

1. Purpose

To promote the advancement and transmission of knowledge generated in connection with teaching at Australian School of Accounting (ASA).

2. Principles

The key principles informing this Policy are to:

- a. facilitate engagement with external partners and ensure that ASA-produced material is utilised for maximal benefit to society;
- b. to identify and manage risks to ASA associated with commercialisation.

3. Scope

This Policy applies to all staff of and visiting academics (visitors) to, ASA.

4. Definitions

Education material	means all materials produced by staff or visitors, in the course of, or for use in, teaching at ASA (for example, lecture notes and material, syllabi, handouts, study guides, course software and assessment materials) regardless of format (for example, printed, digital, electronic, multi-media presentations and web content), but excludes personal lecture notes that are not made available to students. To the extent a work may be both education materials and a Scholarly Work, it will be treated in this Policy as education materials.
Intellectual property (IP)	means any and all industrial and intellectual property rights (whether or not registered or registrable or having to undergo any other process for grant, registration or the like) including rights in respect of: <ul style="list-style-type: none"> a. literary, artistic, musical and dramatic works in which copyright subsists (including future copyright); b. field and laboratory notebooks; c. cinematographic and multimedia works in which copyright subsists (including future copyright); d. performances of performing artists, sound recordings and broadcasts; e. patentable and non-patentable inventions (including granted patents and patent applications); f. registered and unregistered designs, plant varieties and topographies;

	<ul style="list-style-type: none"> g. circuit layouts and the like; h. registered and unregistered trademarks, trademark applications, service marks and commercial names and designations; i. databases, computer software and related material not otherwise coming within any of the other designated items of IP; j. scientific discoveries; k. confidential information, trade secrets and know-how and other proprietary information associated with any of the other designated items of intellectual property; and l. any other intellectual property rights as defined in Article 2 of the Convention (Dated 14th July 1967) establishing the World Intellectual Property Organisation (as amended from time to time).
Indigenous cultural and intellectual property rights	means Indigenous peoples' rights to their heritage, consisting of intangible and tangible aspects of the whole body of cultural practices, resources and knowledge systems developed, nurtured and refined by Indigenous people and passed on by them as part of expressing their cultural identity, including as reflected in article 31 of the United Nations Declaration of the Rights of Indigenous Peoples.
Moral rights	has the meaning set out in the <i>Copyright Act 1968 (Cth)</i> .
Visitor	includes given access to ASA resources for the purposes of undertaking teaching or development, whether or not in collaboration with ASA. For the avoidance of doubt, this policy applies to visitors during the period of their appointment and beyond where IP was generated during their appointment.
Scholarly works	means copyright works that are intended for academic publication (for example, any article, book, manuscript, or manual) and have been peer reviewed, regardless of format (for example, printed, digital or electronic versions) created by staff or visitors, but excludes education materials.

5. Policy

5.1 Except for education materials and scholarly or creative works, ASA owns all intellectual property created by staff:

- a. in the course of their employment with ASA; or
- b. in the course of using funding, facilities or resources of ASA, other than as a student;
or
- c. in the conduct or creation of any works commissioned by ASA by way of separate agreement, other than the contract of employment, unless agreed otherwise; or

- d. which vests in ASA at law.

5.2 ASA does not assert ownership of IP created by students.

5.3 Education materials

- a. ASA does not assert ownership of IP in education materials generated by staff or visitors except where the work is specifically commissioned by ASA through a separate agreement (for example, outside the scope of an employment contract).
- b. A creator of education materials grants to ASA a perpetual, world-wide, fee free, royalty free, unrestricted, non-exclusive licence (including the right to sub-licence) to use such works generated by that creator for the ASA's teaching and educational purposes. This licence is subject to any overriding contractual obligations the creator owes to third parties (for example, a publisher of a textbook or a journal article).

5.4 Scholarly works

- a. ASA does not assert ownership of IP in scholarly works created by staff or visitors, except where the work is specifically commissioned by ASA through a separate agreement (for example, outside the scope of an employment contract).
- b. Creators of scholarly works grant to ASA a perpetual, world-wide, fee free, royalty free, unrestricted, non-exclusive licence (including the right to sub-licence) to use such works for the ASA's teaching and educational purposes. This licence is subject to any overriding contractual obligations the creator owes to third parties (for example, a publisher of a textbook or journal article).

5.5 ASA recognises and will protect indigenous cultural and intellectual property rights.

5.6 Any staff or visitor must inform ASA of any background intellectual property they wish to use in any project or activity prior to the commencement of that activity. The staff or visitor must not use background intellectual property owned by themselves or third parties, in work related to ASA until there is a written agreement in place regarding ASA's rights in respect of that background intellectual property.

5.7 ASA recognises the moral rights of the creators of works in which copyright subsists in accordance with the *Copyright Act 1968* (Cth). These rights include the right of attribution of authorship, the right that a work not be falsely attributed and the right of integrity of authorship (that a work not be unreasonably treated, altered or used in such a way that it harms the reputation of the creator).

6. Specific Related Documents

Staff Handbook

7. Related Documents

Staff Code of Conduct
Student Academic Conduct Policy

8. Relevant Legislation

Higher Education Standards Framework (Threshold Standards) 2021
Patents Act 1990
Patents Regulations 1991
Trade Marks Act 1995
Trade Marks Regulations 1995
Designs Act 2003
Designs Regulations 2004
Copyright Act 1968

9. Version Control

Document		Intellectual Property Policy			
Approved by		Academic Board		Date: 04 November 2020	
				Next review	2023
Version #	2.1	Replaces Version #	2.0	Update to TEQSA standards	
	2.0		1.1	Academic Board approval	
	1.1		1.0	Governance restructure	
	1.0		0.1		
	0.1			Draft for review	