



Australian Chiropractic College

AUSTRALIAN CHIROPRACTIC COLLEGE INTELLECTUAL PROPERTY POLICY

Governing authority	Board of Directors
Responsible officer	President
Date of approval	19 th October 2016
Review date	October 2021

1. Purpose

This policy provides guidance on the approach taken by the ACC in relation to Intellectual Property (IP), including its ownership, protection and commercialisation. It is also intended that this policy will guide the ACC's interactions with project collaborators, such as funding bodies, other higher education institutions and industry partners.

2. Overview

The ACC is committed to fostering a culture of scholarship in the ACC community in the field of Chiropractic studies. This commitment is embedded in its Strategic Plan and the ACC Ethos and Values.

The ACC may undertake development activities with practical benefits for the ACC, its community and its partners. Benefits may include new developments in education program design and delivery, as well as financial and reputational benefits.

The ACC may develop and implement strategies to commercialise its outputs, to promote knowledge transfer and to encourage the uptake of its scholarly output and innovations by other users.

This may be achieved in a variety of ways including consultancies, customised education, and the pursuit of scholarly works or material that positively engages with the higher education sector and wider community.

The ACC IP Policy outlines the ownership and use of intellectual property created by ACC staff, students and visitors.

3. Principles

The ACC is committed to taking decisions regarding the protection and the exploitation of ACC IP in a manner that is accountable, ethical, and socially responsible. It also aims to create an environment that encourages the ACC community to develop ideas, and to support the commercialisation of these ideas where appropriate.

While not of direct relevance to the ACC, this policy has been developed with regard to the National Principles of Intellectual Property Management for Publicly Funded Research and the Australian Vice-Chancellors' Committee publication "AV-CC Ownership of Intellectual Property in Universities".

4. Definitions

For the purposes of this Policy, the following definitions are used:

Commercialisation means to use, apply, publish, manufacture, assign, licence, sub-licence, franchise, exploit, market, or otherwise use or dispose of the IP for the purpose of generating financial or other commercial returns.

Commercialisation Expectation means where the ACC has an expectation that it will manage commercialisation of the IP. The ACC will not have an expectation to commercialise IP that is solely developed by a student and is not subject to a contract with an external organisation.

Commercialisation expenses means the expenses incurred by the ACC in the production, development, protection, marketing and commercialisation of the ACC intellectual property.

Commercialisation revenue means the gross cash revenue received by the ACC from the commercialisation of the ACC intellectual property and does not include payments pursuant to a research or consulting agreement or payments used to subscribe for equity in a company.

Contributor means any other staff member, student or visitor who has substantially assisted with the development of the ACC intellectual property other than a creator, as determined by the Dean.

Creators means those persons who produce, invent, design, enhance, generate, discover, make, originate or otherwise bring into existence IP.

IP means intellectual property, which includes rights (including rights of registration or application for registration) relating to:

- literary and scientific works;
- computer programs and algorithms;
- multimedia subject matter;
- inventions in all fields of human endeavour;
- scientific discoveries;
- industrial designs;
- trade secrets and confidential information; and
- trademarks, service marks and commercial names and designations;

Scholarly works are the intellectual property in the form of conference papers or articles (refereed or un-refereed), books or book chapters, manuals, or any digital or electronic version of these. Computer programs, educational resources or administration material are not treated as scholarly works under this policy.

5. Roles and responsibilities

The Academic Registrar leads the development and review of this Policy and its implementation working closely with the Academic Dean.

All staff, students and visitors generating intellectual property in the course of their employment or association with the ACC have an obligation to comply with the specific requirements of this policy and other relevant policies.

It is the responsibility of all staff members (and students and visitors where applicable) to avoid premature disclosure of project outputs and to notify the Dean of new IP development. Where commercialisation of IP is contemplated, staff (and students and visitors where applicable) should not act in a manner which would result in the loss of the opportunity to protect or commercialise ACC IP.

Dean

The Dean has a general role in developing the ACC's innovation and scholarship capacity and ensuring that any innovations with commercial relevance are exploited to their full potential.

As part of this role, the Academic Dean works with the Academic Registrar on the formulation and approval of protocols and guidelines to implement this policy, and for the management of any disputes arising under this policy.

6. Ownership of IP generated by staff

In accordance with general law principles, the ACC as an employer owns all intellectual property created by senior staff, academic and professional staff members in the course of their employment.

IP created in pursuance of or incidental to the performance of a staff member's ACC employment contract is considered to have been created in the course of employment whether or not a staff member's express duties include a duty to develop IP.

This ownership exists as a matter of law, and does not require any further documentation from staff members. However, staff may be required to formally sign documents to more fully record the ACC's ownership of the ACC IP where necessary, for example to support formal application processes in support of commercialisation of IP.

The ACC does not own intellectual property created by staff members outside the course of their employment.

7. Copyright in scholarly works

Provided that the ACC does not have contractual obligations to a third party which would prevent the ACC affecting such a transfer of rights, the ACC:

- Assigns the right to publish scholarly works to the creator(s) of that work. This assignment is subject to a perpetual, irrevocable, world-wide, royalty-free, non-exclusive licence in favour of the ACC to allow the ACC to use that work for educational, innovation and commercialisation purposes; and
- Grants each staff member a non-exclusive, royalty free, perpetual, irrevocable, world-wide transferable right to use, adapt or modify their scholarly works.

In appropriate circumstances, the ACC will sign documents to more fully record the staff member's ownership of the right of publication of the copyright in a scholarly work and the ACC's non-exclusive licence to that work.

8. Intellectual property in the ACC education resources

In line with section 7 above, the ACC owns the intellectual property in the ACC education resources (including online education resources), subject to any contractual or licensing obligations to a third party. This ensures that the ACC has the unrestricted ability to use the ACC education resources for its teaching responsibilities.

The ACC consents to the use of the ACC education resources by staff to fulfil their teaching and related responsibilities at the ACC. This use does not include any use for commercial purposes nor does it involve a transfer of ownership of the ACC intellectual property.

Unless subject to a confidentiality or separate legal constraint, the ACC recognises that staff may personally use knowledge that they have developed in the course of their employment at the ACC, once that employment ceases. That right does not extend to the reproduction of the ACC education resources unless released under a separate license.

Guidelines for any licensing of the ACC education resources as open education resources or under other types of non-monetized licences are developed by the Academic Registrar in consultation with Dean.

In its use of educational resources, the ACC will consider the reputation of the creators. The ACC will use its best endeavours to consult the creators on updates, the appropriateness of continued use of material, and attribution of material used in the ACC course delivery.

9. Intellectual property generated by students

Students personally own the IP that they generate. In some contexts, the ACC may ask students participating in a project to assign any IP they generate in the course of the project to the ACC. THE ACC's approach to IP generated by students is outlined in its Intellectual Property for Assessed Student Work Policy.

10. Intellectual property created by visitors

Ownership and rights relating to intellectual property brought to the ACC or generated while at the ACC by a visitor (that is, any person other than a staff member or student who takes part in any innovation or scholarly activity at the ACC) should be resolved through negotiation between the ACC and the visitor or other third parties such as the visitor's employer before the visit or appointment commences at the ACC. This process should be initiated by the ACC, and may necessitate negotiation between the ACC and the owner of the intellectual property.

11. Commercialisation and commercialisation revenue

Obligations of creators and contributors

All creators of and contributors to the ACC intellectual property with commercialisation potential must identify, keep confidential, be involved in and facilitate the commercialisation of intellectual property. In particular, all have a specific duty to fully disclose the ACC intellectual property with potential commercial value, to the Academic Dean.

Commercialisation of the ACC intellectual property

Any commercialisation of the ACC education resources or other ACC IP will be determined by the Academic Dean. Any distribution to creators and contributors from commercialisation revenue received from commercialisation of education resources or other ACC IP will be determined by the Academic Dean.

12. Moral rights

The moral rights of a creator of works as specified in the Copyright Act 1968 (Cth) are, in summary:

- the right of attribution of authorship in respect of the work
- the right not to have authorship of the work falsely attributed; and
- the right of integrity of authorship in respect of the work.

THE ACC shall take reasonable steps to respect moral rights and to ensure that others respect moral rights. The ACC is not obliged to take action if the moral rights of authors are infringed.

13. Traditional knowledge

If the creation of the ACC IP involves the traditional interests and/or the use of traditional knowledge of Aboriginal, Torres Strait and/or South Sea Islander peoples, the ACC will take reasonable steps to ensure that decisions regarding the protection and use of that IP align with

relevant guidelines and ethical practices. This includes consulting with relevant groups and communities.

14. Dispute resolution

Determinations on matters relating to this policy are made by the Academic Dean. A person who does not agree with an intellectual policy determination, action or inaction on a matter relating to this policy must in the first instance notify the Academic Dean in writing of the dispute. Further information on procedures is outlined in the ACC's Dispute Resolution Policy and Procedures.

15. Breaches of the policy

Any breach of this policy or associated protocols by a staff member may be subject to disciplinary action in accordance with the ACC's provisions on disciplinary action for misconduct or the relevant Enterprise Agreement for academic or professional staff.

Any breach of this policy or associated protocols by a student may be subject to disciplinary action in accordance with the ACC's Academic Misconduct Policy or other relevant policy.

16. Review

The ACC's Intellectual Property Policy is reviewed by the Board every five years, or sooner as determined by the Board.

Date	Description of amendment

17. Related policies / documents