



AUSTRALIAN INSTITUTE
OF HIGHER EDUCATION

Intellectual Property Policy

Category: Administration (ADM)

1. Purpose

The Australian Institute of Higher Education Pty Ltd (“AIH” or “the Institute”) has designed this policy to create an innovative culture which fosters the creation of intellectual property; to ensure that intellectual property created within the Institute is identified and managed appropriately; and to provide a clear understanding of the rights and responsibilities of staff and students.

2. Definition of Intellectual Property

Intellectual Property means all property protected by statutory and other property rights (including rights to require information to be kept confidential) protected by Australian law and international agreements applying to Australia as amended from time to time.

Intellectual property may be protected by:

- patents for new or improved products or processes;
- trade marks for letters, words, phrases, sounds, smells, shapes, logos, pictures, aspects of packaging or a combination of these, to distinguish the goods and services of one trader from those of another;
- designs for the shape or appearance of manufactured goods;
- copyright for original material in literary, artistic, dramatic or musical works, films, broadcasts, multimedia and computer programs;
- circuit layout rights for the three-dimensional configuration of electronic circuits in integrated circuit products or layout designs;
- plant breeder's rights for new plant varieties; and
- confidentiality/trade secrets including know-how and other confidential or proprietary information.

3. Ownership of Intellectual Property

3.1 Staff

Subject to this policy, AIH owns any intellectual property developed, acquired or contributed by its staff, in the performance of their duties and/or using Institute facilities and resources. The provisions of this policy are deemed to be part of the terms and conditions of employment of all staff. In the case of sessional staff who are engaged as consultants, this provision will form part of the contractual arrangements with those staff.

AIH and staff members will execute, in a timely manner, all assignments of intellectual property necessary to give effect to the ownership provisions set out in this Policy and to allow for the use and commercialisation of the intellectual property by the Institute as set out in this Policy.

AIH acknowledges its obligation and responsibility to ensure all staff are aware of the rights and obligations relating to intellectual property, moral rights and the application of this Policy.

Any staff member whose research or scholarly activities as an employee of AIH, undertaken using the Institute's resources, leads to an intellectual property outcome which might reasonably be regarded as being

of potential commercial value is obliged to advise the Executive Dean in writing prior to any publication, dissemination or commercialisation of the intellectual property. The Executive Dean will advise the staff member promptly whether or not the Institute wishes to become involved in the process of commercial exploitation of the intellectual property.

3.2 Students

AIH does not claim ownership of intellectual property which students generate through their studies or associated activities within the Institute. However, where extensive use is made of Institute facilities and/or background intellectual property, AIH may seek shared ownership of intellectual property with a student. Any sharing of ownership of intellectual property would involve an agreement which assigns a student's ownership rights to AIH. Any reference in this policy to AIH having rights to the intellectual property of students is understood to be only in the circumstance of the students assigning ownership rights to the Institute by written agreement.

AIH retains the right to use student work for educational and/or promotional purposes through appropriate agreements with the student.

3.3 Moral Rights

AIH will take all reasonable steps to respect the right of an originator to be acknowledged as the creator of intellectual property, and to ensure that others respect that right. Where the Institute uses intellectual property created by an originator it must take reasonable steps to consult with the originator before modifying or adapting that intellectual property. Where an originator wishes not to be acknowledged as the creator of intellectual property which has been modified or adapted, the Institute will take reasonable steps to respect that wish, and to ensure that others respect it. An originator must take reasonable steps to ensure due acknowledgment of the Institute's contribution of facilities and resources used in the creation of intellectual property in any subsequent use of it that they may make.

4. Dispute Resolution

The resolution of disagreements and disputes of matters related to this policy shall be dealt with under the Institute's relevant grievance procedures.

5. Version Control

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