



INTELLECTUAL PROPERTY PROCEDURE

Intention

The intention of this procedure is to outline clear steps to managing relevant scenarios and the associated risks and identify responsible parties.

Recognising individual IP ownership

Digital Technologies Geelong (DTG) encourages creativity and resourcefulness with its employees and any contracted services. To that end the organisation encourages the use of intellectual property owned and developed by individuals outside of their employment or engagement with the organisation. The following are examples of IP that is owned by the individual:

- Code, diagrams or CAD models produced outside of working hours and outside of the terms of the individual's employment or engagement with DTG
- Scripts, plugins or other tools developed by the individual that have been brought in to assist with development of digital products

Where clarification of ownership of intellectual property between DTG and the individual is required, or the potential for conflict regarding ownership arises, the individual and DTG will enter into a formal agreement to clarify the ownership.

Identification of DTG copyright

Employees and contractors at DTG must ensure the ownership of copyrighted material is recognised by:

- The DTG logo (all media)
- The identification of DTG copyright on each page of the material (print only)
- The identification of DTG copyright with built-in warning notices for any software (eg. Software plugins created by DTG)

Relevant notices and templates are available via the [DTG intranet](#).

Identification of third-party copyright

Where possible, staff must ensure that DTG have the right to use content created by third parties. In particular, care should be taken to:

Reasonable steps are taken to ensure that any copyrighted material used by DTG is properly licensed for commercial use by the company.

Reasonable steps are taken to ensure that any content provided by third-party clients are copyrighted content owned or licensed to the third party.

Reasonable steps include the following actions at a minimum:

- Verifying with relevant individuals their ownership or appropriate licensing of all materials
- Clarifying with co-workers when content is original, part of a quote or original image, or originally created by a third party
- Reverse-image searches
- For bodies of text, verification through copyright-detection software
- Verifying when some images public domain or a variation that allows its use in a commercial project

Staff who are unsure of any of the above should contact their manager for clarification, with managers escalating when necessary.

Trade marks, patents and other IP

Trade marks, patents, domain names may only be registered or discontinued with the approval of the Digital Technologies Geelong Board of Directors. Once approval has been obtained the decision and relevant details, including date of the decision, is recorded.

IP clauses in contracts

All employment contracts for staff and contractors shall contain an intellectual property clause recognising the intellectual property of DTG and the employee / contractor role in respecting the IP rights. Any such clauses should aim to:

1. Protect the intellectual property of DTG
2. Ensure staff and contractors recognise the intellectual property rights of relevant parties how it applies to the production and distribution of intellectual property
3. Reduce the risk of misuse of intellectual property by holding relevant parties responsible for any illegal use of intellectual property.

Where DTG negotiates contracts with international parties, effort should be made to gain ownership of the intellectual property or, where possible, effort should instead be made to obtain joint ownership of the intellectual property.

Development of IP within or in conjunction with DTG

DTG encourages mutual cooperation between itself and other parties (staff, contractors or external parties), in order to maintain its reputation for innovation, creativity and commercial viability. To this end, DTG employs the following procedures:

1. When seeking the commercialisation of intellectual property, DTG will negotiate an agreement for distributing any revenue from the intellectual property. The agreement will be finalised prior to the commercialisation of the intellectual property and signed off by the Digital Technologies Geelong Board of Directors.
2. When such an agreement also includes one or more third parties, this information will be disclosed by the initial parties to the agreement prior to the finalisation of any agreement.

Incident and dispute resolution

Any dispute concerning the application of this procedure or its related policy shall be handled through DTG's Grievance Policy and Procedures for staff and contractors.

Further information

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