



## INTELLECTUAL PROPERTY POLICY AND PROCEDURE

### Policy

Study Group Australia Pty Ltd ("the Institution") has designed this policy to create an innovative culture which fosters the creation of intellectual property; to ensure intellectual property created within the Institution is identified and managed appropriately; and to provide a clear understanding of the rights and responsibilities of staff and students.

### Definition of Intellectual Property

Intellectual Property means all property protected by statutory and other property rights (including rights to require information to be kept confidential) protected by Australian law and international agreements applying to Australia as amended from time to time.

Intellectual property may be protected by:

- patents for new or improved products or processes;
- trade marks for letters, words, phrases, sounds, smells, shapes, logos, pictures, aspects of packaging or a combination of these, to distinguish the goods and services of one trader from those of another;
- designs for the shape or appearance of manufactured goods;
- copyright for original material in literary, artistic, dramatic or musical works, films, broadcasts, multimedia and computer programs;
- circuit layout rights for the three-dimensional configuration of electronic circuits in integrated circuit products or layout designs;
- plant breeder's rights for new plant varieties; and
- confidentiality/trade secrets including know-how and other confidential or proprietary information.

### Ownership of Intellectual Property

#### Staff

Subject to this policy, Study Group Australia Pty Ltd owns any intellectual property developed, acquired or contributed by its staff, in the performance of their duties and/or using Institution facilities and resources. The provisions of this policy are included as part of the terms and conditions of employment of all staff. In the case of sessional staff who are engaged as consultants, this provision will form part of the contractual arrangements with those staff.

Study Group Australia Pty Ltd and staff members will execute, in a timely manner, all assignments of intellectual property necessary to give effect to the ownership provisions set out in this policy and to allow for the use and commercialisation of the intellectual property by the Institution as set out in this policy.

Study Group Australia Pty Ltd acknowledges its obligation and responsibility to ensure all staff are aware of the rights and obligations relating to intellectual property, moral rights and the application of this policy.

Any staff member whose research or scholarly work or activities as an employee of Study Group Australia Pty Ltd, undertaken using the Institution's resources, leads to an intellectual property outcome which might reasonably be regarded as being of potential commercial value is obliged to advise the relevant State Academic Director in writing prior to any publication, dissemination or commercialisation of the

intellectual property. The Academic Director will advise the staff member promptly whether or not the Institution wishes to become involved in the process of commercial exploitation of the intellectual property.

### **Students**

Study Group Australia Pty Ltd does not claim ownership of intellectual property which students generate through their studies or associated activities within the Institution. However, where extensive use is made of Institution facilities and/or background intellectual property, Study Group Australia Pty Ltd may seek shared ownership of intellectual property with a student. Any sharing of ownership of intellectual property would involve an agreement which assigns a student's ownership rights to Study Group Australia Pty Ltd. Any reference in this policy to Study Group Australia Pty Ltd having rights to the intellectual property of students is understood to be only in the circumstance of the students assigning ownership rights to the Institution by written agreement.

Study Group Australia Pty Ltd retains the right to use student work for educational and/or promotional purposes through appropriate agreements with the student.

### **Moral Rights**

Study Group Australia Pty Ltd will take all reasonable steps to respect the right of an originator to be acknowledged as the creator of intellectual property, and to ensure that others respect that right. Where the Institution uses intellectual property created by an originator it must take reasonable steps to consult with the originator before modifying or adapting that intellectual property. Where an originator wishes not to be acknowledged as the creator of intellectual property which has been modified or adapted, the Institution will take reasonable steps to respect that wish, and to ensure that others respect it. An originator must take reasonable steps to ensure due acknowledgment of the Institution's contribution of facilities and resources used in the creation of intellectual property in any subsequent use of it that they may make.

### **Dispute Resolution**

The resolution of disagreements and disputes of matters related to this policy shall be dealt with under the Institution's relevant complaints handling processes.

### **Version Control**

Document: Intellectual Property Policy and Procedure		
Approved by: Academic Board		Date: 24 Aug 2012
Version #:2	Replaces version dated: 20 December 2007	Next review date: July 2013