

ONGOING RECORDS SCHEDULE

This records schedule is approved in accordance with the *Document Disposal Act* (RSBC 1996, c. 99) and constitutes authority for retention and disposition of the records it covers. Consult your Records Officer.

12000 INTELLECTUAL PROPERTY MANAGEMENT - GENERAL

Records that relate generally to the management of the Province's intellectual property arising from the creation and development by employees or contractors of a wide range of products, such as training manuals, publications, map products, moving images, and computer software not shown elsewhere in the schedule.

According to the *Core Policy and Procedures Manual*, the Intellectual Property Program is responsible for providing information to ministries regarding Crown copyright policies, including the provisions of the federal *Copyright Act* (RSC 1985, c. 42). Intellectual property disposals, which involve the sale, transfer or licensing of intellectual property rights to third parties, may only take place under the following authorities: the Intellectual Property Program operating under the *Procurement Services Act* (SBC 2003, c. 22, s. 2(1)(f)); specific legislation granting such authority; or Treasury Board directive(s) under the *Financial Administration Act* (RSBC 1996, c. 138, s. 46). When disposal takes place under specific legislation or Treasury Board directives, the Intellectual Property Program must be notified in order to ensure there are no potential issues such as pre-existing intellectual property licensing agreements.

This primary also includes third party permission acquisition requests made on behalf of ministries, including Open School BC, as well as naming privileges policy files not covered elsewhere in the ORS.

NOTE Only records that cannot be classified in a more specific primary or secondary may be classified under this primary.

For annual reports, see *ARCS* secondary 400-02.

For Intellectual Property Program Committee members materials, see *ARCS* primary 200.

For reference material/topical files, see *ARCS* secondary 358-20.

For spreadsheets for tracking operational work, see *ARCS* secondary 100-05.

For system descriptions, see the Systems Section.

The ministry OPR is the Intellectual Property Program unless otherwise noted below. See specific secondaries for OPR retention schedules.

	A	SA	FD
All non-OPR offices will retain these records for:	SO	nil	DE
-00 Policy and procedures (covers final/approved versions of policies, procedures, standards, and guidelines pertaining to the functions and activities documented in this <i>ORS</i>)	SO	5y	FR

(cont'd)

[Key to ARCS/ORCS Codes and Acronyms](#)

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12000	INTELLECTUAL PROPERTY MANAGEMENT - GENERAL	A	SA	FD
-00	Policy and procedures (continued)			
	FR: The government archives will fully retain final versions of operational policy documentation because these provide significant evidence of the governance of the functions and programs covered by this ORS.			
	NOTE: For intellectual property policy development files, see secondary 12400-20.			
	NOTE: For naming privileges policy development files, see secondary 12600-25.			
	NOTE: For project files that support or contribute to cross-government policy development, see secondary 12400-20.			
-01	General	CY+1y	nil	DE
	NOTE: Throughout this section, this secondary covers miscellaneous records that relate to the primary but do not document decisions and actions, and do not relate to topics that warrant specific classifications.			
-02	Frequently Asked Questions (FAQs) (covers FAQs documented on the program area's website pertaining to the management of intellectual property and the naming privileges policy)	SO+2y	nil	DE
	SO: when updated and no longer required for reference purposes			
-20	Intellectual Property Program development files (covers legacy records documenting the development of the Intellectual Property Program)	SO	5y	FR
	SO: when program development is complete			
	FR: The government archives will fully retain program development files because they significantly document the government's decision to create the Province's Intellectual Property Program.			

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12000 INTELLECTUAL PROPERTY MANAGEMENT - GENERAL

	A	SA	FD
-25 Open School BC agreements (includes copyright permission request forms, license agreements, correspondence, and documentation relating to permission acquisitions) (arrange by course title acronym) (covers records created when Open School BC acquires rights to intellectual property from a third party)	SO	7y	DE
SO: upon expiration of the term for which permission is granted to Open School BC			
7y: The seven-year semi-active retention period is consistent with other permission requests and agreement files in this ORS and ensures reference value has expired.			
-30 Third party permission acquisition data	SO	nil	DE
SO: when data in the OSBC database is no longer required to support operational tracking			
NOTE: Open School BC: Third Party Permission Database (OSBC) input source records are considered transitory records and can be destroyed according to special schedule 102902 (<i>Transitory Electronic Data Processing (EDP) Records</i>).			
-35 Third party permission acquisition requests (includes copyright permission request forms, correspondence, copies of permission letter/agreement) (arrange by 3PP number) (covers records created when the province acquires rights to intellectual property from a third party for use by the province)	SO	7y	DE
SO: upon expiration of the term for which permission is granted to the province			
7y: The seven-year semi-active retention period is consistent with other permission requests and agreement files in this ongoing schedule and ensures reference value has expired.			(cont'd)

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12000 INTELLECTUAL PROPERTY MANAGEMENT - GENERAL

A SA FD

-35 Third party permission acquisition requests (continued)

NOTE: These requests are generally for a fixed use and have a fixed term.

END OF PRIMARY

ONGOING RECORDS SCHEDULE

This records schedule is approved in accordance with the *Document Disposal Act* (RSBC 1996, c. 99) and constitutes authority for retention and disposition of the records it covers. Consult your Records Officer.

12200 INTELLECTUAL PROPERTY DISPOSAL

Records relating to the disposal of intellectual property such as third party requests for permission to use provincially owned intellectual property and the sale, transfer or licensing of provincially owned intellectual property to a third party.

All disposal requests are directed to the Intellectual Property Program who then consults the ministry responsible for the work to confirm there are no objections to the proposed disposition of the work. The vehicle to effect such disposition may be a straightforward permission letter or a more formal and complex license agreement, depending on the work in question and the circumstances relating to the specific disposal.

For copyright application files, see secondary 32100-50 in the *Legal Services Branch ORCS* (schedule 105050).

For legal opinions, see *ARCS* primary 350.

For system descriptions, see the Systems Section

The ministry OPR is the Intellectual Property Program unless otherwise noted below. See specific secondaries for OPR retention schedules.

	A	SA	FD
All non-OPR offices will retain these records for:	SO	nil	DE
-01 General	CY+1y	nil	DE
-20 Copyright permission requests (includes copyright permission request forms, correspondence, invoices, permission agreements/letters) (arrange by database generated file number)	SO	7y	DE
SO: when copyright permission is granted			
7y: The seven-year semi-active retention period is based on reference requirements, ensures the records are available for fiscal accountability, and also provides a reasonable period of time for the legal value of the records to be extinguished.			
FOI: Providing access to information under the <i>Freedom of Information and Protection of Privacy Act</i> (RSBC 1996, c. 165) does not include the transfer of intellectual property rights, such as the right to copy and redistribute for commercial purposes.			

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12200 INTELLECTUAL PROPERTY DISPOSAL

A SA FD

-20 Copyright permission requests (continued)

NOTE: Permission to use copyrighted material, which is handled by a straightforward permission letter, is normally granted for a one-time, time limited period. Applicants must reapply for permission for any subsequent usage.

-25 License agreements

SO 7y DE

(includes correspondence, license agreements, financial records, assignments, bills of sale, royalty reports)
(arrange by IPP number)

(covers correspondence pertaining to the negotiation and administration of a license agreement throughout its term, the agreement itself, and financial records documenting royalties earned on BC Government Intellectual Property)

SO: upon expiration or termination of contract and conclusion of all extensions to contract

7y: The seven-year semi-active retention period is based on the need to research the previous contract's activities during contract re-negotiation, ensures the records are available for fiscal accountability, and also provides a reasonable period of time for the legal value of the records to be extinguished. It is also consistent with the *ARCS* secondary 146-20 retention period for intellectual property license agreements.

FOI: Providing access to information under the *Freedom of Information and Protection of Privacy Act* (RSBC 1996, c. 165) does not include the transfer of intellectual property rights, such as the right to copy and redistribute for commercial purposes.

NOTE: Generally these files, which may include trademarks, have a 5 year term with the option of renewal.

NOTE: Legal Services and the client receive a courtesy copy. License agreements are also retained in primary 32060 *Legal Services Branch ORCS* (schedule 105050); however, the background material contained in this secondary is not.

[Key to ARCS/ORCS Codes and Acronyms](#)

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12200 INTELLECTUAL PROPERTY DISPOSAL

A SA FD

-30	Permission and license agreement data (covers permission and license agreement data extracted from source systems)	SO	nil	DE
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SO: when data no longer required to support operational tracking

NOTE: Copyright Permission Database (CPD) and Permission/Licensing Database (PLD) input source records are considered transitory records and can be destroyed according to special schedule 102902 (*Transitory Electronic Data (EDP) Processing Records*).

NOTE: PLD will replace the CPD.

END OF PRIMARY

ONGOING RECORDS SCHEDULE

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12400 INTELLECTUAL PROPERTY PROJECTS

Records relating to the Intellectual Property Program's role as an advisor on intellectual property policy, as a negotiator of license agreements, and as a contributor of intellectual property policy expertise to government wide projects and initiatives.

The program area responds to general intellectual property related inquiries from the government and private sector, some of which develop into large, ongoing projects. These projects, such as the open data initiative and the social media policy project often involve collaboration and consultation with external groups on policy, and on legal matters such as litigation between the Province and Access Copyright, The Canadian Copyright Licensing Agency.

For inter-ministerial committees, see *ARCS* secondary 200-20.
For reference material/topical files, see *ARCS* secondary 358-20.

The ministry OPR is Intellectual Property Program unless otherwise noted below.
See specific secondaries for OPR retention schedules.

	A	SA	FD
All non-OPR offices will retain these records for:	SO	nil	DE
-01 General	CY+1y	nil	DE
-02 General inquiry files (includes request and response files, file notes, and correspondence) (arrange alphabetically by ministry and then by issue or project) (covers questions or inquiries received from government employees and the broader public sector and general public, as well as policy related, contract review or licensing documents that have not yet been assigned a project number)	SO	2y	DE
SO: when there has been no activity on the file for two years			
NOTE: Some general inquiry files are reclassified as Project files upon issuance of a project (PR) number.			
NOTE: Inquires that do not initially become projects are often revisited many times in the following years. By retaining this information for four years, staff are able to quickly respond to future inquiries on these same subjects and provide relevant background information.			

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12400 INTELLECTUAL PROPERTY PROJECTS

		A	SA	FD
	<p>-20 Project files (includes correspondence, copies and drafts of internal and external policies, briefing notes, directives, draft Cabinet submissions, communication plans, proposal guidelines for prospective licensees, research materials, and meeting materials) (arrange numerically by PR number) (covers intellectual property policy development files, open data initiative and social media policy files, and the negotiation phase of potential licensing agreements that are not finalized)</p> <p>SO: upon project completion or cancellation</p> <p>7y: The seven-year semi-active retention period meets the creating agency's information requirements, ensures fiscal and audit controls, protects government's legal rights and liabilities and provides for the effective management of the agency's operational functions.</p> <p>NOTE: Policy development files may be destroyed because final policies are fully retained under secondary 12000-00.</p> <p>NOTE: If licensing negotiation files result in a license, the contents of the file are transferred to an IPP folder. The PR folder is retained and includes a cross-reference to the IPP folder.</p>	SO	7y	DE
PIB	<p>-25 Access Copyright Litigation files (includes correspondence, interrogatories, pleadings, issues, copyright compliance notices, surveys, confidentiality agreements, licenses, permissions requests, judgments, and working materials) (arrange under PR#207 and then by general correspondence or specific issue) (covers documentation relating to the ongoing litigation between the Province and Access Copyright, The Canadian Copyright Licensing Agency over the legality of paying tariffs for copyrighted materials used primarily for research and learning purposes to Access Copyright)</p>	SO	7y	DE

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12400 INTELLECTUAL PROPERTY PROJECTS

A SA FD

PIB -25 **Access Copyright Litigation files** (continued)

SO: when litigation is complete and appeals are exhausted

7y: The seven-year semi-active retention period meets the creating agency's information requirements, ensures fiscal and audit controls, protects government's legal rights and liabilities and provides for the effective management of the program area's operational functions.

NOTE: With the Records Officer's approval, paper records that have been scanned and verified may be destroyed under special schedule 206175 (*Redundant Source Records*).

NOTE: Access Copyright, a licensing copyright collective, collects revenues from Canadian governments, schools, libraries, and other copyright users for the reproduction of copyright protected works in order to distribute royalties to copyright holders.

END OF PRIMARY

[Key to ARCS/ORCS Codes and Acronyms](#)

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12600 NAMING PRIVILEGES POLICY ADMINISTRATION

Records relating to the development and implementation of the naming privileges policy, including procedures, standards, and guidelines for use by internal staff, the Naming Committee, and the broader public sector. Also includes records documenting the request process for the naming of physical assets in recognition of financial or in-kind contributions from individuals, businesses, organizations, and others.

Naming recognition may be granted for the naming of buildings and other physical assets including wings, rooms, laboratories, roads, and other transportation infrastructure, recreational areas and other public spaces, collections of books or art, and equipment of significant value. This policy ensures naming privileges are granted to benefactors in a fair and equitable manner. It applies to all government ministries and government bodies, such as hospitals and health authorities, Crown corporations, colleges, university colleges, universities and institutions, as defined in the *Financial Administration Act* (RSBC 1996, c.138).

Also includes records relating to the development of the draft sponsorship policy which provides guidance in managing sponsorship relationships between the Province and organizations such as companies and financial institutions. According to the draft policy, sponsorship agreements would be submitted under the naming privileges policy when naming a public asset is offered in recognition of a financial contribution.

For briefing notes, see *ARCS* secondary 280-20.

For Cabinet Committee records, see *Office of the Premier and Executive Council ORCS* (schedule 881099)

For Cabinet submissions, see *ARCS* secondary 201-40.

For committee materials, see *ARCS* primary 200.

For freedom of information issues and requests, see *ARCS* primary 292.

For reference material/topical files, see *ARCS* secondary 358-20.

For statistics, see *ARCS* primary 440.

The ministry OPR is Intellectual Property Program unless otherwise noted below.

See specific secondaries for OPR retention schedules.

	A	SA	FD
<i>All non-OPR offices will retain these records for:</i>	SO	nil	DE
-01 General	SO	nil	DE

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12600 NAMING PRIVILEGES POLICY ADMINISTRATION

		A	SA	FD
PIB	-20 Naming opportunity request files (includes communications templates, agreement requests, copies of Naming Opportunity Request Forms, correspondence, letters of support, naming recognition agreements, and memos) (arrange by NP number or by requesting organization) (covers all documentation pertaining to the naming opportunity request process)	SO	7y	DE
	SO: when the policy is no longer in effect			
	7y: The seven-year semi-active retention period meets the creating agency's information requirements, ensures fiscal and audit controls, protects government's legal rights and liabilities and provides for the effective management of the program area's operational functions.			
	NOTE: With the Records Officer's approval, paper records that have been scanned and verified may be destroyed under special schedule 206175 (<i>Redundant Source Records</i>).			
	NOTE: The Intellectual Property Program liaises with the Naming Committee, creating all documentation related to the naming opportunity request process including the preparation of materials for the Naming Committee and Cabinet Committee. The Naming Committee exercises decision-making authority for opportunities for naming recognition unless, in the opinion of the Naming Committee, one or more of the criteria identified in section 4.5 of the naming privileges policy applies. In these cases, Cabinet exercises decision-making authority.			
	-25 Naming privileges policy development files (includes correspondence, communication plans, flowcharts, request forms, memos, copies of the policy, research and supporting materials, draft materials, and meeting notes) (arrange by year and version/revision number) (covers the policy development process)	SO	7y	DE
	SO: when the policy is no longer in effect	(cont'd)		

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12600 NAMING PRIVILEGES POLICY ADMINISTRATION

A SA FD

-25 Naming privileges policy development files (continued)

7y: The seven-year semi-active retention period meets the creating agency's information requirements, ensures fiscal and audit controls, protects government's legal rights and liabilities and provides for the effective management of the program area's operational functions.

DE: Policy development files may be destroyed as final policies are fully retained under secondary 12000-00.

-30 Sponsorship policy development files

SO 7y DE

(includes research materials, stakeholder meeting materials, request forms, sponsorship agreements, draft outlines of approval process, communication plans, timelines, draft briefing notes, draft sponsorship policy and guidelines, and draft cabinet submissions)

(arrange alphabetically)

(covers the policy development process)

SO: when naming privileges policy is no longer in effect

7y: The seven-year semi-active retention period is consistent with the retention period of other policy development files in this ORS.

NOTE: Sponsorship arrangements are two-way transactions providing benefits to both parties; for example, a sponsor may offer goods, services, or a financial contribution in exchange for advertising and promotional opportunities.

END OF PRIMARY

[Key to ARCS/ORCS Codes and Acronyms](#)