




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

## INTELLECTUAL PROPERTY POLICY

<b>Purpose/ objectives</b>	<p>To state the principles for the exploitation and other use of Intellectual Property ('IP') 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 Honorary Staff Members to give effect to their obligations in relation to IP generated by them at the University.</p>
<b>Scope/ Application</b>	<ul style="list-style-type: none"> <li>• All campuses</li> <li>• All staff members, students, honorary staff and visiting staff</li> <li>• Research and teaching activities</li> </ul>
<b>Policy Statement</b>	<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 Honorary Staff Members, except by express assignment.</p> <p><b>Exploitable IP and Obligations of Staff and Students</b></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><b>Publication</b></p> <p>Staff Members, Students and Honorary Staff Members are encouraged to communicate the results of their research by submitting works for publication but must avoid undermining Exploitable IP through premature disclosure. Once Exploitable IP has been declared to the University, 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 enter into contracts with third parties which prevent or delay publication except with the consent of the authors. 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><b>Exploitable IP, Assignment and Reversion</b></p> <p>If the University decides to protect and exploit Exploitable IP, the University will require Creators who are Staff Members to sign an agreement confirming that the ownership of the IP rests with the University. In the case of Creators who are Students and Honorary Staff members, the University will require an assignment of ownership of the IP.</p> <p>If the University decides not to protect and exploit Exploitable IP the rights will be offered to the Creators on agreed conditions, which will usually include the University retaining a right to use the IP for its teaching and research.</p>

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	<p><b>Proceeds of Exploitation</b></p> <p>Not less than 30% of any proceeds of the Commercial Exploitation of IP will be payable personally to the Creator or Creators. An additional 15% will be available to academic Staff Members who are Creators to support their research or to be paid to them if they resign or retire. A further 25% will be available to the Creators' School or Schools. The method of calculation and procedures for payment and distribution of proceeds is defined in the Intellectual Property Procedures.</p> <p><b>Teaching Materials</b></p> <p>The University encourages the authors of Teaching Materials to consider making such materials publicly and freely available, e.g., 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>
<b>Supporting Procedures</b>	Intellectual Property Procedures
<b>Responsibility for implementation</b>	Director, Research Services
<b>Responsibility for monitoring implementation and compliance</b>	Manager, Research Development
<b>Status</b>	<p>Revised Content – approved by Council, 13 December 2010, C10/149(M), M404.13 and endorsed by Academic Board on 13 October 2010, AB10/170(M).</p> <p>Previous version approvals: Council on 6 July 2009 and endorsed by Academic Board, 13 May 2009; Council, 7 October 2003, Minute 346.9. This version of the policy supersedes all previous versions of this policy</p>
<b>Key stakeholders</b>	<p>Deputy Vice-Chancellor (Research)</p> <p>Deans</p> <p>Executive Director, People and Culture</p>
<b>Approval Body</b>	University Council
<b>Initiating Body or person(s)</b>	Research and Graduate Studies Committee
<b>Definitions</b>	<p><b>Exploitable IP</b> means IP which may be the subject of Commercial Exploitation by the University.</p> <p><b>Commercial Exploitation</b> has the meaning given in the Statute: the application, publication, development, use, assignment, licensing, sub-licensing, franchising,</p>

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	<p>exploitation, sale or other utilisation of IP for the purpose of generating financial or other commercial gains.</p> <p><b>Honorary Staff Member</b> 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 and includes visiting researchers.</p> <p><b>Intellectual Property/IP</b> 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> <p><b>Creator</b> means a Student, Staff Member or Honorary Staff Member who creates IP whether in conjunction with others or otherwise that is owned by the University.</p> <p><b>Specified Work</b> has the meaning given in the Statute. Specified Works include any literary, dramatic, musical or artistic works but do not include (a) Teaching Materials, (b) computer programs, or (c) copyright works subject to an agreement between the University and a third party.</p> <p><b>Staff Member</b> means a member of the full-time, part-time or casual academic or general staff, whether holding a permanent or other position.</p> <p><b>Statute</b> means the <i>Intellectual Property Statute 2009</i></p> <p><b>Student</b> means a person enrolled in a course or subject at the University and includes a post-graduate student.</p> <p><b>Teaching Materials</b> 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>
<b>Related legislation</b>	Intellectual Property Statute 2009 Australian Patents Act 1990 Australian Copyright Act 1968
<b>Related Policy and other documents</b>	Policy on Outside Work ( <a href="http://www.latrobe.edu.au/policies/administrative.html">http://www.latrobe.edu.au/policies/administrative.html</a> ) <a href="#">Australian Code for the Responsible Conduct of Research</a> :
<b>Date Effective</b>	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.
<b>Next Review Date</b>	1 July 2011
<b>Keywords</b>	“Intellectual Property”; “Research”; “Commercialisation”.
<b>Owner/Sponsor</b>	Deputy Vice-Chancellor (Research)
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