



# Intellectual Property Policy

## Purpose & Legislative Background

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This policy sets out the framework for protecting and administering the interests of Mid-City College, staff members and students arising from the creation and use of the intellectual property.

This policy aims to recognise the creative contribution of staff members and students to the development of the intellectual property as well as increase their awareness and understanding of intellectual property rights and obligations.

Clause 8.6 of the Standards for Registered Training Organisations (RTOs) is complied with while implementing this policy.

## Scope

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This policy applies college-wide in all areas of operations.

## Policy

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Intellectual property (IP) is the collective name for a group of legal rights, which may be claimed for certain intellectual creations. Specifically, it includes:

- Copyright (which protects computer software, teaching materials, scholarly works and other written, artistic, dramatic, and musical works, film, and sound recordings amongst other things).
- Patents (these protect new inventions of all sorts, including software, biotechnological and engineering advances and, to an increasing degree, business methods.)
- Confidential information, know-how and trade secrets (this can protect all types of information). This is protected under the common law.
- Plant breeder's rights (protecting distinct, uniform, and stable new plant varieties that have been bred).
- Registered designs (these protect the "eye appeal" of an object and must be original).



- Registered and unregistered trademarks (these protect the signs and trading identities of businesses).
- Circuit layouts for computer chips.

Some of these rights such as patents and designs require registration whereas some arise automatically as soon as the work is created (e.g., copyright, circuit layout rights). Other rights such as confidential information need practical steps to keep them protected. Some creations may be capable of protection by more than one legal right

Under Australian law, Mid-City College is entitled to ownership of intellectual property created by staff, whether members of the academic staff or the general staff, in the course of their employment.

Mid-City College asserts its ownership of the copyright in learning and other materials produced by staff members in the course of their employment during the nominated and paid employment hours either on college premises or outside Mid-City College. Likewise, any intellectual property created or produced outside the nominated employment hours, and without the use of any of Mid-City College's internal or external resources, will remain the property of the original creator.

In case of staff members moving on to subsequent employment by another college or institute, Mid-City College will be willing to allow staff members to use teaching and learning materials for their personal use which they prepared while employed at Mid-City College.

Where Mid-City College engages any contractor or consultant, and that contractor or consultant creates any IP (including copyright) as part of that engagement, the intellectual property rights will be determined by a written agreement between Mid-City College and the contractor/consultant.

Students at Mid-City College retain the rights to all the works produced by them while studying at Mid-City College

Where Mid-City College purchases learning materials from a third party, it will ensure that the license terms are not restrictive, and not a hindrance, in maintaining its academic standards and quality processes such as moderation, validation and modification of the learning materials.

Mid-City College adheres to the principle that where there is a commercialization opportunity of intellectual property, the originator and Mid-City College should equally benefit from it.



Staff should be aware that under the general law and the terms of their employment they must not use or disclose any confidential information acquired in the course of their employment, except with the consent of Mid-City College.

Unless otherwise mutually agreed in writing, or under specific terms, Mid-City College will not claim ownership of IP derived from work performed outside the course of a staff member's employment.

### Use of Copyright Material in Training and Learning

- Provisions under Part VB of The Copyright Act 1968 allow all educational institutions to copy and communicate third party material to distribute to students up to the limits depending on the type of material. Mid-City College is very conscious about copyright infringement and does not allow any copyright material to be used in the classrooms without appropriate permission or outside of permissible limits under the Copyright Act.
- Mid-City College will inform all staff members of copyright obligations in Staff Handbook as well as at the time of new employee induction.
- Public domain information and sources, where available for public or educational/academic use, will allow being used with appropriate citation and acknowledgement.
- Mid-City College will investigate the possibility of purchasing a Statutory Education licence from The Copyright Agency Ltd (CAL) for introducing a wide variety of material into its training environment, both in hardcopy and digital format as part of its continuous improvement process. Trainer and assessor opinions and inputs will be sought on the extent of copyright materials required on an ongoing basis.