



# INTELLECTUAL PROPERTY POLICY AND PROCEDURES

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## Purpose

Lincoln Education Australia (LEA) views the protection of intellectual property rights as critical to academic integrity and innovation among staff and students. A consistent approach to intellectual property is vital to ensuring LEA compliance with relevant legislation and properly handling of intellectual property (IP) created by staff and students.

This *Intellectual Property Policy and Procedures* outlines the mechanisms through which LEA shall ensure that staff, student, and third-party IP is protected, and establishes the procedures for managing research partnerships and the commercialisation of IP.

## POLICY

### Scope

This policy applies to all students, staff, and parties involved in research partnerships are LEA. LEA is not engaged in research training, so this policy applies to works of scholarship alone. Under this policy, any student who is also employed as a staff member at LEA shall be considered a staff member for intellectual property matters.

### Principles

LEA shall ensure that the intellectual property rights of all individuals, both within and external to LEA, are protected.

LEA aims to ensure that the creator(s) of intellectual property used in academic work is acknowledged, as per the *Academic Integrity Policy and Procedures*.

LEA recognises student rights to intellectual property created through their studies at LEA. LEA recognises a student's assessable work, as intellectual property belonging to the student.

LEA shall have procedures in place to handle the protection of staff and student rights in partnerships, and the commercialisation of intellectual property. The decision to commercialise IP shall only be approved if it aligns with the mission, values, and key operations of LEA.

These measures are key to maintaining academic integrity and innovation at LEA.

## PROCEDURES

### Rights and obligations of LEA



LEA has the right to:

- Declare ownership of any intellectual property (IP) developed by LEA or any other intellectual property produced by or on behalf of LEA.
- Assert ownership of any IP created by a member of staff in their duties as an employee of LEA, including teaching material, research, administrative and promotional material (see 'Teaching Materials' below).
- Oversee research activities undertaken using LEA resources with written agreements (see 'IP Agreements' below).

LEA shall not:

- Assert ownership over works of art or design, creative written works, musical or dramatic works, and cinematographic film, unless such work has been commissioned by LEA.
- Assert ownership over IP produced by staff prior to their employment at LEA.
- Assert ownership over the IP developed by students.

## Teaching Materials

For teaching materials developed and used solely for learning and teaching activities internal to LEA, LEA has a permanent, royalty free, non-exclusive license and no royalties shall be paid to the creator.

For teaching materials that are commercialised, royalties shall be payable to the creator.

## IP Agreements

Research activities that occur using LEA resources or involving LEA staff shall be prefaced by a written agreement between the researcher and LEA.

## Research Partnerships

The following process shall apply if LEA participates in a research partnership or project with a third party:

- A senior staff member shall be designated as Chief Investigator of the project.
- The Chief Investigator shall submit a proposal for the research partnership to the CEO.
- On approval, the Chief Investigator shall oversee the project, ensuring that it remains compliant with LEA policies and national legislation.
- They shall facilitate the signing of an agreement between all relevant parties that clarifies:
  - Authorship of any IP created
  - The resources used or invested in creating IP
  - Ownership of the IP
- The Chief Investigator shall provide the CEO with a report on the conclusion of the project.



## Commercialisation

The CEO shall ascertain if there is a potential benefit for IP generated at LEA to be commercialised, taking into account the:

- Benefit of the IP to society
- Benefit of commercialisation to LEA
- Protection of the rights of IP owner, including royalties payable
- The costs associated with commercialization

The Dean may choose to recommend commercialisation to the CEO for approval.

LEA shall bear the costs associated with commercialisation of IP generated by the Institution. The costs of commercialisation of IP generated in collaboration with external partners shall be negotiated with the relevant partner.

If LEA commercialises any IP it owns, it will distribute a share of net commercialisation revenues to creators that have a recognised interest in the IP that has earned that revenue. Net commercialisation revenues will be distributed in the following manner:

- 50% to be shared among all the creators (staff members, and/or students)
- 50% to LEA for its general purposes, with the expectation that it will be used to foster research and scholarship.

## IP Disputes

All IP complaints or disputes are to be reported to the Academic Dean or the CEO. The CEO shall refer the matter to the Corporate Governance Board, whose decision shall be final in all respects.

The CEO or Corporate Governance Board may refer the dispute to an independent expert and LEA shall bear the costs.

## Compliance

All members of staff, students, and parties involved in research scholarship at LEA are required to comply with this policy and its procedures, and with related policies and respective procedures. Non-compliance may result in disciplinary action.

<b>File Number</b>	LEA-GEN-COR-70038-D
<b>Responsible Officer</b>	Chief Executive Officer
<b>Contact Officer</b>	Academic Dean
<b>Legislative Compliance</b>	<ul style="list-style-type: none"><li>• <i>Copyright Act 1968</i></li><li>• <i>Patents Act 1990</i></li><li>• <i>Trademarks Act (1995)</i></li><li>• <i>WIPO Convention (1967)</i></li><li>• <i>Tertiary Education Quality and Standards Agency Act 2011</i></li></ul>



<b>Supporting Documents</b>	
<b>Related Documents</b>	<ul style="list-style-type: none"><li>• <i>Academic Integrity and Misconduct Policy</i></li><li>• <i>Copyright Policy and Procedures</i></li><li>• <i>Academic Standards Policy and Procedures</i></li></ul>
<b>Superseded Documents</b>	
<b>Effective Date</b>	1 January 2022
<b>Next Review</b>	3 years from the effective date

## Definitions

**Academic Dean:** Responsible for the academic standards of LEA and for maintaining and developing academic courses, teaching excellence and interaction with stakeholders. The Academic Dean plays a crucial role in defining, disseminating and supporting academic standards and values across LEA.

**Chief Executive Officer (CEO):** Head of the executive management team, responsible for the management of day-to-day operations of LEA, its people and resources.

**Corporate Governance Board:** Governing body responsible for oversight of all higher education operations, including the ongoing viability of LEA and the quality of its higher education delivery. The Corporate Governance Board guides the Management and delegates responsibility for academic matters to the Academic Board.

**Commercialisation:** Process of making the IP available to market.

**Intellectual property:** Any works such as a discovery, form, expression, shape, image, process, technique, that are created through effort, skill or intellect and includes:

- Statutory and proprietary rights in relation to copyright and neighbouring rights including, literary works, dramatic works, musical works, artistic works, film, sound recordings, radio and TV broadcasts, published editions of works, and computer programs
- All rights in relation to inventions, patents, registered and unregistered trademarks, registered and unregistered designs
- All other rights with respect to IP as defined in Article 2 of the July 1967 Convention Establishing the World Intellectual Property Organisation
- All rights in relation to traditional and indigenous knowledge
- Confidential Information, including trade secrets and know how, protected in Australia under the common law and equity
- All similar intellectual and industrial property.

**National Principles of Intellectual Property Management:** Assists researchers, research managers and institutions to develop best practice in identifying, protecting and managing IP, thus ensuring appropriate commercial outcomes from publicly funded research.



**Patent:** Issued by a government officer that creates a legal situation or describes an invention where patented material or information shall be used, imported or sold with the authorisation of the patentee.

## Review Schedule

This policy shall be reviewed by the Corporate Governance Board every three years.

Version History			
Version number:	Approved by:	Approval Date:	Revision Notes:
1.0	Corporate Governance Board	17/12/2020	New policy