

Study to review national model for offering start-ups free IP advice

A Waterloo policy think tank founded by former Blackberry executive Jim Balsillie is funding a new study that will examine how start-ups can get access to free intellectual property legal services across Canada. The one-year project is examining the success of the [Innovation Clinic](#) at York Univ's Osgoode Hall Law School, with a view to replicating the model nationally. Balsillie, who also chairs the Council of Canadian Innovators, has been a vocal critic of what he describes as "outdated" IP policies. He has called for updated policies as part of a national IP strategy.

"CIGI (Centre for International Governance Innovation) wants these clinics across Canada ... We want to scale up our clinic and we're looking at the Waterloo corridor as a place to expand our offerings," says Dr Giuseppina D'Agostino, an associate professor at Osgoode Hall Law School and founder and director of IP Osgoode, the Osgoode's IP Law and Technology Program. "Companies need IP to get off the ground and attract investment. They need foolproof IP, as well as different strategies to defend it, as it gives them the chance to thrive. We can help them customize their approach."

The project follows a 56-page report released last September by CIGI warning that policymakers often overlook one of the biggest hindrances to business growth, scale-up and global competitiveness—weak IP literacy among Canadian innovators and their access to affordable and timely IP legal services, particularly during the start-up phase.

"In order to shore up Canada's overall performance, more attention needs to be paid to capacity building in three interrelated areas: raising the literacy levels among innovative IP startups and small and medium-sized enterprises (SMEs) in the basics of IP law and IP strategy; ensuring that IP start-ups have meaningful access to affordable IP legal services at the earliest stages of the business venture; and building greater capacity in IP strategy expertise among IP lawyers and the other intermediaries who support IP startups," states, the report, [Addressing a Gap in Canada's Global Innovation Strategy](#).

Focus on practical IP training

CIGI is providing \$100,000 to hire a fulltime administrator and two student research assistants to examine the clinic's offerings and determine its effectiveness in delivering IP awareness and legal training with the goal of scaling the model and making it sustainable.

D'Agostino says institutions have expressed interest in learning more about the Innovation Clinic, both across Canada and internationally. She says her sabbatical as a visiting professor at Stanford Univ in California generated strong interest in the clinic model and could be followed up with a formal collaboration.

CIGI has been working with legal clinics at Communitech in Waterloo but sees IP Osgoode as a “different kind of IP legal clinic which aims to provide start-ups with free access to advice from a major IP law firm and law students with front row practical IP legal training,” says Bassem Awad, CIGI’s deputy director of innovation and IP Law research.

The law firm participating in the clinic is Rose Fulbright Canada LLP, which provides advice pro bono to start-ups that can’t afford to pay legal costs for their inventions.

In the seven years since D’Agostino’s launch of IP Osgoode, the clinic has attracted a broad range of clients, from walk-ins to referrals from organizations such as the Ontario Centres of Excellence, Markham ON-based ventureLAB, OCAD Univ, and the York Entrepreneurship Development Institute.

D’Agostino plans to write and publish a report on the partnership, publicizing the results through conferences, workshops and hackathons. She is also hopeful that the forthcoming Innovation Agenda and federal Budget will prominently feature the importance of IP and signal an intention to establish a national IP strategy as so many of Canada’s competitors have already done.

“Our goal is to start small and scale up,” she says. “We need a national IP policy and we should start with the Innovation Agenda. So far there’s been a piecemeal approach but we need a consolidated approach to help put Canada on the world map.”

To bolster its offering to companies and students, IP Osgoode has forged a working relationship with the new Bergeron Entrepreneurs in Science & Technology (BEST) Program at its sister faculty, the Lassonde School of Engineering. BEST offers what it describes as a “student-centric philosophy” and open-concept study space for collaborative work with the objective of training entrepreneurial engineers.

Second go for CIGI-Osgoode partnership

The partnership comes nearly five years after CIGI and the Osgoode Law School jettisoned a \$60-million joint international law program at the last minute that would have seen the funding of 10 research chairs and support for 20 PhD students. D’Agostino says the new partnership is “totally different” from the previous failed collaboration as it is “tailored to directly support our Innovation Clinic”.

“CIGI also funded other Osgoode initiatives (such as) projects by our grad students and other faculty initiatives. So we have been working together on a projects-basis irrespective of the cancelled deal,” she adds.

All eyes on the federal Budget

The Innovation Clinic partnership is being forged as Balsillie, CIGI’s founder and board chair, ramps up his advocacy for a national IP strategy and as the federal government prepares to bring down its annual Budget with a major focus on innovation.

In a February 16 interview with CBC Radio, Balsillie said the government continues to get the fundamentals wrong by confusing S&T strategy with innovation strategy, as the innovation economy “works totally differently than the traditional economy. How you generate intellectual property, how you protect it, how you commercialize it, how you scale it globally, how you transfer it, is a very very different set of policies, institutions and technical skills”.

Balsillie told CBC it’s critical that the government make changes in areas such as the *Standards Council of Canada* , strategic regulations surrounding innovative sectors like clean tech, trade agreements, the Canadian Intellectual Property Office CIPO and education.

“The most important thing if you want this to be an innovation Budget is to have a national IP strategy. Every single successful innovation economy has a national IP strategy,” said Balsillie. “Innovation without a national IP strategy is philanthropy.”

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