ADELAIDE INSTITUTE of HIGHER EDUCATION

Policy PLO15

INTELLECTUAL PROPERTY POLICY

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Purpose

1. This Policy establishes the principles governing the ownership, management, protection and use of intellectual property created, developed or used in connection with AIHE's teaching, research, scholarship and other activities.

Scope

2. The Policy applies to:
   - all AIHE staff and students
   - contractors, consultants, collaborators and other persons involved in AIHE activities, where relevant to their engagement or agreement with AIHE, and
   - intellectual property created, developed, acquired or used in connection with AIHE employment, study, teaching, research, scholarship or other institutional activities.

Policy Principles

3. The following principles guide the ownership and management of intellectual property at AIHE:

   3.1 AIHE supports the creation and responsible use of intellectual property to advance teaching, scholarship, research, innovation and collaboration.

   3.2 Intellectual property rights and responsibilities must be clearly understood and appropriately managed. Where necessary, ownership and other rights must be documented through appropriate agreements.

   3.3 Subject to paragraph 3.4 and any applicable agreement, AIHE owns intellectual property created by staff in the course of their employment or specifically commissioned by AIHE.

   3.4 AIHE does not ordinarily assert ownership of copyright in scholarly works created by staff,

including journal articles, books, book chapters and conference papers, unless the work has been specifically commissioned by AIHE or different ownership is required under an applicable agreement. Ownership of copyright in a scholarly work does not determine ownership of any underlying intellectual property described or incorporated in that work.

3.5 Course and teaching materials created by staff in the course of their employment are owned by AIHE unless otherwise agreed.

3.6 Students ordinarily own intellectual property they create through their studies or other activities at AIHE. Any different ownership arrangement must be agreed in writing, normally before the relevant activity begins.

3.7 Intellectual property owned by staff, students or other parties before, or independently of, an AIHE activity remains the property of its existing owner unless otherwise agreed in writing. Use of that intellectual property in connection with an AIHE activity, or using AIHE facilities or resources, does not by itself transfer ownership. Intellectual property created through externally funded, commissioned or collaborative activities will be owned and managed in accordance with the applicable agreement, which should be established before the activity begins wherever practicable.

3.8 AIHE respects the intellectual property and moral rights of others. Staff and students must ensure that their use of third-party intellectual property is authorised by law, licence, permission or other appropriate arrangements.

3.9 Staff must disclose intellectual property created through their AIHE employment that may have significant commercial or other value before publication, public disclosure or commercialisation where disclosure could affect AIHE's ability to assess or protect that intellectual property. AIHE will assess such intellectual property promptly and balance any need for protection with appropriate publication and dissemination of research and scholarship.

3.10 Where AIHE decides to protect or commercialise intellectual property, arrangements will appropriately recognise the contributions and interests of AIHE and the creators of the intellectual property.

3.11 AIHE recognises the importance of respecting Aboriginal and Torres Strait Islander knowledge and Indigenous Cultural and Intellectual Property. Where such knowledge or cultural material is involved, AIHE will support appropriate acknowledgement, consultation and consent.

3.12 Disagreements about the ownership or management of intellectual property will be addressed fairly and, where they cannot be resolved informally, through the applicable AIHE grievance or complaints process.

4. The AIHE Intellectual Property Procedure gives effect to this Policy and sets out the processes for identifying and disclosing intellectual property, determining ownership, documenting intellectual property arrangements, assessing potentially valuable intellectual property, protecting and commercialising intellectual property, and managing related records and disputes.

Roles and Responsibilities

5. Council is responsible for oversight of significant intellectual property matters and associated risks as part of AIHE's institutional governance and risk management arrangements.

6. Academic Board is responsible for oversight of academic and research matters relating to intellectual property, including their relationship with research integrity, freedom of intellectual inquiry and scholarly publication.

7. The Chief Executive Officer is responsible for:
   - ensuring that this Policy and associated Procedure are implemented appropriately
   - ensuring that staff, students and other relevant persons are made aware of their

responsibilities under the Policy and Procedure
- ensuring that significant intellectual property matters are managed appropriately and in accordance with AIHE's delegations
- ensuring that appropriate specialist or legal advice is obtained where required.

8. The Head of School is responsible for:
   - providing or arranging advice on intellectual property matters arising from teaching, scholarship and research
   - receiving disclosures of intellectual property arising from teaching, scholarship or research that may have significant commercial or other value
   - coordinating the assessment, protection and management of such intellectual property where required
   - ensuring that appropriate intellectual property arrangements are established for research, collaborative and other relevant academic activities
   - referring significant intellectual property matters to the Chief Executive Officer where appropriate.
9. Staff, students and other persons covered by this Policy are responsible for:
   - complying with this Policy and associated Procedure
   - respecting the intellectual property and moral rights of AIHE and third parties
   - disclosing intellectual property where required
   - complying with intellectual property obligations contained in applicable contracts, funding arrangements and other agreements, and
   - seeking advice where ownership, use or other intellectual property rights are unclear.

Related Documents

10. Related documents include:
    - AIHE Intellectual Property Procedure
    - AIHE Scholarship and Research Policy (and associated Procedure)
    - AIHE Freedom of Intellectual Inquiry Policy
    - AIHE Research Ethics Clearance Policy (and associated Procedure)
    - AIHE Staff Grievances Policy (and associated Procedure)
    - AIHE Student Grievances, Complaints and Appeals Policy (and associated Procedure)
    - AIHE Records Management Policy (and associated Procedure)
    - AIHE Delegations Policy and Procedure
    - AIHE Staff Code of Conduct
    - AIHE Student Code of Conduct

Definitions

11. Definitions for terms used in this Policy are contained in the AIHE Glossary of Terms.

Document Control		
Version #	**Date**	**Changes**
1.0	24/05/2018	Approved by Council
1.0a	6/05/2019	Format updated
1.0b	16/09/2021	Reference the revised TEQSA Higher Education Standards Framework (Threshold Standards) 2021 added. Editorial changes to clarify clause 3.2.
2.0	17/09/2026	Significant reformatting and editing to focus on IP principles and to ensure alignment between policy and related procedure.
2.0a	17/09/2026	Approved by Council

** Unless otherwise indicated, this Policy will still apply beyond the review date*