

ANZSOG Intellectual Property Policy

This Intellectual Property Policy sets out the principles governing the ownership and use of Intellectual Property Rights created by students undertaking courses at ANZSOG.

What are Intellectual Property Rights?

Intellectual property rights in Australia fall into 5 categories:

- **Copyright**, which in Australia arises under the *Copyright Act 1968* (Cth) and which covers so-called 'works' (literary, dramatic, musical and artistic works) and 'other subject matter' (sound recordings, cinematograph films, broadcasts and published editions of works);
- **Patents** registered under the *Patents Act 1990* (Cth);
- **Designs** registered under the *Designs Act 2003* (Cth) and its predecessor;
- **Trade marks**, whether registered under the *Trade Marks Act 1995* (Cth) or protectible as a result of rights acquired through use; and
- **'Other'** categories arising under legislation, such as rights under the *Circuit Layouts Act 1989* (Cth) and the *Plant Breeder's Rights Act 1994* (Cth).

The category of intellectual property rights that is most likely to be relevant to material produced by students at ANZSOG is copyright. Copyright subsists in works and other subject matter that are original (in the sense that they have not been copied from elsewhere) and have been 'reduced to material form'. That is, the work or other subject matter has been recorded in some format (including electronically) that is relatively permanent and from which the work or other subject matter can be reproduced. No other formal requirements, such as registration, are required in order for copyright to arise in Australia.

The Copyright Act provides copyright owners with the exclusive right to do, or authorise others to do, certain acts in relation to the copyright. These include, in the case of a literary work such as a report or seminar paper, the rights to reproduce, publish and adapt the work and the right to communicate the work to the public.

In addition, authors of copyright works are granted what are called 'moral rights'. They are:

- the right of attribution of authorship (the right to be identified as author);
- the right not to have authorship of a work falsely attributed; and
- the right of integrity of authorship of a work (the author's right to object to derogatory treatment of his or her work which prejudicially affects his or her honour or reputation).

Moral rights are not property and cannot be transferred. They always remain with the author.

Copyright (other than moral rights), registered patents, registered designs and registered trade marks are personal property. This means that they can be owned in the same way as

any other item of property and the ownership can be transferred ('assigned') from one owner to the next. Ownership can also be divided so that different rights in the same material are owned by different people. Intellectual property rights can also be licensed. In that case ownership is not transferred but the owner grants another person the right to exploit one or more intellectual property rights.

What is ANZSOG's policy?

Executive Masters of Public Administration

- Intellectual property rights in material created by a student in the course of his or her studies for the Executive Masters of Public Administration (**EMPA Material**) are owned by the student.
- A student who publishes any EMPA Material must make sure that each publication includes the following statement, placed reasonably prominently in the publication:

'This [article/report/insert other as applicable] [was written/uses material developed] during the course of the author's studies for the Executive Masters of Public Administration offered by The Australia and New Zealand School of Government.'

Work-based projects

- All intellectual property rights in material created by a student in the course of a work-based project (**WBP Material**) are owned by ANZSOG and are assigned to ANZSOG by the student, with effect on and from the date or dates on which the intellectual property rights are created.
- The student consents to ANZSOG and any other future owner or licensee of the copyright in the Project Materials doing or not doing anything that would infringe any of the student's moral rights in the WBP Material.
- [Nevertheless, ANZSOG will use reasonable endeavours not to infringe the student's moral rights.]
- ANZSOG grants to the student a non-exclusive, perpetual, world wide, royalty free licence to publish all or part of the WBP Material provided that the student must:
 - for each publication,
 - obtain the written consent of the agency to which the WBP relates (**Agency**) and make sure that any conditions imposed by the Agency are observed in each case (ANZSOG has a pro forma letter that should be used for this purpose); and
 - provide ANZSOG with a copy of the Agency's consent, signed by an authorised representative of the Agency; and
 - make sure that each publication includes (in addition to any statement required by the Agency) the following statement (amended as indicated), placed reasonably prominently in the publication:

'This [article/report/insert other as applicable] [was written/uses material developed] during the course of the author's/authors' studies for the

Executive Masters of Public Administration offered by The Australia and New Zealand School of Government.'

General

When a student signs his or her enrolment form for the EMPA, the student promises:

- to comply with this ANZSOG Intellectual Property Policy;
- to do all things, including completing and signing documents, reasonably requested by ANZSOG during or after the student's enrolment at ANZSOG to give effect to this ANZSOG Intellectual Property Policy,
- that:
 - all work created by the student in connection with his or her studies at ANZSOG will be the student's original work; and
 - there is no reason why the student cannot comply with this Intellectual Property Policy.

Any enquiries concerning this ANZSOG Intellectual Property Policy should be directed to Jen Butler, Program Manager.