

# Intellectual Property Policy

## Fact box

- **Policy owner:** Research Committee
- **Policy category:** Academic: Research
- **Policy status:** Approved
- **Approval body:** Academic Board
- **Endorsement body:** Research Committee
- **Related policies:**
  - [Authorship Policy](#)
- **Defined terms:** AC Resources, Affiliate, IP, Student, Teaching materials, Works.
- **Last amended:** 15th Aug. 2024
- **Relevant HESF:**

## Purpose

This policy sets out AC's position on Intellectual Property (IP) ownership and the rights and responsibilities of AC its staff, students and affiliates in relation to the creation and management of IP. The policy encourages the use of institutionally owned IP to promote positive impact in society in ways that will foster AC's vision of 'transforming neighbourhoods and nations' through research and education.

## Scope

This policy applies to staff and students of AC, as well as to honorary faculty and visiting scholars.

## Policy

### Scholarly Works

Scholarly works are works intended for academic publication or public exhibition or performance, including books, manuscripts, articles, conference papers, creative works, music composition etc.

The IP for all scholarly works is owned by the creators, not by AC. AC is deemed to have been granted by the creators of scholarly works a non-exclusive, royalty-free, worldwide and irrevocable license to use the copyright in the scholarly works for educational, research and teaching purposes.

### Ownership of Intellectual Property: Staff

AC faculty have a duty to create a range of works in the course of their teaching, research, and scholarship in ways that support AC's vision of 'transforming neighbourhoods and nations' through research and education. AC owns the IP created by staff in the course of their employment, with the exception of copyright in scholarly works.

AC's ownership of course and teaching materials enables AC to maximise the impact of its work and to enable the ongoing development of teaching materials over time.

Although AC owns the IP of educational materials created by staff as part of their employment, AC grants staff a free, perpetual and irrevocable license to use their own educational materials for academic purposes.

### Ownership of Intellectual Property: Students

AC students own the IP they create in their studies. The only exceptions may be cases where the IP is created as part of a student's terms of employment with AC, or where it is created in collaboration with AC faculty (other than research supervision).

### **Ownership of Intellectual Property: HDR Candidates**

As students of AC, HDR candidates own the work that they create in the course of their studies. The only exceptions are cases where the work has been created in collaboration with AC faculty (other than HDR supervision), or in cases where the candidate's work has been funded by an industry partner. Copyright in a thesis is always owned by the HDR candidate.

HDR theses must be made available to the public through the AC Library and the ProQuest Dissertations database, unless an embargo has been approved by the Graduate Research School.

### **Ownership of Intellectual Property: Honorary Faculty and Visiting Scholars**

AC does not normally assert ownership of IP created by honorary faculty or visiting scholars. The only exceptions are cases where IP is created as part of a contracted agreement. This may include the creation of teaching materials; but in no cases does it include copyright in scholarly works.

### **Indigenous Cultural and Intellectual Property**

AC acknowledges the [UN Declaration on the Rights of Indigenous Peoples](#) and respects Indigenous cultural heritage, traditional knowledge and traditional cultural expressions. AC will protect Indigenous cultural and IP rights. AC researchers will take special care to ensure that Indigenous knowledge is obtained and used in mutually agreed terms, and with the prior approval of the appropriate owners of such Indigenous knowledge.

### **Commercialisation of Intellectual Property**

Commercialisation refers to the exploitation of IP for financial return beyond AC's routine academic functions of teaching, curriculum development, and research. Commercialisation revenue means revenue received by AC as a direct result of the sale, licensing, or transfer of AC's IP (typically in the form of royalties, license fees etc).

### **Distribution of commercialisation revenues**

AC is committed to the fair and transparent assessment and management of commercialisable IP. Where AC receives commercialisation revenue from any IP it owns, creators of the IP will be entitled to share in any net proceeds. The distribution of net proceeds will be shared in a reasonable and proportionate way, as negotiated with the IP creator/s.

AC recognises that it is not always best placed to utilise the IP it owns. AC welcomes proposals and enquiries from staff, students and industry partners regarding the potential utilisation of IP in ways that will support AC's vision and will have a positive impact on society.

### **Respecting moral rights**

AC recognises its obligations in respect of the moral rights of the originators of works in accordance with the [Copyright Act 1968](#). AC expects staff, students and visitors to comply with Copyright Act in recognising the moral rights of the creators of works that are used in AC courses and other activities.

Responsible for implementation

Director of Research

Key stakeholders

Staff and students of AC, as well as honorary faculty and visiting scholars

Related legislation

Copyright Act 1968: <http://www.comlaw.gov.au/Details/C2012C00265>

Related documents

Australian Copyright Council: <http://www.copyright.org.au/>