

ACADEMIC INTELLECTUAL PROPERTY POLICY

Category	Policy		
Review	3 year from date of Approval		
Code	ARP-011		
Contact	policy@imc.edu.au		
Version	Approval Authority	Approval Date	Review Date
2024.11	Academic Board	20 November 2024	20 November 2027

1 PURPOSE

This Policy outlines the principles governing the ownership, use, protection and commercialisation of intellectual property (IP) created under the auspices of the Institute.

The Policy establishes the rights and responsibilities of IMC, its staff, students and affiliates in relation to intellectual property and should be read in conjunction with the Institute’s Authorship Policy and related research policies and procedures.

2 SCOPE

This policy applies to students, academic staff and affiliates of IMC.

3 DEFINITIONS

Affiliate means an individual who is not a paid staff member of IMC but who is engaged by IMC to perform duties or functions, and/or is recognised for their contribution to IMC. Affiliates include honorary title holders (including honorary, adjunct, or visiting positions); consultants to IMC; members of IMC’s committees and boards; or any other person engaged by IMC to perform duties or functions on its behalf.

Commercialisation means the use of IP for the purpose of commercial return or benefit.

Course of Employment means work undertaken as outlined in relevant duty statements for particular positions or contracts of employment, and any other work incidental to the employment relationship..

Copyright means the rights associated with created works, including course materials and scholarly publications, created by the *Copyright Act 1968* (Cth)

Intellectual Property (IP) means the ownership rights of works created from the intellect. IP is protected by laws such as those associated with copyright, trademarks, patents, designs and confidentiality agreements.

Indigenous Knowledge means the traditional knowledge, cultural expressions, practices and understandings of Aboriginal and Torres Strait Islander peoples that are developed, sustained and passed on through generations.

Moral Rights mean the personal rights of a creator in relation to their work, including the right to be attributed as the creator of the work, the right not to have authorship falsely attributed, and the right to object to derogatory treatment of the work, in accordance with the *Copyright Act 1968* (Cth).

Scholarly Works means scholarly and academic outputs created in the course of academic activity, including journal articles, books, conference papers, theses, research reports and other research publications.

4 PRINCIPLES

IMC recognises the importance of fostering an academic environment that supports scholarship, research, innovation and the advancement of knowledge.

The Institute is committed to balancing the rights and interests of creators, researchers, students and the Institute in relation to intellectual property created under its auspices.

The management of intellectual property at IMC should:

- support academic freedom, scholarship and responsible research conduct
- appropriately recognise the contributions and moral rights of creators
- support teaching, learning, research and innovation activities
- facilitate the appropriate protection, use and commercialisation of intellectual property where relevant
- comply with applicable legislation, contractual obligations and institutional policies

5 STAFF-GENERATED INTELLECTUAL PROPERTY

5.1 Teaching and Educational Materials

- IMC retains ownership of teaching and educational materials created by staff in the course of their employment at IMC. This includes unit teaching materials such as course outlines, multimedia resources, manuals, and handouts. This allows IMC the necessary access to further develop, update or adapt these materials to suit different educational or delivery needs.
- Staff who create teaching and educational materials retain their moral rights in

accordance with applicable law.

- IMC grants staff who create teaching and educational materials a perpetual, non-exclusive, royalty-free licence to use, reproduce and adapt such materials for personal teaching, research and scholarly purposes, provided that such use does not misrepresent the materials as having been independently developed outside their employment with IMC. Staff must not commercially sell, license or distribute such materials to third parties without prior written approval from IMC.

5.2 Scholarly Works and Research Outputs

- Academic staff retain ownership of copyright in scholarly works and research outputs created in the course of academic activity, including journal articles, books, conference papers, theses, research reports and other scholarly publications, unless otherwise agreed in writing.
- IMC acknowledges the importance of academic freedom and the dissemination of scholarly work in supporting research, scholarship and the advancement of knowledge.
- Academic staff grant IMC a non-exclusive, royalty-free licence to use scholarly works and research outputs for internal teaching, research, promotional and institutional purposes.
- Where scholarly works are used by IMC, reasonable steps will be taken to acknowledge the creator in accordance with applicable moral rights requirements. Scholarly works do not normally include coursework assessment materials created by students as part of coursework units.

5.3 Institutional and Commercial Intellectual Property

IMC may claim ownership of intellectual property where:

- the work is specifically commissioned by IMC;
- the work is created under a separate written agreement providing for institutional ownership;
- the work involves substantial institutional investment or support beyond standard academic resources and support; or
ownership is required by external contractual, funding or legal obligations.

Academic staff must disclose any pre-existing intellectual property or third-party obligations that may materially affect work undertaken at IMC.

Commercialisation of intellectual property is encouraged where appropriate and consistent with the Institute's academic and research objectives. Where commercialisation occurs, IMC will normally seek to ensure that any financial or other benefits arising from commercialisation are shared fairly and proportionately between the Institute and the creator(s), taking into account their respective contributions and any relevant agreements.

5.4 Use of Third-Party Intellectual Property

- Academic staff must respect any IP rights of third parties in the course of their

employment at IMC. Academic staff must obtain appropriate approval and ensure any required agreement is executed in accordance with IMC delegations and approval processes.

- Staff must abide by copyright guidelines when using material where the copyright is owned by external bodies and/or IMC. Academic staff may publish any scholarly material but must acknowledge that it was created at IMC. If material is co-authored it cannot be published solely by one author. IMC retains the right to prohibit the use of its name and logo on published work.
- Staff must maintain confidentiality in relation to any material owned by IMC. In using confidential material owned by IMC, staff must not make copies nor use it for any purpose other than that for which it was provided.

5.5 Commercialisation

Commercialisation based on the utilisation of IP is seen as a positive outcome for IMC and its academic reputation. Generally, staff are given the opportunity to share in any financial or other benefit from the commercialisation of IP produced as a result of work completed in the course of their employment at IMC. Although specific agreements may be used as a basis for determining the nature of any benefit-sharing arrangement, IMC will normally seek to ensure that any financial or other benefits arising from the commercialisation of IP are shared fairly and proportionately between the Institute and the creator(s), taking into account their respective contributions and any relevant agreements.

5.6 Research Data and Research Materials

The Institute will provide access to facilities for the safe and secure storage and management of research data, records and primary materials and, where possible and appropriate, allow access and reference, consistent with the Research Materials and Data Management Policy.

Access to research data and materials will be managed in accordance with applicable legal, ethical, contractual and confidentiality obligations.

6 AFFILIATES' INTELLECTUAL PROPERTY

Affiliates of IMC must adhere to ownership of IP guidelines in place for IMC's academic staff. This includes the need to disclose any pre-existing intellectual property or third-party obligations that may materially affect work undertaken at IMC, and agreements with parties external to IMC. The rights of IP ownership, including copyright and moral rights, are commensurate with those of IMC employees.

IMC will retain ownership of IP in the circumstances outlined for employees in clause 5.3 above. In addition to these conditions, IMC will also retain ownership of IP if it has been created by an affiliate with use of background IP owned by IMC.

7 STUDENTS' INTELLECTUAL PROPERTY

Prior to their acceptance of an offer, students must be provided with access to information regarding requirements of intellectual property requirements and obligations. Higher degree research (HDR) students are required to participate in a research induction that includes information about the ownership of IP

Students at IMC retain ownership of IP created by them and have copyright and moral rights in published material arising from their research activities.

Circumstances precluding student ownership of IP include:

- Where material is used for teaching purposes
- Where a staff member has created the material with a student co-creator
- Where there is a specific agreement in place such as one between IMC and a third party.

In cases where students agree to be involved in research with staff members or affiliates of IMC, students should be made aware of IP ownership conditions and, if necessary, an agreement should be signed before research begins.

HDR students retain both the moral rights and copyright in their thesis. They also have ownership of IP and any publications and commercialisation arising from the thesis unless there is a pre-existing IP arrangement between the candidate and their supervisor(s) and/or a third party. Such arrangements can recognise background IP.

Should such an IP sharing arrangement be agreed to prior to the commencement of HDR candidature it must be updated at six-monthly intervals when the candidate lodges their six-monthly report. The relative percentages of ownership can be varied depending upon the respective input of IP by the participants. Such IP agreements will be maintained by the Institute and recorded on the student's file.

IP agreements should only be signed by a HDR candidate after they have received independent legal advice. IMC will pay the cost of the candidate obtaining such advice. Should any conflict arise between the candidate and Supervisor or third party as to the percentage ownership of IP then IMC's normal resolution procedures should be followed in seeking a resolution to the issue. (See 9 below)

IMC will provide periodic training to ensure staff and students engaged in research are familiar with, and abide by, this policy.

8 INDIGENOUS KNOWLEDGE RIGHTS

IMC, its staff, affiliates and students must not claim ownership of over Indigenous Knowledge. Where the creation of IP involves knowledge of Indigenous peoples all reasonable steps must be taken to consult with the relevant Indigenous groups and peoples to ensure that IMC conforms with all protocols and ethical guidelines.

9 CONFLICT RESOLUTION

All disputes involving IP must be investigated, managed and resolved in accordance with IMC's

relevant IMC grievance, complaints and research conduct policies and procedures. For detailed information regarding procedures including reporting, responsibilities, determinations and appeals, refer to the Code of Conduct for Research Policy, Workplace Grievance Policy or Student Complaints and Appeals Policy and Procedure.

10 RELATED DOCUMENTS

External

- i. *Copyright Act 1968 (Cth)*
- ii. *Australian Code for the Responsible Conduct of Research 2018*

Internal

- i. *Authorship Policy*
- ii. *Research Materials and Data Management Policy*
- iii. *Higher Degree Research Supervision Policy*
- iv. *Workplace Grievance Policy*
- v. *Copyright Policy*
- vi. *Code of Conduct for Research*
- vii. *Student Complaints and Appeals Policy and Procedure*

11 VERSION CONTROL

Historical Version	Approved by	Approval Date
2024.11	Academic Board	20 November 2024
2023.10	Academic Board	12 October 2022
2020.09	Academic Board	7 September 2020
2019.07	Academic Board	31 July 2019
2016.11	Academic Board	9 November 2016
2013.05	Academic Board	31 May 2013

12 STATEMENT OF OWNERSHIP/MAINTENANCE

The Research and Scholarship Committee (RSC) is responsible for oversight of this Policy and monitoring its implementation. Please contact policy@imc.edu.au for any enquiries or clarifications related to this policy.