



# Intellectual Property Policy and Procedure

## Purpose

1. The Policy establishes the rights and responsibilities of staff, students and the Australian International Institute of Higher Education ('the Institute') itself in relation to intellectual property and provides guidelines to promote and protect innovations, discoveries, and confidential or proprietary information.

## Scope

2. This Policy applies to:
  - a) all staff of the Institute whether full-time, part-time, casual or contract
  - b) members of the Institute's Governing Bodies
  - c) all students
  - d) all material generated by staff and students in the course of their studies and employment at the Institute.

## Definitions

3. For the purposes of this Policy:
  - a) **Intellectual Property** refers to the material outcomes of an originator (these may be written, drawn, photographed, composed, broadcast, performed, designed, or invented). Intellectual Property rights are protected by various methods, including automatic protection upon creation, for example, copyright, or protection achieved through a process of registration, such as trademarks and patents.
  - b) **Originator** refers to the author(s) or producer(s) of Intellectual Property.
  - c) **Teaching Materials** refers to materials developed in order to present subjects and courses to students or staff at the Institute including lecture and tutorial notes, slides, websites, and other documentation supporting learning.

## Policy

4. The Institute is committed to promoting and supporting open inquiry and the sharing of information and knowledge flowing from scholarly research and endeavours to benefit the general community. The Institute also recognises that it has an obligation to provide information and guidance to producers of such knowledge in relation to their moral and legal rights and responsibilities.

## Objectives

5. This Policy has the following objectives:
  - a) to encourage the Institute's staff, students and stakeholders to create and develop original and innovative ideas



- b) to facilitate the efficient transfer of innovation arising from the Institute's research to industry, government and the general community
- c) to acknowledge and protect the Intellectual Property of the Institute's community while recognising the investment, input and rights of the Institute and its stakeholders
- d) to promote awareness and appreciation within the Institute community of significant issues in relation to Intellectual Property, including potential commercialisation, the need to avoid infringing third-party rights in the compilation and exploitation of Intellectual Property, and the need to maintain appropriate records on Intellectual Property development
- e) to be consistent with sound academic practice, the Institute's responsibilities, applicable legislative requirements and legal principles.

## **Procedures**

### **Intellectual Property Protection Officer**

- 6. In relation to all Intellectual Property produced as teaching materials, scholarly outputs or administrative materials, the Academic Dean of the Institute is the designated Intellectual Property Protection Officer.

### **Moral rights**

- 7. The Institute is committed to respect and observe the following personal rights, as defined in the *Copyright Act 1968* and the *Copyright Amendment (Moral Rights) Act 2000*:
  - a) *right of attribution of authorship* – an originator's right to be acknowledged as the author of an original work wherever that work is reproduced, published, exhibited, adapted, or transmitted as well as the right of the originator to decline to have authorship declared
  - b) *right not to have authorship falsely attributed* – an originator's right to act against false attribution
  - c) *right of integrity of authorship of a work* – an originator's right to object to derogatory treatment of his or her work that prejudicially affects his or her honour or reputation.

### **Ownership of Intellectual Property - staff**

- 8. The Institute owns intellectual property developed, acquired or contributed by its staff, in the performance of their duties and/or using the Institute's facilities and resources, including teaching materials. The provisions of this Policy are included as part of the terms and conditions of employment of all staff including full-time, part-time and casual staff.
- 9. Any contracted staff member who generates intellectual property in the form of scholarly outputs supported by the resources of the Institute, which may reasonably be expected to generate commercial value, shall advise the Academic Dean in writing prior to any publication, dissemination or commercialisation of the intellectual property. The Academic Dean will advise the staff member immediately whether the Institute desires to be involved in the commercialisation of the IP.
- 10. The Institute acknowledges its obligations to ensure staff and students are aware of their rights and responsibilities related to intellectual property, moral rights and the application of this Policy.

### **Ownership and assignment of Intellectual Property - students**

- 11. The Institute does not claim ownership of intellectual property generated by students during their studies. Where extensive use is made of the Institute's resources or pre-existing intellectual



property, the Institute may seek to establish shared intellectual property with a student through a written agreement endorsed and signed by the student. The Institute claims no right to the intellectual property of students where such a written agreement does not exist.

12. The Institute may also seek a written agreement with a student to retain and use the student's work for educational or promotional purposes.
13. The Institute respects the rights of originators to be acknowledged as the creators of intellectual property and acts to ensure that the actions of others comply in this manner. In this regard, the Institute commits to:
  - a) take reasonable steps to consult with the originator before modifying or adapting their intellectual property, and respect the originator's right to have, or do not have, his/her authorship acknowledged in any adapted intellectual property
  - b) receive due acknowledgement from originators of any Institutional resources or facilities contributing to the creation of intellectual property in any subsequent use.

### Dispute resolution

14. If a dispute arises as to the operation of this Policy or any matter on which the operation of this Policy relies, the matter will be referred to the Intellectual Property Protection Officer for a decision.
15. An applicant may appeal against a decision made if he or she feels the decision made is inconsistent with this Policy as follows:
  - a) students may appeal under the provisions of the *Student Appeals Policy and Procedure*
  - b) staff may lodge a grievance under the grievance provisions of the *Human Resources Management Policy and Procedure*.



## Associated information

<b>Approving body</b>	Governing Council
<b>Date approved</b>	23 October 2020
<b>Date of effect</b>	Commencement of operation
<b>Next scheduled review</b>	Two years from when policy commences
<b>Current version approval date</b>	10/10/2024
<b>Next review date</b>	10/10/2026
<b>Policy owner</b>	Academic Dean
<b>Policy contact</b>	Academic Dean
<b>Related AIIHE Documents</b>	Academic Freedom Policy Student and Staff Academic Integrity Policy and Procedure Human Resources Management Policy and Procedure Compliance Plan Quality Assurance Framework Staff Scholarly Activity Policy and Procedure Learning and Teaching Plan
<b>Higher Education Standards Framework (Threshold Standards) 2021 (Cth)</b>	Criterion B1.1 "Institute of Higher Education" Category Standard 3.1; ss 2 Standard 3.2; ss 2 Standard 4.1; ss 1 Standard 4.2; ss 4 Standard 5.2; ss 1 - 4 Standard 7.2; ss 2
<b>Other related external instruments/documents</b>	<b>Related Legislation</b> <ul style="list-style-type: none"><li>Tertiary Education Quality and Standards Agency Act 2011 (Cth)</li><li>Copyright Act 1968 (Cth)</li></ul>

## Document history

Version	Author	Changes	Approval Date
1.0	Not applicable	Original version	23 October 2020
1.1	Compliance Officer	Reviewed to align with the HESF 2021, responsibilities were clarified and strengthened, and the footer was updated with current addresses.	10 October 2024

*N.B. The document is uncontrolled when printed! The current version of this document is maintained on the AIIHE website at [www.aaihe.edu.au](http://www.aaihe.edu.au).*