<table>
<thead>
<tr>
<th>Name of Policy</th>
<th>Intellectual Property Policy</th>
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<tbody>
<tr>
<td>Description of Policy</td>
<td>The Australian Catholic University Intellectual Property Policy establishes sound principles for the encouragement of invention, creative work and technology transfer. The Policy promotes compliance with intellectual property laws, and sets out how Australian Catholic University governs intellectual property rights in order to meet its initiatives.</td>
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<tr>
<td>Policy applies to</td>
<td>☒ University-wide</td>
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<td></td>
<td>□ Specific (outline location, campus, organisational unit, etc)</td>
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<td></td>
<td>□ Staff only  □ Students only  ☒ Staff and students</td>
</tr>
<tr>
<td>Policy status</td>
<td>□ New policy  ☒ Revision of existing policy</td>
</tr>
<tr>
<td>Approval authority</td>
<td>Vice-Chancellor and President</td>
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<tr>
<td>Governing authority</td>
<td>Planning, Quality and Risk Committee</td>
</tr>
<tr>
<td>Responsible officer</td>
<td>Deputy Vice-Chancellor (Students, Learning &amp; Teaching)</td>
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<tr>
<td>Approval date</td>
<td>June 2008</td>
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<tr>
<td>Effective date</td>
<td>January 2014</td>
</tr>
<tr>
<td>Approval date of last revision</td>
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<td>Effective date of last revision</td>
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<tr>
<td>Date of policy review*</td>
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*unless otherwise indicated, this policy will still apply beyond the review date
| Related legislation, policies, procedures, guidelines and local protocols | Academic Integrity and Misconduct Policy |
| | Circuits Layout Act 1989 |
| | Copyright Act 1968 |
| | Copyright Notice and Takedown Procedure |
| | Copyright Notices Signage Procedure |
| | Copyright Regulations 2017 |
| | Designs Act 2003 |
| | Intellectual Property Procedures for Research and Inventions |
| | Patents Act 1900 |
| | Plant Breeder's Rights Act 1994 |
| | Trade Marks Act 1995 |
| | Privacy Act 1988 |

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1. Background

1.1. The Australian Catholic University (ACU) Intellectual Property Policy describes the principles of ownership, licensing, management, commercialisation and use of Intellectual Property (IP) at ACU.

2. Purpose

2.1. The purpose is to:

- Clearly articulate who own IP under most circumstances at ACU.
- Create a climate for the creation of IP including:
  - the innovation and invention of commercially valuable products;
  - artistic works;
  - traditional and non-traditional research outputs; and
  - scholarly works.
- Set out ACU's position on the use of Third Party Material and associated IP compliance requirements.

3. Scope/Application

3.1. IP means all current and future intellectual and industrial property rights and interests throughout the world, whether registered or unregistered, including trademarks, designs, patents, inventions, plant breeder's rights, copyright and analogous rights, circuit layouts, confidential information, trade secrets, know-how and other intellectual property rights including as defined in Article 2 of the Convention Establishing the World Intellectual Property Organisation of 14 July 1967 as amended from time to time (including all statutory and other proprietary rights in respect of them and as amended from time to time), any common law rights, and any right to apply for registration of, or any application for, any such rights.

3.2. This policy applies to University members and former staff, and former students. This policy may apply to associates and others by adoption or agreement.

3.3. If IP arises out of or in connection with a project that is the subject of an ACU agreement with a third person or organisation, despite any contrary provision in this policy, the provisions of that agreement will govern rights in the IP.

4. Policy Statement and Principles

Ownership of Intellectual Property

4.1. ACU will own from the time of is creation, and/or assert ownership of and/or entitlement to IP, if that IP is:

- created by staff in the course of and within the scope of their employment, noting that ACU and a staff member may enter into an express agreement in writing about IP ownership or other entitlement;
- copyright work created by staff in the course of their employment, including but not limited to documents, teaching materials, PowerPoints, recorded lectures, memoranda, letters, administrative reports, meeting minutes, course outlines, final examinations lab manuals and scholarly works;
- work created by or on behalf of ACU or a Faculty/Directorate by Affiliates for the specific use of ACU or Faculty/Directorate;
- work commissioned by ACU;
• created pursuant to specific sponsored or contract research activities, the ownership of which shall be governed (in whole or in part) by the sponsor's regulations or the terms of the contract.

4.2. ACU will not assert ownership of IP in:

• literary works including books, and journal articles; and cinematograph film, artistic, musical, dramatic, and sound recordings or other works when prepared for individual use or conference presentation.

4.3. University members will grant to ACU a world-wide, non-exclusive, non-transferable, royalty-free licence to use the IP created as described in 4.2 above for ACU activities including, for the purposes of teaching, research, ACU administration (including accreditation) and promotion of ACU.

4.4. ACU is entitled to receive from the Copyright Agency (CA) any remuneration collected by CA in respect of the reproduction of any ACU owned works as described in 4.1 above.

4.5. ACU lays no claim for IP created by undergraduate students.

4.6. Postgraduate students may be asked to enter into an agreement in relation to IP rights, including to grant to ACU a world-wide, non-exclusive, non-transferable, royalty-free licence prior to embarking on their course of study, in respect of any IP which may be generated by them in the course of their studies.

4.7. Postgraduate students retain copyright ownership in their theses.

Innovation and Invention

4.8. ACU wishes to create a climate for innovation and invention.

4.9. ACU will develop procedures to support the protection and commercialisation of IP consistent with the following principles:

• to facilitate engagement with external partners;
• to support research including entrepreneurial and commercial endeavours;
• to enable the university and University members to receive a monetary benefit from commercialisation of IP; and
• to identify and manage appropriately risks to ACU associated with IP rights and entitlements, including commercialisation.

Creative works

4.10. ACU wishes to create a climate of creativity for the creation of artistic works.

4.11. ACU may, from time to time commission works from University members for use by ACU.

Moral Rights

4.12. ACU observes the Moral Rights of its University members and of copyright owners of third party works in accordance with the provisions of the Copyright Act 1968.

Third Party Copyright Material

4.13. ACU supports and encourages the lawful use of third party copyright materials to enhance the activities of ACU.

4.14. ACU will develop procedures to ensure third party works used at ACU are consistent with the following principles:

• meet any requirements set out in the Copyright Act 1968 (as amended), Copyright Regulations (as amended), and statutory licences;
• meet any contractual requirements determined by voluntary copyright licences entered into by ACU; and

4 | Intellectual Property Policy
5. Disputes

5.1 ACU wishes to resolve disputes arising with respect to matters covered by its IP Policy quickly, fairly and, wherever possible, without resort to litigation or other public dispute resolution process. The intent is to reduce the strains that such disputes and their resolution place on the parties so as to affect the work and relationship of those involved as little as possible.

5.2 If any dispute arises between the University and a university member covered by this policy (including former staff members and former students) with respect to the application of this policy, then it shall be resolved under this clause 5.

5.3 If a dispute arises, then ACU will attempt to agree with the other party/parties to first attempt to resolve the dispute by mediation.

5.4 If the dispute is not settled within a reasonable time by mediation, ACU will submit the dispute to expedited arbitration administered by, and in accordance with the Arbitration Rules of, the Australian Commercial Disputes Centre (ACDC). Failing agreement as to the arbitrator, the ACDC would be given power to appoint a person (who is not the same person as the mediator) as arbitrator.

5.5 Any mediation or arbitration should be held in conference at a centre where an ACU campus is located at the convenience of the individual(s) involved.

5.6 Nothing in this procedure removes the right of a staff member, former staff member, student, or former student to seek other recourse available under law.

6. Roles and Responsibilities

6.1 ACU will develop procedures to inform University members and visitors of their responsibilities regarding IP and related rights and entitlements, including the use of third party copyright material at ACU.

6.2. For management and compliance in relation to IP, the following responsibilities are in place:

Deputy Vice-Chancellor (Research) Responsible for research related IP matters including agreements.

Deputy Vice-Chancellor (Students, Learning & Teaching) Responsible for promoting understanding of and compliance with copyright laws, and licences relating to third party copyright material.

Chief Operating Officer Responsible for promoting responsible use of copyright works by students. Responsible for promoting responsible use of copyright works by staff and affiliates. Management of non-research ACU IP

6.3. Compliance with Copyright and other IP obligations is each individual’s responsibility.

Students Students are responsible for observing copyright and other IP legislation, and any restrictions or obligations under any licences or permissions in their use of third party copyright material. Students should not to use ACU facilities or resources to infringe copyright and other IP. Students can be subject to The Academic Integrity and Misconduct Policy for IP misuse, including copyright infringement using ACU resources.
Lecturers in Charge are responsible for the copyright compliance of third party copyright material supplied to students enrolled in their subjects.

University members are responsible for observing copyright and other IP legislation, and any restrictions or obligations under any contract, agreement, licence or permissions in their use of third party IP material. They should not use ACU facilities or resources to infringe IP. Using ACU facilities or resources to infringe IP may subject the University Member to disciplinary action or denial of access to ACU facilities or resources.

7. Review

7.1. ACU may amend this policy and procedures from time to time and review at least every 5 years, or when there are significant changes in Australian or international legal frameworks for IP and related legislation, and/or to improve the effectiveness of its operation.

7.2. An ACU staff member or student who wishes to make any comments about this Policy may forward their suggestions to the Responsible officer.

8. Revision made to this Policy

<table>
<thead>
<tr>
<th>Date</th>
<th>Major, Minor or Editorial</th>
<th>Description</th>
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<tr>
<td>June 2018</td>
<td>Major</td>
<td>Revision to meet new policy structure. Clarification in definitions.</td>
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9. Further Assistance

9.1. Any staff member who requires assistance in understanding this Policy should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further advice be required staff should contact the Copyright Manager, copyright.oficer@acu.edu.au.

9.2. Any students who require assistance in understanding this Policy should first consult a teacher within their academic program. Should further advice be required students should approach the Library.

10. Glossary of Terms/Definitions

10.1. For the purpose of this policy:

**ACU copyright works**
ACU owns copyright in the works created by employees in the course of, and within the scope of their employment agreement.

**Affiliates**
A person engaged by ACU and includes:
- religious members
- members of affiliated institutions performing work for ACU
- volunteers
- contractors and consultants performing work for ACU
- agency staff, e.g. temporary staff
• committee members who are not ACU employees
• honorary members
• visiting members
• guests of University members

Commissioned works

Commissioned works are works specifically contracted with a written outline of the commission of the work.

Intellectual Property

Intellectual Property includes, but is not limited to works that are:
• Patents registered or registrable under the Patents Act 1990.
• Trade marks registered or registrable under the Trade Marks Act 1995 and trademarks or names protected at common law or under the Competition and Consumer Act 2010.
• Designs registered or registrable under the Designs Act 2003.
• Copyright protected under the Australian Copyright Act 1968, including copyright in literary works (including computer programs), dramatic works, musical works, artistic works, sound recordings, cinematograph films, television and sound broadcasts and tapes and published editions as defined by the Act. Copyright protection is also afforded to works developed for teaching purposes: which includes but not restricted to study guides, laboratory manuals, TVI tapes, CAL and CML programs and other electronic courseware, radio and TV broadcasts, audio visual materials (including recorded lectures, tutorials and seminars) and the like which have been developed to further ACU’s teaching function.
• Circuit layouts protected under the Circuits Layout Act 1989.
• Plant varieties registered or registrable under the Plant Breeder’s Rights Act 1994.
• Any information which is regarded by ACU as confidential and as having a potential commercial value.
• Any other rights as defined in Article 2 of Convention Establishing the World IP Organization signed at Stockholm on July 14, 1967 and as amended on September 28, 1979. Includes such rights to the extent that they are added to or varied from time to time by legislation which amends or replaces, in whole or in part, any of the above mentioned Acts.

Invention

Invention means an invention (whether or not qualifying for registration) under the Patents Act 1990.

Moral Rights

Moral Rights are rights created under the Australian Copyright Act 1968 and include the right of attribution of authorship of a work, the right not to have authorship of a work falsely attributed and the right of integrity of authorship (that is, not to have a work subjected to derogatory treatment).

non-exclusive non-transferrable royalty-free licence

Non-exclusive non-transferrable royalty-free licence is a common licensing term used to allow the requestor to use the copyright works.
Non-exclusive allows ACU to use the copyright work, but allows the copyright owner to make licensing agreements with other parties. Non-transferable means ACU will not licence the work to third
Parties.
Royalty-free means ACU will not make any monetary payments for the use of the copyright work.

Staff
Staff means all academic, professional and senior staff employed on a full-time, part-time, fractional, sessional, continuing, fixed term, and casual basis. Students employed by ACU are considered staff members for the capacity that they have been employed only.

Student
A student is a person who is enrolled in any program, unit of study or research or non-award study offered by or at the University.

Third party copyright material
Third party copyright material are copyright protected works under the Copyright Act 1968, it includes both unlicensed and licensed works not created by ACU or ACU personnel.

University members
University members are the students, staff and affiliates of the ACU, including former staff where residual clauses of their employment contract remains in force.