

WHO OWNS THE IP?

When ESDC works with a contractor rather than creating the material ourselves, copyright ownership is an issue. It's important to be aware of, and comply with, the terms of your contract when you have hired a contractor to create products such as:

- Documents like reports, analyses and studies;
- Web content or software coding; and/or;
- Images or other copyright-protected items.

It is essential to ensure that permission has been obtained to use, and share, any copyright materials that have been given to the contractor.

Permission must also be obtained from employees, family members, etc. who appear in images, videos or voice recordings.

WHAT DOCUMENTATION IS REQUIRED?

Good question! It depends on your contract.

Federal policy requires ESDC to grant ownership to contractors when possible.

There are three typical situations in which ESDC might retain Crown ownership.

[See: [Mandatory Form](#)]

- 1 When publications and communications products will be shared with the general public
- 2 When the deliverables contain sensitive policy information
In the policy context, the principles of [Open Government](#) should still be considered, if possible
- 3 When the deliverables include personal information

Why would the contractor own the IP?

In certain situations, ESDC will negotiate a license instead of ownership. This often a more cost-effective solution and a license will allow ESDC to *use* the copyright material while the contractor retains ownership.

KEEP RECORDS

- Ensure Procurement adds the necessary copyright provisions in the contract.
- Ask the contractor to include a Copyright Notice in the deliverables.
- Keep a copy of the contract.

[Note: For all non-standard agreements and all Acquisition Card purchases, ESDC's use of the copyright may be more restricted. See [Bulletin 2017-6](#)]

- Keep records of the contract details around IP ownership, including any amendments. Include clear information and details around how and where the material will be used and how this conforms to the contract.
- Save records in a shared repository where they can be found later, are accessible to multiple employees and will be kept indefinitely.

Questions? Refer to the [IPCOE Website](#) or contact the [IPCOE](#) by email