

	<b>Intellectual property</b>	<b>Date of issue:</b> Dec 2002
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**Intent:** To protect the intellectual property of the College.

### Introduction

*Intellectual Property* is a broad term for the various rights given by law for the protection of creative effort, and especially for the protection of economic investment in creative effort. For the purposes of this policy, the term *intellectual property* is defined as **the property of the mind or intellect**.

### Policy statements

Factors that support an institution's claim to ownership of intellectual property are:

- a] Intellectual property created in the course of employment
- b] Substantial use of institutional resources and/or services
- c] Use of pre-existing intellectual property owned by the institution
- d] Management of intellectual property generated by a number of staff and/or students
- e] Use of institutional funding or funding obtained by the institution

(Australian Vice Chancellor's Committee, 2002<sup>1</sup>).

The principles for claiming ownership of intellectual property generated by staff and students of The College of Nursing are applicable to internally and externally funded research grants, sponsorship, research and development proposals, course development and consultancy agreements. In general, the College expects to receive appropriate acknowledgment in the reporting of any research involving the staff, resources or facilities of the College.

1. Students of the College own any intellectual property they create pursuant to their studies unless they sign an agreement relinquishing such ownership.
2. The College retains ownership of all intellectual property created by academic or general staff during the course of their employment.

<sup>1</sup> Australian Vice Chancellor's Committee, *Ownership of Intellectual Property in Universities: Policy and Good Practice Guide*, Canberra, 2002.  
Available-URL: [http://www.avcc.edu.au/news/public\\_statements/publications/IP\\_ownership\\_discussion\\_paper.pdf](http://www.avcc.edu.au/news/public_statements/publications/IP_ownership_discussion_paper.pdf)  
<Accessed December 2002>

3. The Board may enter into an agreement with the researcher(s) and other sponsors of the research as to the procedures to be followed in relation to publication of the research.
4. Where the subject matter of the research concerns the affairs of the College, its staff and/or students, the Board reserves the right to consult with the author(s) as to the substantive content of the report(s) prior to publication.
5. In certain circumstances, the Board may enter into a confidential agreement with the researcher(s) and other sponsors of the research to protect and assign intellectual property rights. This may occur in situations where there was a significant contribution to the development of that intellectual property by a staff member or where the College has pre-existing ownership of related intellectual property.
6. In collaborative projects, pre-existing intellectual property and issues of ownership will be clearly defined and detailed **prior to** the signing of any contract or terms of agreement made for the purposes of conducting the research.
7. In general, the College will claim a share in intellectual property (created by way of research) that is in proportion to the College's support of the research (whether this is financial or other 'in-kind' support).
8. Unrestricted license is given to the researcher(s) and their institution to deal non-commercially in the intellectual property.
9. Where the possibility of financial gain exists, the College requires investigators to take all necessary actions to protect intellectual property from commercial exploitation by those who have not contributed to its creation and reserves the right to negotiate with any other financial partners over its share of the rights in the property.