

# Intellectual Property Policy

Version 1 – Approved 25 September 2020

## Purpose:

This policy sets out the principles for management of intellectual property (IP) in the University to encourage invention, creative work, technology development, enterprise, and broad impact of University IP in the private sector and community.

		<b>Responsible</b>
<b>1</b>	<b>Generation and management of intellectual property</b>	
1.1	The University will manage its intellectual property (IP) to maximise its use to advance the public good, which includes improving social and environmental outcomes, solving commercially valuable problems, and the creation of new enterprise. <ul style="list-style-type: none"><li>• Where the University is the natural owner of the opportunity to use its IP, it will do so.</li><li>• If the University isn't the natural owner of the opportunity to use its IP, or has not used IP that it is the natural owner of, then it will actively promote the availability of that IP and facilitate others to use it for the public good.</li></ul>	Deputy Vice-Chancellor Research
1.2	The University will manage intellectual property nimbly, flexibly, and pragmatically to advance collaboration with industry and other external partners, and to facilitate its use for the creation of new enterprise.	Deputy Vice-Chancellor Research
1.3	The University will foster a culture of innovation and entrepreneurship, promoting and supporting entrepreneurship by employees and students to utilise intellectual property generated at the University for the public good, and incentivising the participation of employees in both scholarly activity and enterprise creation.	Deputy Vice-Chancellor Research
1.4	Employees must promptly report to the University any intellectual property created which may have commercial or social value.	Deputy Vice-Chancellor Research
1.5	Employees, students or non-employees who are involved in the creation of intellectual property (IP) must maintain confidentiality of that IP.	Deputy Vice-Chancellor Research
<b>2</b>	<b>Ownership and assignment</b>	
2.1	The University owns all intellectual property, research data, and primary materials created by an employee (excluding copyright material in scholarly works) in the course of their employment duties or where there is some other legal basis for ownership.	Deputy Vice-Chancellor Research
2.2	Intellectual property (IP), research data, and primary materials created by a student (except in new plant varieties) is owned by the student, subject to any agreement by the student to assign that IP.	Deputy Vice-Chancellor Research

### **3 Commercial return from intellectual property**

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|-----|---|---------------------------------|
| 3.1 | Where the University enters into commercial intellectual property agreements it will be in exchange for a reasonable and proportionate return that is compatible with prioritising its use for the public good.   | Deputy Vice-Chancellor Research |
| 3.2 | The University will share the commercial return from its intellectual property IP (excepting copyright material associated with scholarly works) across the creator of the IP, the University business unit in which the creator resides, and the University central administration | Deputy Vice-Chancellor Research |
| 3.3 | The University will retain sufficient intellectual property access rights to enable the conduct of further research and for teaching purposes, where appropriate to do so.  | Deputy Vice-Chancellor Research |
| 3.4 | The University will not claim any copyright fees or royalties relating to scholarly work by a student or an employee creator.   | Deputy Vice-Chancellor Research |

### **4 Indigenous Cultural and Intellectual Property Rights**

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|-----|---|---------|
| 4.1 | The University will recognise and uphold the rights of indigenous peoples and safeguard their customary uses of Indigenous Cultural and Intellectual Property (ICIP).   | Provost |
| 4.2 | Employees, students and representatives of the University will only access, record, use or commercialise Indigenous Cultural and Intellectual Property (ICIP) with the consent of the ICIP holder and contributors, in accordance with contemporary national and international standards. | Provost |
| 4.3 | Benefits from commercial use of Indigenous Cultural and Intellectual Property (ICIP) will be shared proportionately with the holders of ICIP on agreed terms.   | Provost |
| 4.4 | The University and its employees, students, and representatives will not make any false, misleading or culturally offensive references to Indigenous Cultural and Intellectual Property.  | Provost |

### **5 Copyright**

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|-----|---|---------|
| 5.1 | All members of the University will understand their rights and obligations relating to copyright to minimise the risk of infringement and to gain the full benefit of material the University has a right to use.           | Provost |
| 5.2 | The University recognises the moral rights of creators of copyright material and the University may request that those creators consent to an infringement of their moral rights where the University is required to do so. | Provost |

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**Definitions and acronyms:** [commercially exploit](#) | [Copyright Act](#) | [copyright material](#) | [creator](#) | [employee](#) | [indigenous cultural and intellectual property](#) | [intellectual property \(IP\)](#) | [moral rights](#) | [non-employee](#) | [primary materials](#) | [research data](#) | [scholarly work](#) | [student](#) | [University representatives](#) | [University resources](#) |

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*All University community members must comply with all relevant laws and regulations, University By-Laws, ordinances, policies and procedures.*