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Audit of the Management of Intellectual Property at the Public Health Agency of Canada: Management response and action plan

Management Response and Action Plan

February 2024

Recommendation 1

The VP NMLB and the Chief Science Officer, in consultation with Agency senior management, should determine the appropriate organizational placement of the PHAC's IP function, aligned with its authorities, roles, and responsibilities.

Management response and planned action

Management agrees with this recommendation, noting that the incoherence of IP Policy authorities with the organizational design (placement of the IP function) needs to be addressed in advance of

undertaking the remaining recommendations (2 to 4) under the appropriate responsibility centre.

Deliverables

- Design and implementation of an organizational review for Agency IP policy authorities and organizational design, with proposed roles and responsibilities and recommendations for organizational placement, including appropriate documentation.
- A deck indicating recommendations regarding appropriate organizational placement of the Agency's IP function, including considerations for resourcing, for EC endorsement.

Expected completion dates

- June 2024

Interim milestone timelines:

- February 2024
- March 2024
- April 2024

Responsibility

National Microbiology Laboratory Branch; Chief Science Officer; CSB (focused on security considerations related to IP function and policy implementation).

Interim milestones

- Agreement on shift of IP function from NMLB to OCSO. Completion target of January 2024. Completed February 5, 2024.

- President approves notional design. Completion target of February 2024, PHAC lead: NMLB in close collaboration with OCSO. Completed February 5, 2024.
- CSB completes job description review. Completion target April 2024, PHAC lead: OCSO in close collaboration with NMLB. Initiated in January 2024.
- Change management review. Completion target of June 2024, PHAC co-leads: NMLB, OCSO, and CSB. Initiated in January 2024.
- Seek EC endorsement. Completion target of April 2024, PHAC co-leads: NMLB and OCSO. On track for April 2024.
- Organizational design finalized and implemented. Completion target of June 2024, PHAC lead: OCSO, in close collaboration with NMLB.

Recommendation 2

The VP NMLB and the Chief Science Officer, in consultation with Agency senior management, should review and update the IP Policy, taking the following into consideration:

- reflecting any updates to the structure, authority, roles, responsibilities, and requirements that stem from Recommendation 1;
- clarifying the requirements for the disclosure of IP;
- identifying the potential consequences of non-compliance with the Policy; and
- reporting to senior management on the Policy at regular intervals.

Management response and planned action

Management agrees with this recommendation, noting that a policy refresh is needed, and that Recommendation 3, as well as the authorities defined in Recommendation 4 below, will be addressed as part of the policy

refresh.

Deliverables

- Updated Agency IP policy.
- A deck and presentation to EC for endorsement of updated Agency IP Policy and subsequent rollout.

Expected completion dates

- June 2025

Interim milestone timelines:

- March 2024
- February 2025

Responsibility

VP NMLB until the IP Lead is established, in collaboration with the CSO.

Interim milestones

- Review of existing IP policy in light of organizational change. Completion target of September 2024, PHAC lead: OCSO following function shift. Initiated in March 2024.
- Updated IP policy and finalized implementation and communication plans. Completion target of January 2025, PHAC lead: OCSO. Initiated in March 2024.
- Presentation via deck to PHAC governance tables for approval, including management guidance. Completion target of February 2025, PHAC lead: OCSO. On track for February 2025.

- Adjustments made based on Governance feedback and rollout of implementation and communication plan of updated IP policy. Completion target of June 2025, PHAC lead: OCSO. On track for June 2025.

Recommendation 3

As part of the IP Policy update, the VP NMLB and the Chief Science Officer, in consultation with Agency senior management, should consider mandating OIPMBD involvement in the management (establishment, drafting, and review) of collaborative research, licencing, and material transfer arrangements to promote greater awareness of the need for appropriate agreements to ensure the sound management (identification, assessment, protection, and monitoring) of PHAC IP.

Management response and planned management action

Management agrees with this recommendation, noting that a policy refresh is needed, and that this recommendation, as well as the authorities defined in Recommendation 4 below will be addressed as part of the policy refresh.

Deliverables

- Development of an IP management guidance document and deck with an implementation plan for EC endorsement.

Expected completion date

- June 2025

Responsibility

VP NMLB until the IP Lead is established, in collaboration with the CSO.

Interim milestones

Note: Once the IP function transitions to OSCO, the NMLB's Office of Intellectual Property Management and Business Development (OIPMBD) will be responsible for complying with all relevant policy changes and having agreements reviewed by the IP Policy lead.

- Determine the appropriate drafting office for various types of Collaborative Research Agreements (CRA). On track for June 2024 completion target.
- Decision put forward to EC for ratification in June 2025 to include consideration of how to mandate OIPMBD involvement. On track for June 2025 completion target.

Recommendation 4

As part of the IP Policy update, the VP NMLB and the Chief Science Officer, in consultation with Agency senior management, should clarify OIPMBD's role and authority as the Agency's IP subject matter expert, specifically as it relates to IP training. Consideration should also be given to making IP training material compulsory for all IP-creating employees, contractors, visiting workers, and other relevant parties.

Management Response and planned management action

Management agrees with this recommendation, noting that a policy refresh is needed, and that this recommendation, as well as the authorities defined in Recommendation 4 below will be addressed as part of the policy refresh.

Deliverables

- Options for compulsory IP training for all PHAC employees with a recommendation for EC endorsement via a summary document and deck, including how compulsory training would fit into annual performance commitments and mandatory training offerings for all employees. Training plan development and implementation based on EC endorsement.

Expected completion dates

- June 2025

Interim milestone timelines:

- March 2024
- March 2025

Responsibility

VP NMLB until the IP Lead is established, in collaboration with the CSO and the ADM CSB, as an enabler of training platforms.

Interim milestones

- Send all staff message regarding IP policy requirements. Completed in November 2023.
- Review existing IP training material. Completion target of March 2024, PHAC co-leads: OCSO and NMLB. Initiated in March 2024, target of April 15, 2024.
- Include existing IP training into performance agreements starting in 2024-25 for all PHAC SERES classified employees, as well as all NMLB scientific employees (e.g., EG, BI, REM). Completion target of May 2024, PHAC co-leads: OCSO, NMLB, and relevant PHAC VPs with SERES employees. Initiated in March 2024, target of April 15, 2024.
- Update IP training material, including development of draft implementation and communication plan, which will consider the inclusion of non-PHAC employees. Completion target of June 2025, PHAC lead: OCSO. On track for June 2025.
- Review existing procedures to ensure IP requirements are included in PHAC contracts. On track for June 2024, PHAC lead: Chief Financial Officer and Corporate Management Branch (CFOCMCMB) via the Procurement, Materiel and Assets Management Division (PMAMD).
- Update training materials to ensure procedures are clear and adequately followed. Completion target of March 2025, PHAC lead: CFOCMCMB via PMAMD.

Note: The roles and responsibilities of OIPMBD within NMLB will be reviewed once the IP functions transition to OCSO. Following transition, IP training will fall to OCSO in collaboration with CSB.

Date modified:

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