

Intellectual Property - Procedures

1. Purpose

1.1 These procedures describe how Intellectual Property (IP) is managed at the University and must be read in conjunction with the linked Intellectual Property – Governing Policy.

2. Scope and application

2.1 These procedures apply to all staff, students and invited scholars of the University.

3. Definitions

3.1 Refer to the University's Glossary of Terms for definitions of terms as they specifically relate to policy documents.

4. IP created by staff

4.1 University IP ownership exists as a matter of law and does not require any further documentation from staff members. Staff who are creators can be required to formally sign documents to more fully record the ownership of the University's IP. At the request of the University, creators must:

(a) execute all confirmations of assignment and ownership and other documentation necessary to give effect to the IP ownership and use provisions set out in the Intellectual Property – Governing Policy; and

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

5. Staff bringing pre-existing IP to the University

5.1 Staff must advise the University of the existence of pre-existing IP that they own as soon as possible following appointment and prior to commencement. They must provide evidence of ownership when using that pre-existing IP 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 those pre-existing IP.

5.2 Access to staff materials is necessary to enable the University to deliver world-class education. When 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 and teaching of programs by the University, even after the staff member ceases to be employed by the University.

6. Copyright in scholarly works

6.1 When requested, the University can sign documents to record the individual'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.

7. Moral rights

7.1 The moral rights of the creator of certain copyright works are:

(a) the right of attribution of authorship in respect of the work (the right to be identified as the author of a work);

(b) the right not to have authorship of the work falsely attributed (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

APPROVAL AUTHORITY

Deputy Vice-Chancellor (Research and Innovation)

RESPONSIBLE EXECUTIVE MEMBER

Deputy Vice-Chancellor (Research and Innovation)

DESIGNATED OFFICER

Director, Office of Research

FIRST APPROVED

28 June 2024

LAST AMENDED

28 June 2024

REVIEW DATE

28 June 2026

STATUS

Active

(c) the right of integrity of authorship in respect of the work (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).

7.2 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 their moral rights.

7.3 In compliance with the *Australian Code for the Responsible Conduct of Research*, the University takes reasonable steps to prevent an author's moral rights from being infringed, but can, on appropriate occasions, ask creators to consent to certain uses of their work, where moral rights can be affected.

8. Dispute resolution

8.1 A person who does not agree with a determination, action or inaction on a matter relating to the management of IP 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) responds to this notification within five working days. Where the concerned person is a student, this is equivalent to seeking a Stage 2 Review under the Student Grievance Resolution – Governing Policy.

8.2 When the concerned person is dissatisfied with the reply (or if the reply is not received within five working days), the person must advise the Vice-Chancellor and President in writing of the unresolved dispute. Where the concerned person is a student, this is equivalent to seeking a Stage 3 Appeal under the Student Grievance Resolution – Governing Policy.

8.3 The Vice-Chancellor and President and the Deputy Vice-Chancellor (Research and Innovation) must meet with the person within ten working days from the date of being advised in writing of the ongoing dispute. Prior to the meeting, the Vice-Chancellor and President advises 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.

8.4 The Vice-Chancellor and President can seek assistance in investigating a dispute, as appropriate. That assistance and advice can be sought from within or outside the University.

8.5 The Vice-Chancellor and President must respond to the written notice of dispute within thirty working days of receipt of the notice or can inform the person of an alternative timeline for resolution. The final response of the Vice-Chancellor and President to the written notice of dispute shall conclude the matter.

9. Authorities and Responsibilities

9.1 The Deputy Vice-Chancellor (Research and Innovation) is authorised to make these procedures and related guidelines for the operation of University policy. These procedures and related guidelines must be compatible with the provisions of the Intellectual Property – Governing Policy.

9.2 The Director, Office of Research is authorised to make associated documents to support the application of policy documents. These must be compatible with the provisions of the respective policy document.

9.3 These procedures operates from the Last Amended date, will all previous procedures related to IP are replaced and have no further operation from this date.

9.4 All records relating to IP must be stored and managed in accordance with the Information Management – Governing Policy.

9.5 These procedures must be maintained in accordance with the Policy Framework – Procedures and reviewed on the shortened two-year policy review cycle.

9.6 Any exception to this policy to enable a more appropriate result must be approved in accordance with the Policy Framework – Procedures prior to deviation from the policy document.

9.7 Refer to Schedule C of the Delegations Manual in relation to the approved delegations detailed within this policy document.

END

RELATED DOCUMENTS

- Adjunct and Visiting Appointments - Operational Policy
- Authorship and Dissemination of Research Findings - Procedures
- Conflict of Interest - Governing Policy
- Conflict of Interest - Procedures
- Higher Degree by Research Program Accreditation - Academic Policy
- Higher Degrees by Research - Academic Policy
- Higher Degrees by Research Candidature - Procedures
- Higher Degrees by Research Supervision - Procedures
- Higher Degrees by Research Thesis Submission and Examination - Procedures
- Intellectual Property: Commercialisation of Research Outcomes - Procedures
- Intellectual Property: Commercialisation Revenue - Procedures
- Intellectual Property: Student IP - Procedures
- Intellectual Property: Transfer of Rights to Creators - Procedures
- Managing and Investigating Breaches of Responsible Research Conduct - Procedures
- Outside Work and Private Practice - Operational Policy
- Outside Work and Private Practice - Procedures
- 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
- Student Grievance Resolution - Governing Policy
- University Consultancy Work - Operational Policy
- University Consultancy Work - Procedures

LINKED DOCUMENTS

- Intellectual Property: Commercialisation of Research Outcomes - 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