

Intellectual Property Policy

1. Purpose and Scope

- 1.1 The Intellectual Property Policy outlines AIAT's position on intellectual property ownership and the rights and responsibilities of AIAT, its staff and students in relation to the creation and management of intellectual property.
- 1.2 This policy applies to all AIAT students, academic and non-academic staff.

2. Definitions

Refer to *Glossary of Terms* for commonly used terms. The definitions below are those specific to this policy.

Scholarly work is copyright works intended for academic publication or presentation, excluding computer programs, education materials, corporate records, or administrative material.

Education materials are any material in any medium prepared for the purpose of teaching at AIAT, and made available to students in connection with their course.

3. Policy Statement

- 3.1 AIAT is committed to ensuring its intellectual property is properly protected and managed.

4. Policy Principles

- 4.1 Ownership by AIAT of Intellectual Property developed by staff
 - 4.1.1 AIAT is entitled to, and asserts ownership of, all IP developed, created authored or otherwise contributed to by staff members in the course of their employment with AIAT, unless there is a specific written agreement to the contrary.
 - 4.1.2 AIAT grants academic staff members of any scholarly work that they own:
 - a. a transferable, non-exclusive, royalty-free, perpetual, irrevocable, worldwide licence to use, adapt or modify the work for the purposes of publication, teaching, academic research and personal promotion by the academic staff member, on condition that:
 - they acknowledge that the scholarly or creative work was created at AIAT, and
 - any contract to deal with the work is in the name of the academic staff member, not AIAT.
 - b. a right to grant an exclusive licence for the work or to assign copyright in the work to an academic publisher.
 - c. This grant does not apply where the work:
 - has been specifically commissioned by AIAT, or

- is subject to an overriding contractual obligation with a third party.
 - d. Where the work is created jointly, these rights may be exercised by the joint creators together, but not separately.
 - e. AIAT takes no responsibility for the use of scholarly and creative works by the creators under this clause.
 - 4.1.3 AIAT grants the creator/s of education materials that are not commissioned a perpetual, royalty-free, non-exclusive licence
 - a. to use the work in AIAT's education and research; and
 - b. in education and teaching in other institutions provided that
 - such education and teaching are not in competition with AIAT;
 - all references to AIAT are removed from the material.
 - 4.1.4 Where open access copyright permissions exist, AIAT permits the creator/s of education materials that are not commissioned and encourages the creator/s of scholarly or creative works that are not commissioned to publish the materials and works under a Creative Commons Licence.
- 4.2 Ownership by AIAT of Intellectual Property developed by students
 - 4.2.1 Students own IP created in the course of their studies, except when a student elects to participate in a project that is being carried out in conjunction with an external third party (e.g. a company, etc.).
 - a. Participation in a project will be subject to an agreement between AIAT and the third party. In this event, AIAT may require the student to assign intellectual property and/or to warrant they will not breach that agreement.
 - 4.2.2 A student cannot be required by the University to assign their intellectual property as a condition of enrolment, continued enrolment, or to complete the requirements of a course in which they are enrolled.
 - 4.2.3 AIAT must notify the student about the existence of a third party agreement in relation to activities that affect the student and must urge the student to seek independent advice (which may include legal advice) before entering any agreement with AIAT or the third party. Students will be given a period not less than thirty (30) days to review and return documentation.
- 4.3 Moral rights
 - 4.3.1 Where AIAT owns intellectual property (other than copyright) it will take all reasonable steps to ensure that the originator is acknowledged in any relevant documentation.
 - 4.3.2 As a pre-condition of a student participating in a third party project, AIAT may require the student to waive some or all of their moral rights in the outputs intended to be created, if specified in the contract with the third party.
- 4.4 Disputes
 - 4.4.1 Any person who has concerns about the manner in which this policy is interpreted or applied must notify and provide all relevant details to the CEO.

4.4.2 The CEO will determine the most appropriate way for the dispute to be resolved including, but not limited to:

- a. appointing a mediator to assist the parties in resolving their dispute;
- b. appointing a suitably qualified person to conduct an investigation into the dispute and make a recommendation to the CEO for its resolution.

4.5 Breaches of this policy will be managed through the Staff Performance Management Policy (for staff) and the Student General Misconduct Procedure (for students).

5. Roles and responsibilities

5.1 The Board of Directors is responsible for protecting intellectual property owned by AIAT.

5.2 The CEO is responsible for managing the dispute resolution process.

5.3 AIAT students, academic and non-academic staff are responsible for understanding and applying this policy to their activities under which IP may be created.

6. Policy Details

Institution	Australian Institute of Advanced Technologies (AIAT)
Policy name	Intellectual Property Policy
Policy Reference No.	POL – 11
Policy Approval	Board of Directors
Policy Authority	Executive Management Group
Responsible Officer	CEO
Governance Reference Threshold Standards	HESF 2021: 5.2.2, 7.2.2.d
Related Documents	Acceptable use of ICT Policy Staff Code of Conduct Student Code of Conduct
Related Legislation	Copyright Act 1968 (Cth)
References	AIAT has referred and benchmarked with the following institutions and policies during the creation of this policy: Charles Darwin University (2017) Intellectual Property Policy Flinders University (2021) Intellectual Property Policy The University of Adelaide (2018) Intellectual Property Policy The University of Sydney (2017) Intellectual Property Policy 2016 UTS (2020) Intellectual Property Policy
Date of approval	31 March 2022
Review date	December 2024
Policy Category	Governance

6. Document Version Control

Document No	POL - 11	Last Modify Date	Summary of Changes
Version No	1.0	NA	Initial version approved by Board of Directors
	1.01	31/3/2022	Fixed typos; new policy number
Created Date	Dec 2021		