5.2.4 Intellectual Property Policy

1.0 Rationale

This policy is designed to establish clear rules governing intellectual property at Acknowledge Education (AE) to ensure:

1. The security and currency of intellectual property owned by Acknowledge Education.
2. A culture of research, scholarship, innovation, and creativity at Acknowledge Education.
3. Mutually beneficial commercial partnerships in the development of intellectual property between entities and individuals or external bodies.
4. Compliance by employees, learners, and independent contractors with the intellectual property rights of others, and compliance with intellectual property laws and related agreements

2.0 Scope

This policy applies to all employees, independent contractors, and students of AE. It governs the creation, use, management, and ownership of intellectual property resulting from educational, research, and professional development activities at AE.

3.0 Regulatory Context

3.1 Higher Education Standards Framework (2021)

3.1.1 Research (HESF 4.1)

Research and its associated activities are conducted in accordance with a research policy framework that is designed to achieve:

a. ethical conduct of research and responsible research practice
b. clarification of ownership and management of intellectual property

3.1.2 Academic and Research Integrity (HESF 5.2.2)

Preventative action is taken to mitigate foreseeable risks to academic and research integrity including misrepresentation, fabrication, cheating, plagiarism and misuse of intellectual property, and to prevent recurrences of breaches.

4.0 Policy

4.1 AE Ownership of Intellectual Property

AE will own and may reproduce, adapt, alter, or use intellectual property for educational or commercial purposes in the following circumstances:

- Intellectual property that arises from the efforts of employees or independent contractors during their engagement with AE.
- Intellectual property resulting from professional development or other activities funded by AE.
- Intellectual property produced by employees or independent contractors using substantial AE resources.

4.2 Student Intellectual Property

4.2.1 Ordinarily, any work produced by a student at AE will remain the intellectual property of that student. However, if the creation of the intellectual property by the student involves significant use (beyond regular usage) of AE's resources or services, AE will assume ownership of the intellectual property. Students may negotiate an alternate ownership arrangement, but this must be done PRIOR to the development of the intellectual property.

4.2.2 Staff must obtain documented permission from students before reproducing, communicating, or transmitting a student's work.

4.3 Exceptions to AE Ownership

4.3.1 When an alternate arrangement has been negotiated between AE and an employee or independent contractor regarding ownership of IP

4.3.2 When an employee (not an independent contractor) whose role specifies the production of scholarly work (exclusive of teaching or learning materials), AE will:

- Assign the copyright ownership of the work to that person
- Reserve the right to reproduce and disseminate the work on a royalty-free basis
- Encourage the person to publish or make public the work to support contribution of advancement of knowledge in the discipline.

4.4 Confidentiality and Non-disclosure

Staff and students involved in research or projects with potential commercial implications must ensure confidentiality until IP rights are formalised and secured.

4.5 Dispute Resolution

Any disagreements regarding intellectual property ownership or its use will be addressed through AE's complaints and appeals process.

5.0 Roles and Responsibilities

5.1 Employees and Independent Contractors

Ensure that any intellectual property developed aligns with the terms of their engagement and the stipulations of this policy.

5.2 Students

Retain IP rights for their work, except under circumstances where extensive AE resources are used. They are responsible for negotiating any deviations from this policy in advance.

5.3 Staff

Before using student work, staff members must secure documented permission.

6.0 Definitions

Term	Definition
Copyright materials mean "works" in copyright which include:	• Text (literary) works- books, journal articles, song lyrics, film scripts, reports • Other kinds of related works including computer programs, compilations/data bases • Artistic (visual) works- paintings, drawings, photos, maps and plans and "subject matter" which is copyright including audio visual material • cinematographic films including the images and sounds • sound recordings • broadcasts- TV and radio • published editions, which have their own copyright protection separate from the content
Intellectual property means any property right arising from legislation, common law or a contract. Key types are:	• Copyright-limitations in copying and communicating text works, music and scores, images, audio-visual materials and some performances (Copyright Act 1968 Cth.) • Patents under the Patents Act 1990 • Trademarks registered under the Trade Marks Act 1995 and unregistered trademarks used or intended for use in business • Designs registered under the Designs Act 1906 • Trade Secrets and other Confidential Information under contract or as part of employment
Educational purposes - intellectual property shall be taken to have been reproduced, adapted or otherwise utilised for the educational purposes of Acknowledge Education if it:	• is reproduced or otherwise utilised in connection with a particular course of instruction provided to enrolled learners of Acknowledge Education. • is reproduced or otherwise utilised for inclusion in the collection of Acknowledge Education's library or any other resource repository at Acknowledge Education • is provided to learners of Acknowledge Education, or learners at another Institute, on a cost recovery basis.

7.0 Related Documents

Document Name
6.1.2 Conflict of Interest Policy

8.0 Document Information

Document Name	
Document Number	5.2.4
Purpose	To clarify the ownership, use, and management of intellectual property at Acknowledge Education and promoting ethical research and academic practices.
Audience	☒Staff | ☒Students| ☒Public
Category	Institutional Quality Assurance
Subcategory	Academic and Research Integrity
Approval Date	14/12/2020
Effective Date	14/12/2020
Last date of endorsement	10/1/2022
Next Review Date	Under review as at April 2026
Policy Advisor	Narelle Whatley
Approving Authority	Board of Directors
Contact	Regulatory Compliance Officer Regulatorcompliancy@ae.edu.au

9.0 Document change and review log

Date	Version	By	Notes
20/10/2020	1	Dean (TW)	Policy Created (updated to new template on 10 Jan 2022)
13/09/2023	1.1	Narelle Whatley (Dean)	Added Scope, regulatory context, document information, roles and responsibilities. Changed to new branding. Added related documents – conflict of interest. Added points, 4.4 and 4.5. Re-structured policy.