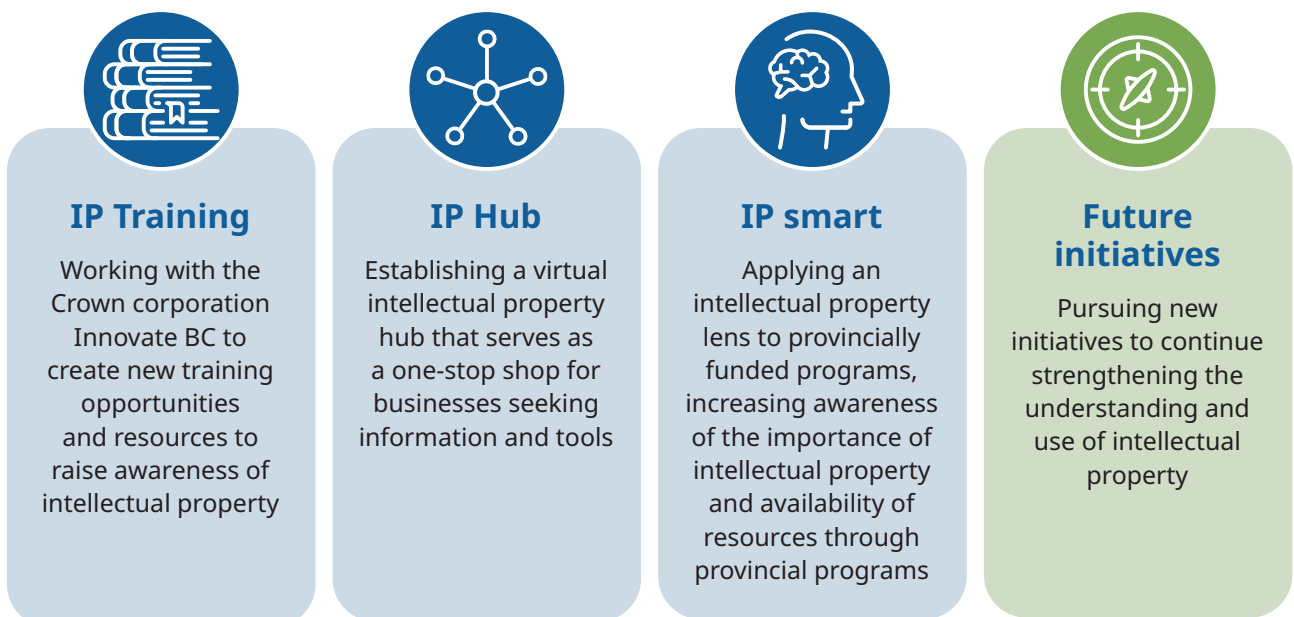


Many jurisdictions have launched initiatives to raise awareness of intellectual property through action plans and education campaigns. Others have a designated agency to act as a hub and resource for people and businesses. Tax incentives and grants are sometimes used to encourage businesses to take steps to protect their intellectual property.

Given the importance of intellectual property to knowledge-based and innovation-driven companies, British Columbia's businesses, innovators and entrepreneurs will benefit from a robust provincial intellectual property strategy. Our strategy makes it easier for them to access the intellectual property resources they need to protect their innovations and ideas.

This strategy begins with the understanding that an essential first step is building intellectual property literacy and centralizing useful resources and tools. From this foundation, we can set the stage for future targeted and data-driven initiatives.

The following graphic shows the three foundational elements of B.C.'s Intellectual Property Strategy.



IP Training

Province-wide engagement sessions found that the understanding of intellectual property varied across sectors and within industries. Some participants had a very nuanced appreciation of this complex topic and had integrated intellectual property considerations into their growth strategy. Others were not as familiar with why intellectual property could be an important tool for their business and did not know where to find support to learn more or navigate intellectual property issues.

To address these knowledge gaps, the Province will leverage \$12.5 million of federal funding from the national ElevateIP program that has been allocated to New Ventures BC, an organization dedicated to encouraging entrepreneurship and innovation. The Province will contribute an additional \$2 million to expand and focus this program. Backed by the Crown corporation Innovate BC and supported by delivery partners across the province, New Ventures BC will offer AccelerateIP to raise awareness, offer guidance and provide support to start-ups and small and medium-sized businesses.

IP Hub

Our engagement sessions revealed that people are looking for a single source of trusted information to learn more about the topic, identify where to find resources and potentially create and implement an intellectual property strategy. While there are intellectual property resources online – including the federal government’s Intellectual Property Hub – innovators are seeking a B.C.-specific source of information and tools.

The Crown corporation Innovate BC will develop and host the IP Hub to centralize intellectual property resources. The hub will include links to training opportunities, databases and expertise. It will incorporate a tool enabling companies to assess their intellectual property literacy and connect to the resources they need. The IP Hub will also highlight world-class research and innovation among partners and collaborators.

Data will be collected on how people are using the hub, and this information will be used to inform future evidence-based initiatives and programs.

Accelerate IP

Over the next three years, New Ventures BC will offer AccelerateIP, a program to support start-ups and innovators by providing:

- ▶ An intellectual property awareness and education program
- ▶ Strategic guidance and access to intellectual strategy support
- ▶ Supports for start-ups to execute on intellectual property strategy implementation

IP Smart

The Province offers a range of funding programs across industry sectors to support businesses as they pursue innovative projects that will grow their revenues and create high-quality jobs. Many of these programs fund the generation of intellectual property – from new processes and technologies to industrial designs and other innovations – or support businesses for which sound intellectual property management directly contributes to their success.

The Province will launch an internal government initiative known as IP Smart to help protect its investments in innovation by providing resources to program administrators and program applicants. Partnering with the Province’s intellectual property office, IP Smart will also encourage program applicants to reflect on the impact of intellectual property on their business and its relevance to the project they are seeking funding support.

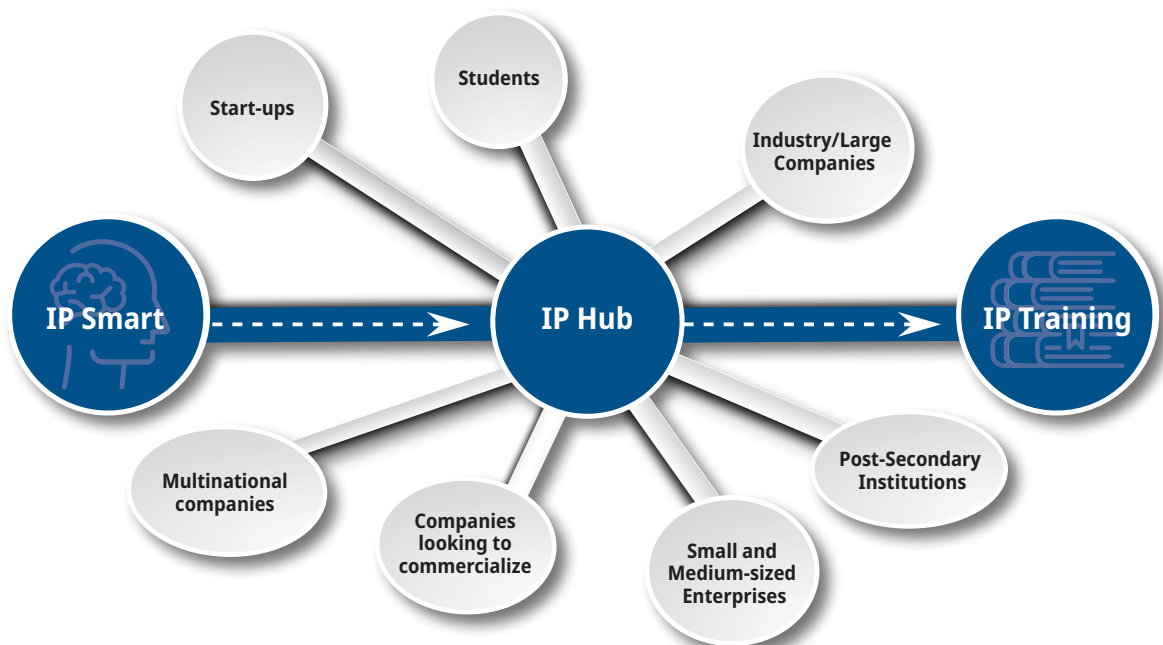
While not all projects or businesses may need advanced intellectual property awareness,

IP Smart will direct applicants to the IP Hub for supports and resources so businesses understand the importance of intellectual property protection for their ideas – and therefore have the intellectual property protection they need to scale and grow.

Measuring progress

The impact of this strategy will be measured in the following ways:

- An increase in the number of companies with in-house intellectual property expertise
- An increase in the awareness of intellectual property resources in B.C.
- An increase in the number of provincial programs that use intellectual property as a consideration when allocating funding
- An increase in access to intellectual property resources by B.C.-based small and medium-sized enterprises and start-ups
- The creation of a centralized intellectual property resource for B.C. companies





Businesses in B.C.'s life sciences sector rely on intellectual property strategies to grow their organizations and protect the value of their innovations and technologies. The B.C. Life Sciences and Biomanufacturing Strategy identifies infrastructure, investment and strong intellectual property protection as the crucial elements required for growth in this dynamic sector.

Future initiatives

The first phase of this strategy will build out the foundational elements that need to be in place to strengthen and protect innovators. As intellectual property literacy becomes more widespread, we will identify and advance initiatives to build upon specific areas.

Future actions and areas of interest could include:

- ▶ Working with post-secondary institutions and industry to identify barriers to partnerships and commercialization of intellectual property and explore how to increase the benefits from public investments within B.C.
- ▶ Exploring options for intellectual property life-cycle support to help innovators protect and commercialize their intellectual property
- ▶ Exploring ways to align Indigenous intellectual property with the Declaration on the Rights of Indigenous Peoples Act to protect aspects of Indigenous intellectual property that are not covered by current intellectual property registrations
- ▶ Continuing to work with partners like Innovate BC to offer training and resources to innovators
- ▶ Continuing to work with B.C. programs to ensure that greater public benefit is derived from publicly funded intellectual property

To help develop the future strategy, data will be leveraged to identify specific needs and determine how government can take action to address the next phase of intellectual property development.

CASE STUDY: Club Penguin

New Horizon Interactive was a Kelowna-based company that created Club Penguin, an extremely popular massive multiplayer online game that grew to over 30 million user accounts within two years of launching. The developers set up their intellectual property rights by trademarking the Club Penguin name and copyrighting the game content. In 2007, the Walt Disney Company bought Club Penguin and its intellectual property for \$350 million. Club Penguin is credited with spurring the growth of Kelowna's fast-growing digital tech sector by attracting talent and investment to the area. The Okanagan is now home to one of the country's most dynamic tech ecosystems, with the sector contributing \$2.5 billion to the region's economy and employing more than 15,000 people across 930 companies.

<https://www.investkelowna.com/key-sectors/digital-tech/>



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