



# INTELLECTUAL PROPERTY POLICY

## Intention

The intention of this policy is to outline clear rules for the management of intellectual property (IP) at Digital Technologies Geelong (DTG), promoting:

- Compliance by all DTG staff, contractors and interns with regards to the intellectual property rights of others, the company, current legislation and any associated intellectual property agreements.
- Partnerships with the aim of mutual benefit when developing intellectual property (internally or in conjunction with external entities).
- The security of DTG intellectual property, not limited to trademarks, research, inventions, and trade secrets.
- An environment where staff and DTG entities can freely research, develop and innovate with the confidence that their intellectual property rights will be maintained.

## Scope

This policy applies to all DTG operations, employees, contractors and interns.

## Policy Statement

Digital Technologies Geelong and its entities will own the following intellectual property for the purposes of reproduction, adaptation, as well as use in administrative and commercial purposes:

- Intellectual property generated as a result of undertaking professional development paid for by DTG.
- Intellectual property generated by employees, contractors or interns through substantial use of DTG resources.

Exceptions to the above may apply, including the following:

- Agreements between DTG and any employee, contractor or intern that govern ownership of the generated intellectual property.
- An employee, contractor or intern collaborating with an external entity where that entity has been assigned ownership of the intellectual property that was developed

## Compliance with Intellectual Property Legislation

It is the responsibility of all employees, contractors and interns to comply with legislative requirements and the policy and procedure that is informed by such legislation, as well as policy and procedure as designated by DTG designed to respect the lawful rights of intellectual property owners, including owners of intellectual property that reside outside of the company.

Distribution of DTG intellectual property is highly regulated and may only take place after the approval via the Digital Technologies Geelong Publication Committee. This extends to any broadcasts, private message applications not owned by DTG and posts on social media platforms.

## Relevant definitions

**Copyright materials** mean “works” in copyright which include:

- Text (literary) works - books, journal articles, song lyrics, film scripts, reports
- Other kinds of related works including computer programs, compilations/data bases
- Artistic (visual) works- paintings, drawings, photos, maps and plans and “subject matter” which is copyright including audio visual material
- Cinematographic films including the images and sounds
- Sound recordings
- Broadcasts- TV and radio
- Published editions, which have their own copyright protection separate from the content

**Intellectual property** means any property right arising from legislation, common law or a contract. Key types are:

- Copyright-limitations in copying and communicating text works, music and scores, images, audiovisual materials and some performances (Copyright Act 1968 Cth.) and Copyright Act (Cap 63) Singapore 2006
- Patents under the Patents Act 1990 and analogous Singapore legislation
- Trademarks registered under the Trade Marks Act 1995 and unregistered trademarks used or intended for use in business and analogous Singapore legislation
- Designs registered under the Designs Act 1906 and analogous Singapore legislation
- New plant varieties under the Plant Varieties Act 1987 and analogous Singapore legislation
- Circuit layouts under the Circuit Layout Act 1989 and analogous Singapore legislation
- Trade Secrets and other Confidential Information under contract or as part of employment

**Research** is defined as an original investigation to gain knowledge, understanding and insight. It involves creative work and artistic endeavours undertaken systematically in order to increase the stock of knowledge, including knowledge of humans, culture and society, and the use of this stock of knowledge to devise new applications. Research is characterised by originality and includes creative activity and performance. It has investigation as a primary

objective, the outcome of which Page 3 of 4 is new knowledge, with or without a specific practical application, or new or improved materials, products, devices, processes or services. Research ends when work is no longer primarily investigative.

**Scholarly work** is work relating to scholarship where scholarship is the creation, development and maintenance of the intellectual infrastructure of subjects and disciplines in educational institutions. This can include scholarly books, scholarly articles, scholarly editions, scholarly conference papers, scholarly dictionaries and contributions to major research databases. This does not include teaching materials that do not embody original research.

**Moral Rights** of individual creators in copyright works they have created. These rights are different from the “economic rights” of the copyright owner, i.e. right to copy or communicate works to the public. Moral rights protect the creator’s right to be acknowledged as creator and protect their reputation by maintaining the integrity of the work.

**Educational purposes** - intellectual property shall be taken to have been reproduced, adapted or otherwise utilised for the educational purposes of the Institute if it:

is reproduced or otherwise utilised in connection with a particular course of instruction provided to enrolled learners of the Institute.

is reproduced or otherwise utilised for inclusion in the collection of the Institute library or any other resource repository at the Institute

is provided to learners of the Institute, or learners at another Institute, on a cost recovery basis.

**Commercialisation** is distinguished from educational purposes and means to publish, sell, hire, licence or otherwise dispose of or deal with any product, or service, based on or incorporating third party intellectual property, where such provision is above cost price. This excludes the at-cost provision of materials to enrolled learners of the Institute.

**Net Revenues** means revenues after deducting all costs associated with the development, protection, marketing and administration of the relevant intellectual property.

**Verso page** is the page opposite to, or the overleaf of, the title page. To meet copyright requirements it must contain

- The universal copyright symbol ©
- description of the rights asserted
- the name of the Institute
- the year of publication

## Related policy, legislation and regulations

The following Acts with their accompanying Regulations:

- Copyright Act 1968 (Cth.)
- Patents Act 1990 (Cth.)
- Trade Marks Act 1995 (Cth.)
- Designs Act 2003 (Cth.)
- Circuit Layouts Act 1989 (Cth.)
- Trade Practices Act 1974 (Cth.)

## Review

This policy and any associated procedures must be reviewed no later than five (5) years from the date of approval. The policy and associated procedures will remain in force until such time as they have been reviewed and re- approved or rescinded. The policy and procedures may be rescinded or amended as part of continuous improvement prior to the scheduled review date.

## Further information

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