



INTELLECTUAL PROPERTY POLICY

DEFINITIONS

Terms in this document, for which definitions are not provided in the text or may not be self-evident or for which usage at College may differ to that in other higher education institutions are as follows:

College - Refers to the ACC.

Commercialisation - 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 - Where the College has an expectation that it will manage commercialisation of the IP. The College 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 - Expenses incurred by the College in the production, development, protection, marketing and commercialisation of the College intellectual property.

Commercialisation revenue - The gross cash revenue received by the College from the commercialisation of its 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 - Any other staff member, student or visitor who has substantially assisted with the development of the College intellectual property other than a creator, as determined by the Academic Dean.

Copyright - The legal right of the owner of intellectual property. Copyright law gives creators of original material the exclusive right to further use and duplicate that material for a given amount of time, at which point the copyrighted item becomes public domain. The Copyright Act 1968 (Cth) regulates copyright in Australia in relation to original literary, dramatic, musical and artistic works, and subject matter other than works.

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

Intellectual Property (IP) – Refers to the products of faculty, staff, and student scholarship and research. It falls into two groups—work covered by patent law and work covered by copyright law and which relate 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 – Refers to IP 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.

Visitor - Refers to any person, other than a staff member or student, who takes part in any innovation or scholarly activity at the College.

PURPOSE

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

SCOPE

The ACC Intellectual Property Policy is applicable to the ownership and use of intellectual property created by College staff and students.

POLICY STATEMENT

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

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

The College 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.

POLICY PRINCIPLES

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

Notwithstanding that the College is a 'teaching' rather than a 'research' or 'teaching and research' institution, 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".

ROLES AND RESPONSIBILITIES

The Academic Dean leads the development and review of this Policy and its implementation.

All staff, students and visitors generating intellectual property in the course of their employment or association with the College 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 Academic 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.

The Academic Dean has a general role in developing the College'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 has oversight of protocols and guidelines for implementation of this Policy, and for the management of any disputes arising under this policy.

OWNERSHIP OF IP

Ownership of IP generated by staff

In accordance with general law principles, the College 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 College's ownership of the ACC IP where necessary, for example to support formal application processes in support of commercialisation of IP.

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

Copyright in Scholarly works

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

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

Intellectual property in the College education resources

The College owns the intellectual property in its education resources (including online education resources), subject to any contractual or licensing obligations to a third party. This ensures that the College has the unrestricted ability to use its education resources to meet its teaching responsibilities.

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

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

Guidelines for any licensing of the College education resources as open education resources or under other types of non-monetised licences are developed by the Academic Dean.

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

Intellectual property generated by students

Students personally own the IP that they generate. In some contexts, the College may ask students participating in a project to assign any IP they generate in the course of the project to the College.

Intellectual property created by visitors

Ownership and rights relating to intellectual property brought to the College or generated while at the College 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 College) are resolved through negotiation between the College and the visitor or other third parties such as the visitor's employer before the visit or appointment commences at the College. This process is initiated by the Academic Dean and may necessitate negotiation between the College and the owner of the intellectual property.

COMMERCIALISATION AND COMMERCIALISATION REVENUE

Obligations of creators and contributors

All creators of and contributors to the College 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, who will advise the President.

Commercialisation of the ACC intellectual property

Any commercialisation of the College's education resources or other IP will be determined by the Academic Dean, in consultation with the College President.

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

Unless specifically agreed otherwise, the distribution of revenue shall be one third to the originator (single or as a group) and the balance to the College.

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 College shall take reasonable steps to respect moral rights and to ensure that others respect moral rights. Notwithstanding, the College is not obliged to take action if the moral rights of authors are infringed from sources external to the College.

TRADITIONAL KNOWLEDGE

If the creation of the College IP involves the traditional interests and/or the use of traditional knowledge of Aboriginal, Torres Strait and/or South Sea Islander peoples, the College 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.

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 *Grievance Management (Staff) Policy and Procedures* and *Grievance Management Non Academic (Students) Policy and Procedures*.

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 College's provisions on disciplinary action for misconduct or the relevant Enterprise Agreement for academic and/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 Integrity Policy and Procedures* or other relevant policy.

REVIEW

This Policy is reviewed, at least, every three years.

It is a policy of the ACC that any Policy or Procedure may be reviewed earlier as indicated by internal or external factors (including but not limited to such factors as changes in the guidelines of regulatory authorities, accreditation/registration requirements of the profession, or relevant legislation at state or federal level) as determined the Board of Directors and/or Academic Board.

RELATED POLICY DOCUMENTS:

- Staff Grievance Management Policy and associated Procedures
- Student Grievance and Appeals Policy and associated Procedures
- Academic Integrity Policy and associated Procedures

VERSION CONTROL

Document: C001 Intellectual Property Policy		
Responsible Officer: President		
Initially Approved by: Board of Directors		Date: 19 October 2016
Reviewed and approved by: Board of Directors		Date: 23 March 2021
Reviewed and approved by: Board of Directors		Date: 22 November 2022
Reviewed and approved by: Board of Directors		Date: 29 July 2025
HESF	6.2 Corporate Monitoring and Accountability	6.2.1e
Version: V2.0	Replaces Version(s): V1.2	Next Review: July 2028
Nature of Change	February 2021 • Edited to up-date and bring into line with ACC's revised P&P format as well as delegated authorities November 2022 • Minor changes to reflect staff organisational changes and typos. July 2025 • Scheduled review • Included a definition for Visitor • Standardised format • Improved consistency of the use of ACC and College • Clarify responsibility for negotiation with a Visitor • Updated related policies.	