



# Australian Graduate School of Leadership

## Policy register

|                      |   |               |                                |
|----------------------|---|---------------|--------------------------------|
| <b>Policy name</b>   | Intellectual Property                           |               |                                |
| <b>Version</b>       | 1.0   | <b>Status</b> | Approved by Board of Directors |
| <b>Communication</b> | To all staff, students and prospective students | <b>Date</b>   | 21 January 2013                |

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### 1. Preamble

This policy has been established to manage and protect intellectual property that arises from work of AGSL students, faculty and staff.

### 2. Scope

This policy applies to all students, faculty and staff of AGSL. This policy forms part of AGSL's terms of employment.

### 3. Definitions

| Term                  | Definition   |
|-----------------------|--|
| Intellectual Property | Any proprietary right that arises under or could be obtained under legislation relating to copyright, patents, designs, trademarks, circuit layouts or plant varieties.<br><br>Any common law intellectual property, including trade secrets, know-how and any other confidential information. |
| Employee              | Any person engaged by AGSL in return for remuneration. Includes full time and part time employees, as well as faculty members and contractors.   |

### 4. Principles

AGSL encourages an academic environment where ideas, teaching and learning flourish and grow. AGSL believes that ideas and innovations should be published and used as widely as possible to the extent that they benefit society. Where this principle clashes with commercial imperatives of an initiative, AGSL will seek to resolve any conflict and preserve this principle as much as possible.

## 5. Procedures

### *Ownership*

AGSL owns all intellectual property that is created by an employee in satisfying their duties under a contract of employment with AGSL. Such intellectual property includes, but is not limited to, inventions and copyright works (including courseware).

Despite the preceding clause, employees own intellectual property created by them in books, articles, or other similar works, whether in written or any other form, the subject matter of which is primarily concerned with scholarship, research, artistic expression, creativity or academic debate, except for works that were prepared for AGSL course work and teaching, were created using intellectual property owned by AGSL or to which AGSL has made a significant contribution towards funding, resources, facilities or apparatus and which led to the creation of the works.

Where the preceding clause determines that an employee owns the intellectual property created by them, AGSL is granted a non-exclusive, royalty-free and irrevocable licence to reproduce, publish, perform, broadcast, disseminate and otherwise use the work for AGSL's teaching, research and professional purposes.

AGSL may waive rights of ownership for teaching materials developed in an area not related to subjects offered by AGSL or not involving any significant commitment of AGSL resources including staff time.

If the terms of this policy are contrary to any intellectual property ownership agreement that is already in place, then the terms of the existing agreement already in place shall prevail until the existing agreement expires.

### *Ownership by Students*

Where no specific contract to the contrary exists, students own all intellectual property that they invent, except:

- (a) where a student participates as part of a team with AGSL staff in consulting or providing other contracted services to third parties;
- (b) where a student uses existing intellectual property owned by AGSL;
- (c) where a student is a co-author with a member of AGSL staff in work which is confidential or commercial; or
- (d) where a student is a co-inventor with a member of staff, whether or not the invention is patented.

In the situations listed in points (a) to (d) above, a student may be required to assign their intellectual property rights to AGSL.

### *Use by Non-Owners*

Where AGSL owns the intellectual property of a copyright work, the employee who created the work is granted a non-exclusive, royalty-free and irrevocable license to draw from the work for their own research, teaching and professional practice.

A person who leaves the employ of AGSL may apply for the release of copyright on works created by them.

### *AGSL Obligations*

Where AGSL publishes or causes to be published a copyright work owned by AGSL pursuant to this policy:

- (a) without adaptation or other modification, AGSL shall ensure that the authorship of the work is acknowledged in the publication; or
- (b) with adaptation or other modification, AGSL shall consult with the author of the work on whether the authorship of the work is to be acknowledged and on the form of words of that acknowledgment.

### *Commercialisation*

No royalties are payable under this policy for teaching and learning materials supplied or sold to AGSL students.

For other markets, disbursement of royalty income to AGSL and the creator shall be agreed on the basis of individual contracts and approved by the Board of Directors. Such agreements must be in place before commercialisation occurs.

Where it becomes apparent that intellectual property has been created that is (potentially) capable of being commercialised, the creator(s) shall notify the Registrar of the details of the work created and the potential for its commercialisation within 14 days of the potential for commercialisation becoming apparent. The Registrar, in consultation with the Executive Dean and taking advice from the Academic Board, the Advisory Board or any other party they wish, shall recommend to the Board of Directors whether AGSL should become involved in the commercialisation of the work.

Where AGSL decides not to become involved in the commercialisation of the work, then AGSL has waived all future rights in respect of that intellectual property.

Where AGSL decides to be involved in the exploitation of any intellectual property, the creator shall provide all reasonable assistance in the exploitation process by, for example, attending meetings with potential commercial partners and advising on further development of the intellectual property.

### *Variations and Waivers*

The Board of Directors, acting on advice from the Academic Board, Executive Dean, Registrar or any other party it wishes, may approve any variation to any of the terms of this policy to be applied to any intellectual property. Applications for variations to the terms of this policy shall be in writing (email), sent to the Registrar and include justification for the request.

## **6. Responsibilities**

The following are responsible for the application of the policy:

- Executive Dean
- Registrar
- Board of Directors