

7.1 INTELLECTUAL PROPERTY POLICY



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| Policy Number | 7.1 |
| Version | 1.0 |
| Contact Officer | Manager, Governance |
| Date Approved by Council | May 4, 2005 |
| Date Last Amended | |
| Date For Next Review | May, 2008 |
| Related Policies | 2.0 Quality Policy, 3.0 Academic Business, 7.0 Commercial Business Policy |
| Relevant Legislation | Copyright Act 1968 (Cth), Copyright Amendment (Moral Rights) Act 2000 (Cth) |

PURPOSE

This Policy sets out Charles Darwin University's policy in relation to Intellectual Property. It provides a framework dealing with Intellectual Property generated at the University, and is applicable to both staff and students.

POLICY

Charles Darwin University strives to foster an environment, culture and systems where commercialisation, technology transfer and entrepreneurial endeavour are core elements. The University is committed to ensuring its Intellectual Property is properly protected, managed and, where possible, commercialised. The University is also committed to ensuring that the full value of any intellectual property is realised for the benefit of the University, in accordance with its Mission, goals and objectives, as well as prevailing community and legislated standards of best practice.

IMPLEMENTATION

This Policy will be implemented in a way that ensures:

- compliance with the National Principles of Intellectual Property Management for Publicly Funded Research;
- the University is the owner of Intellectual Property created by staff in pursuance of the terms of their employment with the University unless otherwise negotiated;
- the University grants to the author of any course materials a non-transferable, perpetual, royalty-free licence to use the teaching material created for the sole purpose of teaching any course;
- students, not being employees of the University, own the Intellectual Property that they generate unless otherwise negotiated or required explicitly as a condition of working on a particular project;
- visitors, not being employees of the University, own the Intellectual Property that they generate unless otherwise negotiated or required explicitly as a condition of working on a particular project;
- there are processes in place to assist staff in timely identification, assessment and management of the Intellectual Property generated in pursuance of the terms of their employment with the University;
- there are processes in place to handle cases where the Intellectual Property rights of the University impinge or potentially impinge on the cultural, spiritual or other aspects of indigenous peoples;
- the University recognises the rights and needs of all stakeholders involved in research and development supported by public funds, and accordingly will define the way in which benefits from the development and exploitation of Intellectual Property will be allocated should the University commercialise any Intellectual Property;
- compliance with relevant legislation, including The Copyright Amendment (Moral Rights) Act 2000 (Cth); and
- compliance with the University Quality Policy.

DEFINITIONS

"Staff" means an employee of Charles Darwin University and includes Vocational Education and Training and Higher Education academic staff and general staff whether employed on a full-time, part-time, casual or adjunct basis at the time he

or she creates IP. "Staff" does not include employees of another institution or entity who are physically located at the University.

"Teaching Material" means all information, documents, materials or digital objects created or used for the purposes of teaching and education at the University and includes lecture notes that are made available to students, computer-generated presentations, course guides, overhead projector notes, examination scripts, examination marking guides, course data bases and websites. Teaching Material excludes personal lecture notes that are not made available to students.

There are two types of Intellectual Property: Statutory Intellectual Property and confidential information and trade secrets.

Statutory Intellectual Property is Intellectual Property that is protected by a specific Commonwealth statute. These include:

- The Patents Act, 1990, which deals with patents granted over inventions, discoveries, and new products and processes;
- The Copyright Act, 1968, which deals with works in which copyright subsist, including literary works (including computer programs), dramatic works, musical works, artistic works, films, sound recordings, broadcasts, published editions and certain types of performances;
- The Plant Breeders' Rights Act, 1994, which deals with new plant varieties;
- The Designs Act, 1906, which deals with industrial and product designs;
- The Trade Marks Act, 1995, which deals with trade marks; and
- The Circuit Layouts Act, 1989, which deals with circuit layouts.

Confidential information and trade secrets include:

- an invention or discovery, before the filing of a patent application
- the contents of a patent application up to the time that a patent is granted
- new commercially valuable knowledge which is intentionally omitted from a patent application, and never becomes protected by the grant of a patent, for example,
- to minimise the prospect of reverse engineering
- biological materials
- other trade secrets.

COMMITMENT

Charles Darwin University is committed to:

- developing, reviewing and maintaining guidelines, processes and other material to support staff in effective implementation of this policy;
- establishing and monitoring performance against meaningful and measurable objectives; and
- identification of competency needs and providing ongoing training of staff to meet those needs.

GENERAL RESPONSIBILITIES AND AUTHORITIES

- All staff members are responsible for undertaking their duties in accordance with this policy.
- Senior Staff have the responsibility and authority to implement this policy and monitor its implementation in the activities of their respective areas.
- Respective responsibility for the achievement of this policy rests with the Council, the Audit and Risk Committee, the Vice Chancellor, Senior Staff, the Internal Audit function and all other staff.

SPECIFIC RESPONSIBILITIES AND AUTHORITIES

- The Executive Director, Business Development, is responsible for issuing guidelines, processes and other material that specifies the University's requirements on matters relating to Intellectual Property. The Executive Director is also responsible for monitoring that such activities are carried out, as appropriate, in compliance with relevant University policies, processes and guidelines.
- The Intellectual Property Officer is responsible for day-to-day management of Intellectual Property-related issues, including complaints and enquiries.

Professor Helen Garnett
Vice-Chancellor

Date