

POLICY:	INTELLECTUAL PROPERTY
NVR Ref:	Standard 2
MCC Ref:	MCC-3-I 1
Aim	<p>This Policy aims to provide guidance to staff members of the Institute on its practices with respect to intellectual property, which include the nature of intellectual property, its ownership, exploitation and the specific procedures adopted within the Institute.</p>
Principles	<p>The Institute is committed to providing an environment where innovation can prosper and to recognise and reward staff for their efforts.</p> <p>At the same time, being aware that certain intellectual property is developed as a result of the environment provided by the Institute and that special relationships exist between the organisation and its staff, the Institute seeks, where appropriate, to gain benefit from the activity, with these benefits flowing on to future staff.</p>
Nature of Intellectual Property	<p>For the purpose of this policy document, the term "Intellectual Property" means and includes:</p> <ul style="list-style-type: none"> • Patents under the Patents Act 1990 • Copyright vesting by virtue of the Copyright Act 1968 in literary works (including computer programs), dramatic works, musical works, artistic works, films, sound recordings, broadcasts, published editions and certain types of performances. • Trade marks registered under the Trade Marks Act 1995. • Designs registered under the Designs Act 1906. • Trade secrets and other confidential material.

Ownership of Intellectual Property	<p>Except as otherwise agreed in writing or stated in this Policy, the Institute claims ownership of Intellectual Property created by staff as a result of their employment by the Institute.</p> <p>The Institute does not assert any right or claim to ownership of the Intellectual Property in artistic works, musical, dramatic or other creative works created or composed when these works have been specifically commissioned by the Institute.</p> <p>Despite any contrary provision in this policy, all contracts and arrangements existing at the time of the adoption of this policy that are between the Institute and governments, corporations and other external organisations, and which relate to intellectual property in which the Institute has an interest, will remain in full force and effect, including those where the ownership of developed intellectual property is vested in a third party.</p> <p>The Institute reserves its right to transfer the ownership of Intellectual Property claimed under the above provisions to third parties, following consultations, where possible, with the creator(s) of the intellectual property.</p>
Dispute Resolution	<p>In the first instance, the CEO will be the arbiter over whether the Institute has a legitimate claim over intellectual property developed by staff.</p> <p>Where staff members believe that they have grounds to contest the Institute's claims under the policies described above, they should bring the situation to the attention of the CEO at the time that the development of the intellectual property is notified.</p> <p>Should they disagree with the ruling of the CEO, they may submit their case to an independent arbiter – <i>Refer Complaints and Appeals Policy and Procedure.</i></p>

VERSION CONTROL**Review/ amendment history****Policy Approved by:** Chief Executive Officer**Responsible Officer:** Chief Executive Officer**Next Policy Review Date:** July 2018

Version	Date	Details
1.0	July 2014	Policy issued
2.0	Dec 2014	Updated to reflect Standards for Registered Training Organisations (RTOs) 2015
3.0	July 2015	No material change
4.0	July 2016	No material change
5.0	June 2017	No material change