

Intellectual Property Policy

Version number	1
Approved by	Corporate Governance Board
Date of approval	13/11/2017

Purpose

Sydney Institute of Higher Education (SI) views the protection of intellectual property rights as critical to academic integrity and innovation among staff and students. A consistent approach to intellectual property is vital to ensuring SI compliance with relevant legislation and properly handling of intellectual property (IP) created by staff and students.

This *Intellectual Property Policy* outlines the mechanisms through which SI will ensure that staff, student, and third-party IP is protected. It will establish procedures for managing research partnerships and the commercialisation of IP.

Scope

This policy applies to all students, staff, and parties involved in research partnerships at SI.

Principles

SI must ensure that the intellectual property rights of all individuals, both within and external to SI, are protected.

SI aims to ensure that the creator(s) of intellectual property used in academic work is acknowledged, as per the *Academic and Professional Integrity Policy*.

SI must recognise student rights to intellectual property created through their studies at SI. SI recognises a student's assessable work, including any research theses developed, as intellectual property belonging to the student.

Under this policy, any student who is also employed as a staff member at SI will be considered a staff member in intellectual property matters.

SI must have procedures in place to handle the protection of staff and student rights in research partnerships, and the commercialisation of intellectual property.

The decision to commercialise IP will only be approved if it aligns with the mission, values, and key operations of SI.

These measures are key to maintaining academic integrity and innovation at SI.

Procedures

Rights and obligations of SI

SI has the right to:

- Declare ownership of any intellectual property (IP) developed by SI or any other property produced by or on behalf of SI.
- Assert ownership of any IP created by a member of staff in their duties as an employee of SI, including teaching material, research, administrative and promotional material (see 'Teaching Materials' below).
- Oversee research activities undertaken using SI resources with written agreements (see 'IP Agreements' below).

SI must not:

- Assert ownership over works of art or design, creative written works, musical or dramatic works, and cinematographic film, unless such work has been commissioned by SI.
- Assert ownership over IP produced by staff prior to their employment at SI.
- Assert ownership over the IP developed by undergraduate students.

Teaching Materials

For teaching materials developed and used solely for learning and teaching activities internal to SI, SI has a permanent, royalty free, non-exclusive license and no royalties will be paid to the creator.

For teaching materials that are commercialised, royalties will be payable to the creator.

IP Agreements

Research activities that occur using SI resources or involving SI staff must be prefaced by a written agreement between the researcher and SI.

Research partnerships

The following process will apply if SI participates in a research partnership or project with a third party:

- A senior staff member will be designated as Chief Investigator of the project.
- The Chief Investigator will submit a proposal for the research partnership to the Dean.
- On approval, the Chief Investigator will oversee the project, ensuring that it remains compliant with SI policies and national legislation.
- They must facilitate the signing of an agreement between all relevant parties that clarifies:
 - Authorship of any IP created
 - The resources used or invested in creating IP
 - Ownership of the IP
- The Chief Investigator must provide the Dean with a report on the conclusion of the project.

Commercialisation

The Dean must ascertain if there is potential benefit for IP generated at SI to be commercialised, taking into account the following:

- Benefit of the IP to society
- Benefit of commercialisation to SI
- Protection of the rights of IP owner, including royalties payable
- The costs associated with commercialisation

Policy Implementation and Monitoring

The *Corporate Governance Board* delegates responsibility for the day-to-day implementation of this policy to the Provost and the Dean.

The *Corporate Governance Board* will review all periodic reports from relevant committees and staff members.

The *Corporate Governance Board* must ensure that findings from these monitoring activities are taken into account in planning, quality assurance and improvement processes.

Related documents

- the Patents Act 1990
- the Trade Marks Act 1995
- the Designs Act 2003
- the Copyright Act 1968
- the Australian Code for the Responsible Conduct of Research
- the National Principles of Intellectual Property Management.

Definitions

Corporate Governance Board: the governing body responsible for oversight of all higher education operations, including the ongoing viability of the institution and the quality of its higher education delivery. The *Corporate Governance Board* guides Management and delegates responsibility for academic matters to the *Academic Board*.

Commercialisation: the process of making the IP available to market.

Intellectual property: any works such as a discovery, form, expression, shape, image, process, technique, that are created through effort, skill or intellect.

National Principles of Intellectual Property Management: assists researchers, research managers and institutions to develop best practice in identifying, protecting and managing IP, thus ensuring appropriate commercial outcomes from publicly funded research.

Patent: issued by a government officer that creates a legal situation or describes an invention where patented material or information will be used, imported or sold with the authorisation of the patentee.

Review schedule

This policy will be reviewed by the *Corporate Governance Board* every three years.

Version History				
Version number:	Approved by:	Approval date:	Revision notes:	Next review date:
1	<i>Corporate Governance Board</i>	13/11/2017		13/11/2020

▲ Related Documents

↗ Academic and Professional Integrity Policy
↗ Misconduct Policy
↗ Copyright Policy

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