

Intellectual Property - Governing Policy

1. Purpose of policy

1.1 The University seeks to be a driver of capacity building in the Sunshine Coast and broader region and encourages its staff and students to actively pursue cutting edge research, and to generate and share knowledge that will provide social, cultural, and economic benefits for the University and for the broader community.

1.2 The University is committed to:

- (a) preserving academic values and expectations
- (b) providing an environment for staff and students where scholarship, entrepreneurship and innovation can flourish
- (c) protecting the interests of staff, students and the university arising from the creation, protection and commercialisation of intellectual property
- (d) undertaking its business operations and commercialisation activities in an ethically and socially responsible manner
- (e) maximising social, cultural, and economic benefits for the University and for the broader community
- (f) enabling open access to its scholarly output, including research publications and research data collections
- (g) valuing and respecting external partnerships, and
- (h) delivering innovative, high-quality research with real impact.

1.3 The University acknowledges that it is accountable to the community for its research and commercialisation activities, and has a general responsibility to ensure that these activities have a positive impact on the community.

1.4 Appropriate management of the University's intellectual property by a strong intellectual property protection regime facilitates the best delivery of these benefits to the University, its staff and students, and to the wider community. This policy and the associated procedures are intended to address the ownership and management of intellectual property arising in connection with the conduct of the University's activities.

2. Policy scope and application

The policy applies to all staff, students and invited scholars of the University of the Sunshine Coast.

3. Definitions

Please refer to the Glossary of Terms for policies and procedures. Terms and definitions identified below are specific to this policy and associated procedures and are critical to its effectiveness:

Commercialisation means to exploit commercially and includes:

- (a) the exercise of all the rights granted to the holder of intellectual property rights, including where permitted the right to license or assign those rights
- (b) in relation to a product, kit, apparatus, substance, documentation, software or information resource (or any part of such materials) – to make, distribute, market, sell, publish, hire out, lease, supply, or otherwise dispose of it and
- (c) in relation to a method or process – to use the method or process or to make, distribute, market, sell, hire out, lease, supply, or otherwise dispose of a product, kit or apparatus the use of which is proposed or intended to involve the exercise of the method or process.

Commercialisation expenses means the expenses incurred by the University in the production, development, protection, marketing and commercialisation of the University's intellectual property, and includes:

APPROVAL AUTHORITY

Council

RESPONSIBLE EXECUTIVE MEMBER

Deputy Vice-Chancellor (Research and Innovation)

DESIGNATED OFFICER

Director, Office of Research

FIRST APPROVED

25 November 1997

LAST AMENDED

14 January 2019

REVIEW DATE

26 September 2023

STATUS

Active

- (a) patenting and other intellectual property protection expenses
 - (b) legal expenses incurred on the commercialisation project (and not just on the particular transaction giving rise to the revenue)
 - (c) external professional expenses incurred on the commercialisation project (and not just on the particular transaction giving rise to the revenue), which may include:
 - (i) accountants' expenses for financial and taxation modelling
 - (ii) valuers' expenses, and
 - (iii) other consultants' expenses (e.g. commercialisation consultants)
 - (d) costs associated with the development of the intellectual property including proof of concept studies, prototype development, marketing studies and business planning
 - (e) costs associated with the establishment of a start-up company (e.g., incorporation, legal, taxation and advisory costs)
 - (f) travel and accommodation expenses incurred on the commercialisation project (and not just on the particular transaction giving rise to the revenue) by any person (whether staff member, or an external professional)
 - (g) legal costs and related expenses incurred to commence or defend infringement proceedings
 - (h) taxes, duties or any other government levies incurred by the University, in respect of the commercialisation project or revenue,
- and does not include:

- (i) the University's administration expenses
- (j) the cost of undertaking research on the commercialisation project, unless such research is funded by the University.

The determination of whether particular expenses not listed above are considered commercialisation expenses will be made by the Deputy Vice Chancellor (Research and Innovation).

Commercialisation revenue means the gross cash revenue received by the University from the commercialisation of the University's intellectual property and includes:

- (a) royalties upon sales by a licensee
- (b) royalties from sub-licence fees received from a licensee
- (c) lump sum licence fees (except where those fees are required to be used to subscribe for equity in a start-up company)
- (d) proceeds from the assignment of the University's intellectual property
- (e) proceeds of sale of the University's intellectual property (where a sale occurs)
- (f) signing fees
- (g) milestone payments
- (h) minimum annual payments
- (i) reimbursement of patent prosecution and maintenance expenses
- (j) dividends upon shares owned by the University in a start-up company to which it grants a licence
- (k) proceeds of sale of shares owned by the University in a start-up company to which it grants a licence
- (l) damages from infringement proceedings
- (m) any income received from the exploitation of the University's intellectual property

and does not include:

- (n) payments pursuant to a research or consulting agreement.

The determination of whether particular revenue not listed above is considered commercialisation revenue will be made by the Deputy Vice Chancellor (Research and Innovation).

Creator means a staff member, student or invited scholar who creates the University's intellectual property, including a staff member, student or invited scholar who:

- (a) in the case of a patentable invention subject to the *Patents Act 1990* is an inventor
- (b) in the case of a copyright work or similar subject matter to the *Copyright Act 1968* is an author
- (c) in the case of a trade mark subject to the *Trade Marks Act 1995* is a person who developed or first used the trade mark
- (d) in the case of designs registrable under the *Designs Act 2003* is a designer
- (e) in the case of plant breeder's rights, under the *Plant Breeder's Rights Act 1994* is a principal breeder
- (f) in the case of circuit layouts, under the *Circuit Layouts Act 1999* is a designer, and
- (g) in the case of trade secrets and know how is a creator of that body of knowledge.

Indigenous knowledges means Indigenous peoples' rights to their heritage, consisting of intangible and tangible aspects of cultural practices, resources and knowledge systems developed, nurtured and refined by Indigenous peoples and passed on by them as part of expressing their cultural identity.

Indigenous peoples means:

- (a) people of Aboriginal or Torres Strait Island descent who identify as an Aboriginal or Torres Strait Islander and is accepted as such by the community in which he or she lives, and
- (b) those peoples having a set of specific rights based on their historical ties to a particular region inside or outside Australia, and their cultural or historical distinctiveness from other populations.

Intellectual property refers to all present and future rights conferred by statute, common law or equity in any jurisdiction which protect intellectual and creative effort recognised by law as defined by Article 2 of the Convention establishing the World Intellectual Property Organisation of July 1967 and includes:

- (a) patents for new or improved products or processes
- (b) trade marks for letters, words, phrases, sounds, smells, shapes, logos, pictures, aspects of packaging or a combination of these, to distinguish the goods and services of one trader from those of another
- (c) designs for the shape or appearance of manufactured goods
- (d) copyright for original material in literary, artistic, dramatic or musical works, films, broadcasts, multimedia and computer programs
- (e) circuit layout rights for the three-dimensional configuration of electronic circuits in integrated circuit products or layout designs
- (f) plant breeder's rights for new plant varieties
- (g) inventions and trade secrets, and
- (h) applications for any of the foregoing and any right to have information kept confidential, and other results of intellectual activity in the industrial, commercial, scientific or literary or artistic fields.

Invited scholar means any person other than a staff member or student who takes part in any research or scholarly activity at the University pursuant to which that person creates intellectual property, and includes a person who holds an adjunct, conjoint, honorary, voluntary, honorary role or other similar appointment made in accordance with the relevant university policies and procedures.

Moral rights means rights of integrity, rights of attribution and other rights of an analogous nature which may now exist or which may exist in the future under the *Copyright Act 1968* (Cth) or under the law of a country other than Australia which is given effect in Australia.

Net commercialisation revenue means commercialisation revenue less commercialisation expenses in relation to a particular item or related items of intellectual property.

Open content licensing refers to the licensing of a copyright work or other subject matter under a system which preserves the creator's intellectual property rights whilst giving permission in advance for the material to be used in certain defined ways, subject to certain defined conditions. At a minimum, such licences provide the user with the right to reproduce, copy and communicate the content on prescribed terms or conditions. Examples of open content licensing systems include the Creative Commons licences, the GNU Public Document Licence and the AEShareNet licences.

Pre-existing intellectual property means intellectual property that is developed and is owned by a staff member, student or invited scholar prior to the date of their employment, enrolment or engagement with the university.

Right to publish in relation to scholarly works means the right to publish a work as referred to in the *Copyright Act 1968* (Cth).

Scholarly works means any article, book or book chapter(s), manual, or creative writing or any digital or electronic version of these that contains material written by staff, student or invited scholar, but does not include work that is a computer program, teaching materials, or administration material or work produced at the request of a third party under contract with the University.

Staff and staff member means an employee of the University at the time that person creates intellectual property and includes academic staff and professional staff whether employed on a full-time, fractional or casual basis.

Staff materials means teaching materials in which the intellectual property is owned by staff, or licensed by staff to the University.

Teaching materials means lecture notes, course notes, slides, presentations, overheads, course assignments, examination papers, answer guidelines, tutorial questions, handbooks, spreadsheets, course outlines, course reading lists, online education resources, computer programs solely used for teaching purposes, drawings and diagrams, maps, photographs, broadcasts, films and all other materials created, developed, used or supplied for the purpose of learning and teaching at the University, but does not include work that are scholarly works or work produced at the request of a third party under contract with the University.

University project means a program of work or research which has been funded internally with substantial resources, including but not limited to staff salary, infrastructure, equipment, research consumables and in-kind contributions.

the University's intellectual property means intellectual property owned by the University of the Sunshine Coast, either by virtue of being created by staff in the course of their employment with the University or assigned by students and invited scholars to the University.

the University's teaching materials means teaching materials created by staff in the course of their employment with the University.

4. Ownership of intellectual property generated by staff

4.1 General - ownership of intellectual property

4.1.1 In accordance with the provisions on ownership of intellectual property in the University's terms of employment with staff, the University is the owner of intellectual property created by staff members in the course of their employment (subject to the provisions regarding the right to publish scholarly works below in clause 4.3.1).

4.1.2 Intellectual property created in pursuance of or incidental to the performance of a staff member's employment contract is considered to have been created in the course of employment whether or not a staff member's express duties include a duty to develop intellectual property. The University does not own intellectual property created by staff members outside the course of their employment. The University's ownership of the University's intellectual property applies to all staff.

4.1.3 This ownership exists as a matter of law, and does not require any further documentation from staff members. However, staff who are creators may be required to formally sign documents to more fully record the ownership of the University's intellectual property, for example, to enable patent applications to be made. At the request of the University, creators will:

(a) execute, in a timely manner, all such confirmations of assignment and ownership, and other documentation necessary to give effect to the intellectual property ownership and use provisions set out in this policy, and

(b) provide other assistance as reasonably requested, such as providing evidence as to date of creation, assisting with intellectual property protection procedures, and assistance with enforcement of intellectual property.

4.1.4 Additional provisions regarding ownership and use of intellectual property by staff, students and invited scholars are provided for in the sections below.

4.2 Staff bringing pre-existing intellectual property to the University

4.2.1 The University does not assert ownership over pre-existing intellectual property.

4.2.2 Staff who bring pre-existing intellectual property to the University to be used in the course of their duties or otherwise, need to provide evidence of ownership to the University when using that pre-existing intellectual property for teaching, research, scholarship or in relation to commercialisation. This ensures the staff member's ownership and contribution to the scope of knowledge held at the University is recognised and that there is no dispute as to prior encumbrances over that pre-existing intellectual property.

4.2.3 Prior to commencement of employment with the University, or as soon as practical after employment or engagement, staff should provide:

- an inventory of that pre-existing intellectual property; and
- all documents relating to the ownership of the pre-existing intellectual property, including any contracts, licensing agreements, policies in place at previous employers, or other relevant documents.

4.2.4 The University's access to staff materials is necessary to enable the University to deliver the courses in which staff materials are used. If staff materials are used in the course of the staff member's employment at the University, the staff member must grant a

perpetual, worldwide, royalty-free, non-exclusive licence to the University to use staff materials for all purposes connected with delivery of courses and teaching programs by the University, even after the staff member ceases to be employed by the University.

4.3 Ownership of copyright in scholarly works

4.3.1 The University does not assert ownership of the right to publish scholarly works generated by staff members, except where the work is specially commissioned by the University or pursuant to another agreement, in which case that agreement may have specific intellectual property provisions relating to scholarly works that is inconsistent with staff members having an ownership interest.

4.3.2 If the right to publish scholarly works does not fall within the exceptions above, and a staff member owns the right to publish scholarly works, that staff member hereby grants a perpetual, irrevocable, worldwide, royalty-free, non-exclusive licence to the right to publish scholarly works in favour of the University for teaching, research and commercialisation purposes and to reproduce, publish and communicate that work in library and online via the University's institutional repository USC Research Bank.

4.3.3 If requested, the University will sign documents to record the staff member's ownership of the right of publication of the copyright in a scholarly work and the University's non-exclusive licence to that work. Any subsequent publication agreement or assignment of the right to publish the scholarly work entered into by the creator, will be subject to the terms of the pre-existing non-exclusive licence referred to in this section.

4.4 Intellectual property in the University's teaching materials

4.4.1 The University's ownership of the intellectual property in the University's teaching materials ensures the University has the unrestricted ability to use these teaching materials for its teaching, research and training responsibilities.

4.4.2 The University consents to the use of the University's teaching materials by staff to fulfil their teaching, research and training responsibilities at the University. This right does not include any use for commercial purposes nor does it involve a transfer of ownership of the University's intellectual property.

4.4.3 In the absence of an obligation of confidentiality or separate legal constraint, the University recognises that staff may personally use knowledge they have developed in the course of their employment at the University, once that employment ceases. Upon request, the University agrees to grant to the creator of teaching materials a perpetual, personal, royalty free, non-exclusive, non-transferable licence to use such teaching materials generated by that creator for teaching, educational and research purposes at other educational institutions. The creator may not sublicense the teaching materials to others to generate royalties, license fees or other pecuniary benefits.

5. Ownership of intellectual property generated by students

5.1 In accordance with general law principles, students personally own the intellectual property of which they are the creator.

5.2 However, there are some exceptional circumstances where, in order to participate, or continue to participate in certain activities, students may be requested to assign to the University their interest in the intellectual property they create and transfer data and other information, in particular, where:

- the student participates in a university project
- the activities are externally funded, or
- the activities have contractual obligations with third parties, or
- the activities have clear commercialisation potential or objectives.

5.3 It is intended that requests for students to assign their intellectual property will be done where necessary to enable the University to meet its legal obligations to industry partners, or to achieve the objective of deriving appropriate benefits from innovation at the University by commercialising intellectual property.

5.4 The terms of any assignment of intellectual property by a student will be agreed with the student. In general, the student will:

- (a) share in net commercialisation revenues along with all other creators
- (b) retain copyright in the student's thesis
- (c) not be unreasonably impeded in submitting a thesis for examination and completing requirements for the award of a degree
- (d) observe obligations of confidentiality in relation to the project, and
- (e) consent to the student's thesis and other scholarly works being reproduced and communicated online via the University's institutional repository USC Research Bank.

5.5 Intellectual property matters should be clearly documented at the commencement of a higher degree by research program. Responsibility for identifying circumstances when the assignment of student intellectual property may be appropriate rests with the research thesis supervisor and the relevant Dean of School.

5.6 Where a student is also a staff member, then section four (4) takes precedence over this section where the subject matter of the student's study is similar to the subject matter of the work for which the person is employed. Any potential conflicts of interest should be clearly identified and documented prior to commencing a dual role, i.e. when a student enters employment with the University, or when an employee enrolls as a student, whether at the University or another institution.

5.7 For further details, refer to the Intellectual Property: Student IP – Procedures.

6. Ownership of intellectual property generated by invited scholars

6.1 Ownership and rights relating to intellectual property brought to the University by an invited scholar must be resolved before any activity commences at the University. This may necessitate negotiation between the University and the owner of the intellectual property such as the invited scholar's employer.

6.2 For further details, refer to the Adjunct and Visiting Appointments - Managerial Policy.

7. Indigenous knowledge rights

Where the creation of the University intellectual property involves the property of Indigenous peoples and/or the use of Indigenous knowledges, the University will take all reasonable steps to consult with the relevant Indigenous peoples and groups to ensure that any decisions taken on the protection, development and commercialisation of that intellectual property conforms with the relevant Indigenous protocols and ethical guidelines. The University does not assert ownership over Indigenous knowledges.

8. Transfer of rights to creators

8.1 Where the University decides that it will not further pursue commercialisation of the University's intellectual property, the University may decide to license or assign the University's intellectual property to creators where it does not infringe a legal commitment to another party.

8.2 This decision to not further pursue commercialisation will be taken after assessing the commercialisation prospects for the intellectual property. This decision may be made only where responsible officer referred to in section nine (9):

- (a) is satisfied that there has been full disclosure by the creators regarding the relevant intellectual property
- (b) where the creators have fully cooperated with the assessment of the intellectual property by the University, and
- (c) where the creators have fully complied with their obligations under this policy and the relevant codes of conduct.

8.3 In general, the transfer of rights to creators will not be considered where:

- (a) a determination is made that the intellectual property requires further work before a proper assessment of commercialisation prospects can be made
- (b) where there are significant negative impacts on future research activities or the interests of other creators and/or contributors, or
- (c) where it is not in the best interests of the University to do so in the view of the responsible officer referred to in section nine (9).

8.4 The University may impose a condition requiring the payment of a royalty to the University by the creators in the event of future successful commercialisation outcomes.

8.5 For further details, refer to the Intellectual Property: Transfer of Rights to Creators – Procedures.

9. Commercialisation of intellectual property

Commercialisation of the University's teaching materials

9.1 All commercialisation of the University's teaching materials will be done by the University through the Office of the Deputy Vice-Chancellor (Academic) and the relevant Dean of School. Any distribution to contributors from net commercialisation revenue received from commercialisation of teaching materials will be determined by the Deputy Vice-Chancellor (Academic).

Commercialisation of intellectual property derived from research

9.2 All commercialisation of the University's intellectual property derived from research will be conducted by the University through the Office of Research as determined by the Deputy Vice-Chancellor (Research and Innovation).

Commercialisation of intellectual property other than the University's teaching materials and that derived from research

9.3 All commercialisation of the University intellectual property other than the University's teaching materials and that derived from research will be conducted by the University through the Office of the Chief Operating Officer in consultation with the relevant Dean of School. Revenue received from commercialisation of intellectual property other than the University's teaching materials and that derived from research will be determined by the Chief Operating Officer.

9.4 Without limitation to the University's right as owner, the University may licence, assign or otherwise encumber its rights, title and interests in intellectual property owned by it to third parties at its sole discretion.

9.5 For further details of commercialisation of intellectual property derived from research, refer to the Intellectual Property: Commercialisation – Procedures.

10. Commercialisation revenue distribution

10.1 As a general rule, net commercialisation revenue (excluding that derived from the commercialisation of teaching materials and intellectual property not derived from research) will be distributed in the following manner:

- (a) one half (50%) to all the creators amongst them
- (b) one quarter (25%) to the creators' cost centre, and
- (c) one quarter (25%) to the University central funds.

10.2 Net commercialisation revenues will be distributed to creators according to the proportionate contribution made by them to the intellectual property creation. If necessary, in cases of uncertainty or if there is dispute between creators, the Deputy Vice-Chancellor (Research and Innovation) will determine proportionate contributions for the purposes of net revenue distribution to creators.

10.3 Where creators are staff employed by a cost centre, the distribution of net commercialisation revenue under section 10.1 (b) shall be determined by the senior executive responsible for that cost centre (with the cost centre determined at the time that the intellectual property was created). In the case where there are several creators who are employed by different organisational areas, distribution to relevant schools will be made in the same proportions as apply to creators. At its discretion, the school may apply the commercialisation revenue to funding further research by the creator.

10.4 Subject to any existing agreements regarding revenue distributions, this policy will apply in relation to all net commercialisation revenue received by the University after this policy comes into effect, even though commercialisation revenue may have been received and distributed before this policy comes into effect. Distribution to a creator under this policy shall not be affected by the death, resignation or retirement of the creator.

10.5 For further details, refer to the Intellectual Property: Commercialisation Revenue – Procedures

11. Moral rights

11.1 Moral rights apply to all works, except films, in existence on 21 December 2000 and which are still protected by copyright, and to all works including films created after that date.

11.2 The moral rights of the creator of works are:

- (a) the right of attribution of authorship in respect of the work
- (b) the right not to have authorship of the work falsely attributed, and
- (c) the right of integrity of authorship in respect of the work.

11.3 In summary:

- (a) the right of attribution is a right to be identified as the author of a work
- (b) false attribution means to associate someone else's name with a work in a way that falsely implies that person is the author of the work and
- (c) the right of integrity of authorship is the right not to have the work subjected to derogatory treatment, such as the doing of anything that results in a material distortion, mutilation of, or alteration to, the work that is prejudicial to the author's honour or reputation.

11.4 In accordance with the provisions in the University's standard terms of employment with staff, staff have consented to and authorised the University to perform, and refrain from performing, all acts which might otherwise amount to an act or omission in breach of some or all of your moral rights in respect of the intellectual property rights.

11.5 In compliance with the *Australian Code for the Responsible Conduct of Research*, the University will take reasonable steps to prevent an author's moral rights in clause 11.2(c) from being infringed, but may, on appropriate occasions, ask creators to consent to certain uses of their work, where moral rights may be affected.

12. Effect of this policy on pre-existing arrangements

Despite any contrary provision in this policy, all existing legally binding contracts, deeds and agreements entered into by the University prior to the effective start date will remain in full force and effect. Their terms will prevail to the extent that there is an inconsistency with this policy.

13. Dispute resolution

13.1 Determinations on matters relating to this policy and associated procedures are made by the Deputy Vice-Chancellor (Research and Innovation).

13.2 To the extent of any inconsistency between associated procedures and this policy, this policy will prevail.

13.3 A staff member who does not agree with a determination, action or inaction on a matter relating to this policy and associated procedures must in the first instance notify the Deputy Vice-Chancellor (Research and Innovation) in writing of the dispute. The Deputy Vice-Chancellor (Research and Innovation) will respond to that notice promptly.

13.4 If the concerned staff member is dissatisfied with the reply (or if the reply is not timely) the person should advise the Deputy Vice-Chancellor (Academic) in writing of the unresolved dispute.

13.5 The Deputy Vice-Chancellor (Academic) (or their nominee) may meet with the concerned staff member and the Deputy Vice-Chancellor (Research and Innovation) within five working days from the date of being advised in writing of the ongoing dispute. Prior to the meeting, the Vice-Chancellor and President shall advise the person of their right to be accompanied by a support person at that meeting. The support person excludes a person who is currently practising as a solicitor or barrister.

13.6 The Deputy Vice-Chancellor (Academic) (or their nominee) may seek assistance in investigating a dispute, as appropriate. That advice may be sought from the University on matters relating to exploitation or commercialisation of the University's intellectual property or may determine it is appropriate to appoint a panel of up to three people, to report on matters raised by the dispute. This panel will be composed of such persons, from within and external to the University, who by reason of their collective skills and expertise, are able to consider the specific issue raised, and provide advice to the Deputy Vice-Chancellor (Academic) (or their nominee), as applicable.

13.7 The Deputy Vice-Chancellor (Academic) shall respond to the written notice of dispute within 30 days of receipt of the notice or shall inform the person of an alternative timeline for resolution. The final response of the Deputy Vice-Chancellor (Academic) to the written notice of dispute shall conclude the matter.

13.8 A student who does not agree with a determination, action or inaction on a matter relating to this policy and associated procedures must follow the grievance procedures under the Student Grievance Resolution – Governing Policy, if the student wishes to pursue a grievance further.

14. Breaches of the policy

14.1 Any breach of this policy or associated procedures by a staff member may be considered a breach of the Staff Code of Conduct – Governing Policy and/or Responsible Research Conduct – Governing Policy and may be subject to disciplinary action in accordance with the University's provisions on disciplinary action for misconduct and serious misconduct set out in those policies and the relevant Enterprise Agreement.

14.2 Any breach of the policy or associated procedures by a student may be considered a breach of the Student Conduct – Governing Policy and/or Student Academic Integrity – Governing Policy and may be subject to disciplinary action under those policies.

15. Conflict of interest

The management of any potential conflict of interest shall be undertaken in accordance with the Conflict of Interest - Governing Policy

16. Roles and responsibilities

The following authorities/responsibilities are delegated under this policy:

ACTIVITY

UNIVERSITY OFFICER/ COMMITTEE/UNIT

The Deputy Vice-Chancellor (Research and Innovation) has a general role in developing the University's research capacity and ensuring that research innovations with commercial relevance are utilised to their full potential. As part of this role, the Deputy Vice-Chancellor (Research and Innovation) is responsible for administering this policy where intellectual property is created from research, for the formulation and

Deputy Vice-Chancellor
(Research and
Innovation)

approval of procedures and protocols to implement this policy, and for the management of disputes arising under this policy in respect of intellectual property created from research.

The Deputy Vice-Chancellor (Academic) has a general role in the management and academic functions of the University. As part of this role, the Deputy Vice-Chancellor (Academic) is responsible for administering this policy where commercialisation of the University's teaching materials is undertaken, for the formulation and approval of procedures and protocols to implement this policy, and for the management of disputes arising under this policy in respect of commercialisation of the University's teaching materials.

Deputy Vice-Chancellor
(Academic)

The Chief Operating Officer has a general role in overseeing a range of business functions to facilitate the ongoing financial and planning viability of the University. As part of this role, the Chief Operating Officer is responsible for administering this policy where commercialisation of intellectual property other than teaching materials and that derived from research is undertaken, for the formulation and approval of procedures and protocols to implement this policy, and for the management of disputes arising under this policy in respect of commercialisation of intellectual property other than teaching materials and that derived from research.

Chief Operating Officer

Deans of Schools, as the line managers of employees, have a role in promoting this policy to staff and students and in making determinations on the use of any commercialisation returns to the school in accordance with policy documents.

Deans of schools

The Office of Research deals with research grants, data management, research ethics, research integrity, contract research, and higher degree research student management. Commercialisation of the University's intellectual property derived from research, facilitates the management of relationships between the University and the external community, and transactions when commercialisation or related risks to the University need to be considered.

Office of Research

All staff generating intellectual property in the course of their employment have an obligation to comply with the specific requirements of this policy and other relevant policies such as the Staff Code of Conduct – Governing Policy. In view of the ownership arrangements outlined below, staff must act in a manner which is consistent with the University's ownership of intellectual property generated in the course of employment. Creators who are staff members are expected to assist or facilitate the utilisation of intellectual property which they have been involved in generating, where avenues for exploitation or commercialisation are identified by or on behalf of the University.

All staff

All students and invited scholars generating intellectual property in the course of their association with the University have an obligation to comply with the specific requirements of this policy.

Students and invited
scholars

END

RELATED DOCUMENTS

- Academic Position Classification - Guidelines
- Academic Titles - Guidelines
- Adjunct and Visiting Appointments - Operational Policy
- Authorship and Dissemination of Research Findings - Procedures
- Conflict of Interest - Governing Policy
- Copyright - Governing Policy
- Copyright - Procedures
- Intellectual Property: Commercialisation - Procedures
- Intellectual Property: Commercialisation Revenue - Procedures
- Intellectual Property: Student IP - Procedures
- Intellectual Property: Transfer of Rights to Creators - Procedures
- Job Evaluation of Professional Positions - Guidelines
- Managing and Investigating Breaches of Responsible Research Conduct - Procedures
- Outside Work and Private Practice - Operational Policy
- Outside Work and Private Practice - Procedures
- Professional Position Descriptors - Guidelines
- Research Data Management - Procedures
- Resolution of Complaints (Staff) - Guidelines
- Responsible Research Conduct - Governing Policy
- Risk Management - Governing Policy
- Staff Code of Conduct - Governing Policy
- Student Conduct - Governing Policy
- University Consultancy Work - Operational Policy
- University Consultancy Work - Procedures

LINKED DOCUMENTS

- Intellectual Property: Commercialisation - Procedures
- Intellectual Property: Commercialisation Revenue - Procedures
- Intellectual Property: Student IP - Procedures
- Intellectual Property: Transfer of Rights to Creators - Procedures

RELATED LEGISLATION / STANDARDS

- Copyright Act 1968 (Cth)
- Australian Code for the Responsible Conduct of Research (2018)
- Circuit Layouts Act 1989 (Cth)
- Designs Act 2003 (Cth)
- Patents Act 1990 (Cth)
- Plant Breeder's Rights Act 1994 (Cth)
- Trade Marks Act 1995 (Cth)
- National Principles of IP Management for Publicly Funded Research