

**A Directive to  
Manitoba Hydro Electric Board  
Respecting Ownership of Intellectual Property Assets**

**Issued by: Honourable Minister Adrien Sala**

**Effective: March 6, 2024**



## **BACKGROUND**

The *Crown Corporations Governance and Accountability Act* provides for the issuing of directives to one or more Crown corporations as follows:

### **Directives**

13(1) The minister may — with the approval of the Lieutenant Governor in Council — issue a directive to a corporation

- (a) respecting matters of policy;
- (a.1) requiring the corporation to conduct an organizational review as specified in the directive;
- (a.2) requiring the corporation to do something in accordance with its approved annual business plan or prohibiting it from doing anything inconsistent with that plan;
- (b) to ensure that practices of two or more corporations are consistent; or
- (c) to ensure that two or more corporations act in concert with each other or with government departments or agencies when doing so will further efficiency and effectiveness.

## **PURPOSE**

Manitoba Hydro, its subsidiaries and other entities in which Manitoba Hydro or its subsidiaries hold an ownership interest are owners of intellectual property assets that have strategic and financial value.

This directive instructs Manitoba Hydro to retain ownership of intellectual property assets and to ensure that its subsidiaries retain ownership of intellectual property assets. Where intellectual property assets are held by an entity in which Manitoba Hydro or its subsidiaries hold an ownership interest, Manitoba Hydro is directed to take all available actions to cause such entities to retain ownership of intellectual property assets.

This directive also instructs Manitoba Hydro to retain ownership of its subsidiaries and to retain ownership interests held in any other entities, whether directly or through a subsidiary.

## **APPLICATION AND SCOPE**

This directive applies to the ownership of intellectual property assets by Manitoba Hydro or by any Manitoba Hydro subsidiary or by any entity in which Manitoba Hydro or its subsidiaries hold an ownership interest. This directive also applies to the ownership of Manitoba Hydro subsidiaries and ownership interests held in any other entities, whether directly or through a subsidiary.

Intellectual property assets shall include, but are not limited to, trademarks, official marks, patents, copyright and industrial designs.

This directive does not prohibit Manitoba Hydro or its subsidiaries or entities in which Manitoba Hydro or its subsidiaries hold an ownership interest from granting limited rights to use intellectual property assets by licence or otherwise, provided that ownership of the intellectual property assets is retained and reasonable consideration is paid.

## **DIRECTIVE**

Manitoba Hydro is directed:

- (a) to inventory intellectual property assets held by Manitoba Hydro, by Manitoba Hydro subsidiaries and by entities in which Manitoba Hydro or a Manitoba Hydro subsidiary hold an ownership interest;
- (b) to retain ownership of intellectual property assets held by Manitoba Hydro and to ensure that Manitoba Hydro subsidiaries retain ownership of intellectual property assets held by Manitoba Hydro subsidiaries;
- (c) to take all available actions within the scope of its ownership interest, and to cause its subsidiaries to take all available actions within the scope of its ownership interest, to cause entities in which Manitoba Hydro or Manitoba Hydro subsidiaries hold an ownership interest to retain ownership of intellectual property assets held by those entities;
- (d) to retain ownership of Manitoba Hydro subsidiaries, to retain ownership interests held in any other entity and to ensure that Manitoba Hydro subsidiaries retain ownership interests held in any other entity;
- (e) where the disposition of an intellectual property asset by Manitoba Hydro or a Manitoba Hydro subsidiary or an entity in which Manitoba Hydro or its subsidiaries hold an ownership interest is proposed, to explore opportunities to leverage value from the intellectual property asset while retaining ownership of the intellectual property asset; and
- (f) to collaborate with government with respect to developing policies in relation to intellectual property assets.