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INTELLECTUAL PROPERTY POLICY

Version:	Approved by:	Approval Date:	Effective Date:	Next Review:							
3	UOWGE Executive	11 February 2021	11 February 2021	11 February 2024							
Responsible Officer:	Executive Director Commercial and Legal		Document No:	UOWE-LGL-POL-87							
Purpose:	This Policy: 1. Develops a governance framework regulating the creation, ownership and use of Intellectual Property at UOW Global Enterprises. 2. Sets out the entitlements and responsibilities of UOW Global Enterprises and its staff and students in relation to Intellectual Property.										
Scope:	UOWGE	✓	UOWCA	✓	UOWD	✓	UOWCHK		UOWM		
	1. This Policy covers intellectual property at: a. UOW College Australia (UOWC Ltd); b. University of Wollongong in Dubai (University of Wollongong in Dubai FZ-LLC); and c. UOWGE Ltd. 2. This Policy does not diminish any rights between parties arising from: a. An Instrument of Appointment, associated agreements and terms; or b. An offer of admission, associated terms and conditions.										
Related Documents:	Grievance Policy Privacy Policy Records Management Policy Student Grievance and Appeals Policy										
References & Legislation:	Copyright Act 1968 (Cth) Designs Act 2003 (Cth) Patents Act 1990 (Cth) Trade Marks Act 1995 (Cth) Federal Law No. 31 of 2006 Pertaining to the Industrial Regulation and Protection of Patents, Industrial Drawings and Designs (UAE) Federal Law No. 37 of 1992 on Trademarks (UAE) Federal Law No. 7 of 2002 Concerning Copyrights and Neighbouring Rights (UAE) Standards for Licensure and Accreditation 2011 (UAE)										



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1. Definitions

Word/Term	Definition
Administrative or Course Material	Any documentation, process, material, information or software in any format that has been developed for the purposes of UOW Global Enterprises operations or administration, including but not limited to: • policies, procedures, guidelines, business plans, contracts, funding applications, reports, or promotional brochures • subject or course outlines • course materials • course handouts and examination documents
Copyright	A type of property that is founded on a person's creative skill and labour. Copyright protects the form or way an idea or information is expressed, not the idea or information itself.
Course	Any program of study, in whole or part, provided, or developed to be provided, by or on behalf of UOW Global Enterprises.
Enterprise Resources	Those resources owned, funded or provided by UOW Global Enterprises. This includes, but is not limited to: • premises or facilities • funds; • services; • equipment; • staff time; and • support staff.
Instrument of Appointment	The legal agreement between a Staff Member and the UOWGE Employing Entity. This includes any contract, enterprise agreement or award, which is relevant to the Staff Member's employment.
Intellectual Property (IP)	All rights, titles and interests (whether registered or not) throughout the world relating to literary, artistic, scientific works, inventions, industrial designs, patents, copyright, trade secrets, trademarks, service marks and commercial names and designations, know-how and other confidential information, and all other kinds of intellectual property as defined in Article 2 of the Convention establishing the World Intellectual Property Organization of July 1967, and any improvements thereto. Intellectual property does not include moral rights.



Moral rights	A sub-category of rights which protect the right of a creator of original copyright works (whether colloquially or legally known as moral rights or otherwise) to: • Be recognised as the creator of the work (<i>the Right of Attribution</i>); • Take action against false attribution (<i>Right of Protection Against False Attribution</i>); and • To object to derogatory treatment of their work which prejudicially affects their honour or reputation (<i>Right of Integrity</i>)
Scholarly Material	Any article, book, thesis or manual in any form written by a Staff Member or Student based on scholarship, learning or research, but does not include work that is a computer program, Administrative or Course Material, or Teaching Material
Staff Member	Full-time, permanent, fixed term, part-time, sessional or casual employee of a UOWGE Employing Entity.
Student	Any person who is enrolled in any course or program offered at, or in conjunction with, UOW College Australia or UOWD.
Teaching Material	Works created by a Staff Member for teaching purposes to supplement Administrative or Course Material. This may include lecture notes, lesson plans and classroom handouts. Teaching Material does not include Administrative or Course Material or Scholarly Material.
UOWD	University of Wollongong in Dubai.
UOWGE Employing Entity	The UOW Global Enterprises entity (being either UOWGE Ltd, UOW College Australia or University of Wollongong in Dubai) which employs the relevant Staff Member.
UOW Global Enterprises	UOWGE Ltd and its controlled entities, UOW College Australia (UOWC Ltd) and University of Wollongong in Dubai (University of Wollongong in Dubai FZ-LLC).
Works	All inventions, designs, drawings, plans, software, hardware, reports, documents, systems, improvements and other materials, and includes all literary, dramatic, musical and artistic works and cinematographic films in which copyright subsists.



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2. Principles

2.1. UOW Global Enterprises is committed to encouraging and developing institutional growth, progress and success through an innovative culture that fosters the creation of Intellectual Property. This Policy enables UOW Global Enterprises to:

- a. identify;
- b. protect;
- c. manage; and
- d. where appropriate, commercially develop its Intellectual Property in furtherance of its vision to be a leading global education provider delivering transformative student experiences.

3. Ownership of Intellectual Property: Employees

3.1. Subject to the provisions in clauses 3.2, 3.3, 3.4, 3.5 and 3.6 below, all Intellectual Property rights arising in relation to any Works created or developed by a Staff Member in the course of their employment or using Enterprises Resources vest in the UOWGE Employing Entity on creation.

Ownership of copyright in Teaching Material

3.2. In respect of the Intellectual Property in Teaching Material created by Staff Members, the UOWGE Employing Entity and the Staff Member own such Intellectual Property jointly, and:

- a. the Staff Member must make such resources and material available to the UOWGE Employing Entity; and
- b. the Staff Member agrees not to publish or cause to be published the results of any work carried out by them in the service of the UOWGE Employing Entity without the prior written consent of the Executive Director Commercial and Legal; and
- c. the UOWGE Employing Entity may use such material to its benefit.

3.3. Nothing in this provision affects or modifies any rights conferred upon a Staff Member or the UOWGE Employing Entity by virtue of an Instrument of Appointment.



Ownership of copyright in Scholarly Material at UOWD

- 3.4. Staff Members at UOWD will retain ownership of the copyright in Scholarly Material that they create in the course of their employment, except where there is an overriding contractual obligation to a third party affecting ownership of that Scholarly Material, or where UOWD acts as a publisher of the Scholarly Material, in which case UOWD will own the copyright in the Scholarly Material. UOWD acts as a publisher of the Scholarly Material if:
- a. the work is produced by or commissioned on behalf of UOWD in a format suitable for sale to third parties; or
 - b. the work is developed for distribution as part of an academic program delivered by UOWD.
- 3.5. In cases where UOWD owns the copyright in Scholarly Material, it will provide the creators with a non-exclusive license to use the Scholarly Material for research or education purposes.
- 3.6. Except where the Scholarly Material is owned by UOWD under this clause or where the Scholarly Material is published by a third-party who has an exclusive license to do so, the creators will provide UOWD with an irrevocable perpetual, world-wide, non-exclusive, royalty-free license to use that Scholarly Material.
- 3.7. Each Staff Member agrees that they may be asked to sign documents giving effect to the foregoing provisions of this clause 3, and that they will sign such documents in a timely manner.

4. Ownership of Intellectual Property: Students

- 4.1. In the absence of any specific agreement to the contrary, Students retain the Intellectual Property in the Scholarly Material they create.
- 4.2. A Student may enter into an agreement to assign the Student's Intellectual Property, including any subsisting Moral Rights, to the UOW Global Enterprises entity at which the Student is enrolled, being either UOW College Australia or UOWD. Such an agreement will be executed by the Student and either:
- 4.3. the UOW College Australia General Manager in consultation with the Executive Director Commercial and Legal, in respect of a Student of UOW College Australia; or
 - 4.4. the UOWD Director Finance and Corporate Services in consultation with the Executive Director Commercial and Legal, in respect of a Student of UOWD.



5. Commercialisation of Intellectual Property

- 5.1. Where a Staff Member has developed new Intellectual Property with possible commercial application which is not Administrative or Course Material, they must:
 - a. notify UOW Global Enterprises Executive Director Commercial and Legal ; and
 - b. avoid disclosing the Intellectual Property to others. Such a disclosure may impact the commercialisation of the Intellectual Property.
- 5.2. Following notification of the development of new Intellectual Property, UOW Global Enterprises will nominate a delegated authority to consider potential commercialisation.
- 5.3. When considering whether to commercialise Intellectual Property, the delegated authority may consult with the Staff Member.
- 5.4. During consultation, the distribution of any profits from commercialisation will be finalised between the parties. The following general principles of distribution apply:
 - a. A general presumption that distribution will be equitable;
 - b. This presumption may be subject to the following considerations which may impact the final distribution of profit:
 - i. the means by which the property was created;
 - ii. the owner of the Intellectual Property;
 - iii. costs incurred as a result of the commercialisation; and
 - iv. any other factor the delegated authority or Staff Member consider relevant.

6. Moral Rights

- 6.1. UOW Global Enterprises recognises the Moral Rights of authors of Intellectual Property in accordance with relevant legislation including the Copyright Act 1968 (Cth).
- 6.2. Where a UOW Global Enterprises entity owns Intellectual Property (other than copyright) it will take reasonable steps to ensure that the author is acknowledged in any relevant documentation.
- 6.3. Where a UOW Global Enterprises entity owns the copyright to the material it will take reasonable steps to:
 - a. acknowledge the author;
 - b. consult with the author before modifying or adapting the work;
 - c. ensure that any wish on the part of the author is acknowledged.
- 6.4. In respect of the Intellectual Property in Teaching Material, the Staff Member consents to any and all acts or omissions made or to be made in the course of their employment



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which might otherwise infringe their Moral Rights in any or all of those Teaching Materials and agrees not to take action against UOW Global Enterprises or the UOWGE Employing Entity in respect of any such acts or omissions. The waiver of Moral Rights by the Staff Member is limited to a waiver of the right to be attributed as author of their Teaching Materials and a waiver of the right to be consulted in regards to the modification of the Teaching Material.

- 6.5. Nothing in this provision affects or modifies any rights given to a Staff Member or the UOWGE Employing Entity by virtue of an Instrument of Appointment.

7. Dispute Resolution

Any disputes arising under this Policy will be managed according to the Grievance Policy or Student Grievance and Appeals Policy, as applicable.



8. Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	11/05/2017	Vanessa Bourne, Executive Director Legal and Governance	New Policy.
2	08/02/2018	Vanessa Bourne, Executive Director Legal and Governance	Minor amendments made to incorporate references to UAE IP Law.
3	11/02/2021	Peter Janu, Executive Director Commercial and Legal	Minor amendments to update nomenclature and clarify wording clause 3; substantive amendments to clause 4.2 to cover execution of agreements to assign student IP; amendments to ensure compliance with UAE law; deletion of clause in respect of IP of property originated by visitors or third parties.