

IEFT INTELLECTUAL PROPERTY POLICY

PURPOSE

This document provides certainty about ownership of intellectual property created at IEFT by staff and students, and sets out the policy to ensure it is identified and managed appropriately, and that the legal rights of IEFT and originators are protected.

SCOPE

This policy applies to all members of the IEFT community.

DEFINITIONS

Intellectual Property resides in the laws relating to ownership rights in human invention or creativity. It includes any rights in relation to:

- a Copyright Work as defined in the Copyright Act 1968;
- a design as defined in the Designs Act 1906;
- a patent, application for a patent, invention, manner, method or process of manufacture, or method or principle of construction as defined in the Patents Act 1990;
- a trade mark as defined in the Trade Marks Act 1995;
- a circuit layout or semi-conductor chip layout or design or eligible layout as defined in the Circuit Layouts Act 1989;
- all other rights with respect to Intellectual Property as defined in Article 2 of the July 1967 Convention Establishing the World Intellectual Property Organisation; and
- includes related rights and confidential information and know-how in relation to the above rights, or as otherwise determined by IEFT.

This definition of Intellectual Property may be amended from time to time, consistent with Commonwealth legislation and international conventions.

Computer Works include, without limitation:

- computer software in any form and on any medium;
- multi-media works in any form which are accessible wholly or partly by means of a computer;
- web pages and web sites;
- Copyright Works created with the intention of being accessed primarily by computer.

Course Materials mean:

1. Any Copyright Work whether in electronic, written or any other form of media created by a Staff Member specifically for use in, or in connection with a course, subject or unit offered or to be offered by IEFT.
2. Any materials commissioned by IEFT specifically for use in, or in connection with a course, subject or unit of study offered or to be offered by IEFT.

Originator means any party who authors, creates, develops or makes, whether or not in conjunction with another person, any Intellectual Property.

Scholarly Works means works, such as scholarly books, articles, musical and dramatic works, but does not include works which are Course Materials or Computer Works.

RESPONSIBILITIES

The CEO is responsible for the implementation of this policy.

Any **staff member** whose research or scholarly work or activities as an employee of IEFT, 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 Dean (Emotionally Focused Therapy) in writing prior to any publication, dissemination or commercialisation of the intellectual property.

The **Dean (Emotionally Focused Therapy)** will advise the staff member promptly whether or not IEFT wishes to become involved in the process of commercial exploitation of the intellectual property.

POLICY

IEFT values intellectual enquiry and innovation by its staff and students.

Ownership of Intellectual Property

Staff

1. Ownership of all Intellectual Property created by staff members in the course of their duties shall vest in IEFT, EXCEPT for Intellectual Property in the following:
 - artistic works;
 - Indigenous works;
 - scholarly works;
 - any other work where a staff member has entered into a written agreement with IEFT which provides otherwise.
2. The provisions of this policy are included as part of the contractual terms and conditions of employment of all staff, including sessionally employed academic staff.
3. 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 IEFT as set out in this policy.
4. IEFT acknowledges its obligation and responsibility to ensure all staff are aware of their rights and obligations relating to Intellectual Property, moral rights and the application of this policy.

Students

1. Students generally own the Intellectual Property that they create, subject to any written agreement to the contrary.
2. Students may be asked to assign their interest in the Intellectual Property that they create to IEFT, or to a host organisation providing Work-Integrative Learning activities as part of formal course requirements. This assignment may be a condition of student participation in projects that:
 - are funded by or involve industry collaborators;
 - have commercialisation objectives;
 - have pre-existing Intellectual Property owned by IEFT or a Third Party;
 - result in Intellectual Property created jointly with the student's supervisor, other IEFT staff or a host organisation.
3. IEFT retains the right to use student work for educational and/or promotional purposes, where such use does not violate IEFT's Privacy Policy or applicable professional Code of Ethics, through appropriate agreements entered into with students.
4. Students are encouraged to seek independent legal advice before entering into written agreements that affect their ownership of Intellectual Property.

Moral Rights

1. IEFT recognises the moral rights of staff members who are authors, as such rights are defined under the Copyright Act.

2. On occasion, third parties negotiating agreements with IEFT may seek the consent of staff members to waive their moral rights. While IEFT will seek to preserve such moral rights of staff, in these instances (and on other occasions where commercialisation may occur), it may be required to seek a staff member's consent to waive such moral rights.
3. A staff member may freely grant or withhold such consent.
4. Staff members are encouraged to seek independent legal advice before entering into written agreements that affect their ownership of Intellectual Property.

DISPUTE RESOLUTION

The resolution of disagreements and disputes related to this policy will be dealt with in accordance with IEFT's complaints handling processes for staff and students.

RELATED

Grievance Complaints and Appeals Policy

Grievance Complaints and Appeals Procedure

Staff Grievance and Complaints Policy

Staff Grievance and Complaints Procedure

Grievance Complaints and Appeals Policy

Grievance Complaints and Appeals Procedure

Privacy Policy

Work-Integrated Learning Policy

IP Australia - <https://www.ipaustralia.gov.au/understanding-ip>

Version Control

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