




DOCUMENT TYPE	P	
ACADEMIC	1	
RESEARCH AND RESEARCH TRAINING	3	
INTELLECTUAL PROPERTY	2	
NUMBER	002	
		Policy Data base Document Reference Number 132002P

INTELLECTUAL PROPERTY POLICY

Purpose/ objectives	<p>To state the principles for the exploitation and other use of Intellectual Property in the outcomes of the research and teaching activities of Staff Members in the course of employment.</p> <p>To define the rights of the Staff Members involved in generating teaching and research outcomes.</p> <p>To assist Students and Visiting Researchers to give effect to their obligations in relation to Intellectual Property generated by them at the University.</p>
Scope/ Application	<p>All campuses</p> <p>All staff members, students, honorary staff and visiting staff</p> <p>Research and teaching activities</p>
Policy Statement	<p>Under the Intellectual Property Statute, the University owns IP generated by Staff Members in the course of employment except for Specified Works, which the authors own. The University does not own IP created by Students or Visiting Researchers, except by express assignment.</p> <p>Exploitable IP and Obligations of Staff and Students</p> <p>Staff Members have an obligation to declare any Exploitable IP arising in the course of employment, assist the University to protect and secure title in the IP (including executing formal assignments) and refrain from dealing in the IP.</p> <p>Students and Visiting Researchers have an obligation to declare any Exploitable IP arising in the course of studies or work at the University.</p> <p>Publication</p> <p>Researchers are encouraged to communicate the results of their research by submitting works for publication but must avoid undermining Exploitable IP through premature disclosure. The University will keep any delay in publication to the time reasonably necessary to assess and protect the Exploitable IP. The University will maintain management arrangements to ensure prompt appraisals by professional staff. The University will not agree to prevent or delay publication arising under contracts with third parties except with the consent of the researchers. In the case of research students, the University will not agree to a delay which will prejudice completion of the student's thesis or damage future career prospects.</p> <p>Exploitable IP and Reversion</p> <p>If the University decides not to protect and exploit Exploitable IP the rights will be offered to the IP Creators.</p> <p>Proceeds of Exploitation</p> <p>Not less than 30% of any proceeds of the Exploitation of IP will be payable personally to the IP Creator or IP Creators. An additional 15% will be available to Academic Staff Members who are IP Creators to support their research or to be paid to them if they resign or retire. A further 25% will be available to the IP Creators' School or Schools. The method of calculation and procedures for payment and distribution of proceeds is defined in the Commercialisation Income Procedure.</p>

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	<p>Teaching Materials</p> <p>The University encourages the authors of Teaching Materials to consider making such materials publicly and freely available, for example, via the internet or publishing commercially providing that those materials are not subject to a prior third party agreement such as a contract for the design or delivery of a course or training program.</p>
Supporting Procedures	<p>Intellectual Property Procedures – Exploitable IP</p> <p>Intellectual Property Procedures – Teaching Materials</p> <p>Commercialisation Income Procedure</p>
Responsibility for implementation	Director, Research Services
Responsibility for monitoring implementation and compliance	Commercialisation Manager
Status	<p>Revised Content – previous version approved by Council on 7 October 2003 (m346.9)</p> <p>This version of the policy supersedes all previous versions of this policy</p>
Key stakeholders	<p>Deputy Vice-Chancellor (Research)</p> <p>Deans</p> <p>Executive Director, People and Culture</p>
Approval Body	Academic Board, 13 May 2009, Council, 6 July 2009.
Initiating Body or person(s)	Research and Graduate Studies Committee
Definitions	<p>Exploitable IP means IP arising in the course of a Staff Member's employment at the University which may be the subject of Commercial Exploitation by the University, including inventions, plant varieties and copyright in computer programs.</p> <p>Exploitation means the application, publication, development, use, assignment, licensing, sub-licensing, franchising, exploitation, sale or other utilisation of IP for the purpose of generating financial or other commercial gains.</p> <p>Intellectual Property/IP means any rights in relation to copyright, designs, inventions, plant varieties, trade marks (including service marks), confidential information, trade secrets, know-how, circuit layouts and patent rights, whether registered or unregistered.</p>

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	<p>IP Creator means a Staff Member or a Student who creates IP whether in conjunction with others or otherwise that is owned by the University.</p> <p>Staff Member means a member of the full-time, part-time or casual academic or general staff, whether holding a permanent or other position.</p> <p>Statute means the <i>Intellectual Property Statute 2009</i></p> <p>Student means a person enrolled in a course or subject at the University and includes a post-graduate student.</p> <p>Teaching Materials has the meaning given in the Statute and includes works developed by a Staff Member and made available to a Student in any format.</p> <p>Visiting Researcher means any person who is appointed to an honorary position at the University in order to pursue research and other scholarly activities at the University.</p>
Related legislation	<p>Intellectual Property Statute 2009</p> <p>Australian Patents Act 1990</p> <p>Australian Copyright Act 1968</p>
Related Policy and other documents	<p>Policy on Outside Work (http://www.latrobe.edu.au/policies/administrative.html)</p> <p>Australian Code for the Responsible Conduct of Research (http://www.nhmrc.gov.au/publications/synopses/_files/r39.pdf)</p>
Date Effective	<p>1 July 2009 to correspond with the effective date of the Intellectual Property Statute 2009 and to allow for the planning and implementation of the Research Division, which will administer this Policy and associated procedures, to be completed.</p>
Next Review Date	<p>1 July 2011</p>
Keywords	<p>Intellectual Property; Research; Commercialisation.</p>
Owner/Sponsor	<p>Deputy Vice-Chancellor (Research)</p>
Author	<p>Commercialisation Manager</p>
Contact person	<p>Peter Janssen (p.janssen@latrobe.edu.au)</p>