



## Intellectual Property Policy

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<b>Category</b>	Policy
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<b>Related Documents</b>	Australian Code for the Responsible Conduct of Research (2018) Copyright Act 1968 (Cth) Intellectual Property Procedure Records Management Procedure Research and Scholarship Policy and associated Procedure Student Charter

### 1. Purpose

- 1.1 The Australian Institute of Police Management (AIPM) encourages the advancement and transmission of knowledge generated by Institute staff, students, affiliates and visitors in connection with teaching or research for the benefit of society.
- 1.2 The purpose of this policy is to state the AIPM's policy on the ownership and use of intellectual property (IP), especially knowledge, systems and products generated including resources and materials created for educational purposes within higher education programs at the AIPM, hereafter referred to as courseware.

### 2. Scope

- 2.1 This policy applies, either directly or indirectly, to all staff, students and affiliates of the AIPM.
- 2.2 For the purpose of this policy, courseware includes: program / unit syllabuses; the content of any digital media; programs / units delivered by the Internet and any other technologies; web publications; and any other materials created for the purposes of teaching a higher education program or unit at the AIPM.

### 3. Policy Principles

- 3.1 AIPM asserts ownership of IP developed, created, authored or otherwise contributed to by AIPM staff and affiliates in the course of their employment or engagement with the AIPM, except as explicitly excluded below.
- 3.2 Without limiting the principle in 3.1, this includes, but is not limited to, IP created in the following circumstances:
  - 3.2.1 Conducting research while using the AIPM resources or facilities, or in the course of using funding awarded either by or to the AIPM, other than as a student.
  - 3.2.2 In the conduct or creation of any works commissioned by the AIPM by way of separate agreement, such as courseware developed through a project or contract with the AIPM specifically to create the courseware unless there is a specific written agreement within the contract/relevant procurement documentation or engagement agreement to the contrary.
  - 3.2.3 In furtherance of the AIPM goals through employer-mandated directives.
  - 3.2.4 Where creation has resulted from the use of, or incorporates, the AIPM owned Background IP.
  - 3.2.5 In due cognizance of the Intellectual property principles for Commonwealth entities.
  - 3.2.6 Which vests in the AIPM at law.
- 3.3 The AIPM reserves the right to use, reproduce, adapt, modify, update, and create derivative works from any courseware unless otherwise expressly stated by the author/developer.
- 3.4 The AIPM does not assert ownership of IP created by students who are representative of their jurisdiction. However, it is acknowledged that some students in higher education programs may collaborate with external entities on research projects. If there is potential for IP to be created, the AIPM expects students to clarify in consultation with their home jurisdiction and the AIPM before project endorsement and commencement.
- 3.5 The AIPM does not, as a matter of course, assert ownership of IP created by affiliate staff or visitors. However, where the affiliate staff or visitor is working as part of a project or research activity, in particular where the activity is externally funded or makes use of the AIPM facilities and resources, then the AIPM may require the affiliate staff or visitor to agree to an IP assignment or licence in order to become involved, or continue involvement in, the activity.

### 4. Policy Statements

- 4.1 No further compensation will be paid for courseware developed whilst receiving an AIPM salary / payment for using the courseware in teaching at the AIPM.
- 4.2 If the author / developer of the courseware leaves the AIPM, the AIPM has the right, at no cost, to use, adapt, modify and update the courseware created whilst an employee of the AIPM, without limitation.
- 4.3 AIPM recognises the moral rights of the originators of specific works in accordance with the [Copyright Act 1968 \(Cth\)](#). These include the right of fair attribution, and the need for work

not to be altered or used in such a way that it would harm the reputation of the originator. Where an originator agrees to be involved in research activities as part of a project between the AIPM and an external sponsor or another third party, the originator may be required to provide a written waiver in respect of the originator's moral rights in relation to certain works that may be created during the project prior to work commencing.

- 4.4 The [Intellectual Property Procedure](#) provides additional guidelines on the creation of IP by a staff member while in the employment with the AIPM.

## 5. Definitions

**Affiliate staff** are visiting academics, invited industry personnel and other adjunct or honorary staff who are contributing to the delivery of the higher education programs / units at the AIPM.

**Background intellectual property** is intellectual property that is created prior to, or independently of the particular AIPM's IP, research project or program of study.

**Courseware** is all materials produced in the course of, or for use in, teaching at the AIPM (for example, lecture notes and materials, handouts, study guides, course software and assessment materials) regardless of format. Personal lecture notes that are not made available to students or personal notes taken by students to assist in study are excluded from this definition, as are Scholarly and Creative Works.

**Creative works** are original works in which copyright subsists, including artistic works, literary works, dramatic works, musical works, cinematograph films, sound recordings, broadcasts, digital media works, multi-media works and related works, that are primarily intended to be artistic or entertaining in character (but excluding Scholarly Works or Courseware).

**Intellectual Property (IP)** means all statutory and other proprietary rights (including rights to require information be kept confidential), anywhere in the world, whether registered or unregistered, in respect of inventions, copyright, trademarks, designs, patents, plant breeder's rights, circuit layouts, know-how, trade secrets and all other rights as defined by Article 2 of the Convention establishing the World Intellectual Property Organisation of July 1967.

**Moral Rights** has the meaning set out in the Copyright Act 1968 (Cth).

**Scholarly Works** are works in which copyright subsists, being works and materials that are the conventional output of academic staff, and are based on the staff's scholarship, learning or research, including, but not limited to, academic publications, journal articles, presentations, papers, and books (including textbooks), and any such materials produced by staff using any and all electronic means, whether they are delivered in a copy or digital format (but not including Creative Works or Courseware).

**Staff** includes all those involved in the design and delivery of a program at AIPM, such as Visiting Fellows, affiliates and guest lecturers.

**Visitors** are persons visiting the AIPM for a period of time, who are not staff or students, and who may be given access to the AIPM resources for the purposes of undertaking academic study, education, research or development. Visitors may include persons with unpaid appointments made by the AIPM.

REVISION HISTORY				
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1.0	ELCAC	AGB	1.7.23	New document.