

## Principles

- A. The University recognises the value of teaching, research, scholarly work and debate, and their contribution to public policy review and setting, community engagement and promotion of the University.
- B. The University will ensure that its regulations, policies and procedures dealing with Intellectual Property encourage Staff Members to create Works but at the same time protect the University's capacity to conduct its teaching and research.
- C. The University will promote the creation, Knowledge Transfer and commercialisation of Intellectual Property by encouraging Staff Members to identify, protect and use Intellectual Property to enable the University to develop any commercial opportunity arising from these endeavours.
- D. The University's general principles in relation to the ownership of Intellectual Property in Works:
- (i) created by University Staff Members, is that the University will own that Intellectual Property, however Academic Staff Members will retain ownership of Intellectual Property in any Scholarly Work;
  - (ii) created by Honorary Staff Members, is that Intellectual Property will be subject to any University policy or specific agreements; and
  - (iii) created by Students, is that Students will own that Intellectual Property subject to any University policy or specific agreements.
- E. In all instances, the University will own Intellectual Property in Teaching Materials.

## 1. Definitions

In this Statute and any regulations made pursuant to it:

**"Academic Staff Member"** means a Staff Member engaged to undertake teaching, research and/or related academic activities.

**"Honorary Staff"** means those persons defined as such in the University Statutes and Regulations.

**"Intellectual Property"** includes, without limitation, all rights anywhere in the world relating to:

- material in print, digital or other form, in which copyright subsists (including future copyright), such as artistic, dramatic, literary and musical works, photographs, cinematograph films, sound recordings, broadcasts and live performances, Teaching Materials, field and laboratory notebooks, computer software, databases and multimedia subject matter;
- inventions in all fields of human endeavour, whether or not patentable;
- scientific discoveries;
- biological, organic and inorganic materials including those derived from human, plant or animal cells;
- trade marks, service marks and commercial designations, whether or not registrable;
- Work;
- designs, whether or not registrable; circuit layouts;
- plant varieties, whether or not registrable;
- business names and domain names;
- know-how and trade secrets;
- the right to have confidential information kept confidential,

and all other rights generally falling within the scope of this term, whether registered or unregistered and whether registrable or not.

**"Knowledge Transfer"** means the process of engaging with business, government, the community or any person to generate, acquire, apply and/or make accessible the knowledge.

**"Originator"** means the author, inventor, maker or creator of any Work in which Intellectual Property subsists.

**"Scholarly Work"** means a Work in any form which is based on the Originator's scholarship, learning or research and includes:

- (a) an article, book, essay, poem, play or similar;
- (b) a musical composition;
- (c) an artistic work including paintings and sculptures,

but does not include:

- (i) Teaching Materials; or
- (ii) any Work the subject of section 2.

**"Staff Member"** means a person employed by the University (whether on a part time, full time or casual basis and whether also a Student) and, to avoid doubt, includes Academic Staff Members.

**"Student"** means:

- a person enrolled at the University in a course leading to a degree or other award; or
- a person designated as a student or who is of a class of persons designated as students by Council.

**"Teaching Materials"** means any Work in any form or combination of forms created by any Staff Member for the primary purpose of teaching and education at the University.

**"Work"** means a work, item or thing.

2. All Intellectual Property in any Works (not including Scholarly Works, which are dealt with in section 3) created by a Staff Member or Honorary Staff:
  - (a) in the course of, or incidental to, the Staff Member's employment by the University or, in the case of Honorary Staff, the terms of their engagement;
  - (b) where any other resources or facilities of the University (including, without limitation, apparatus, equipment, IT systems, Intellectual Property, premises, administrative support or other human resources or funds provided by or secured in the name of the University) were used in such creation; or
  - (c) where the Work incorporates or was created using Intellectual Property which is owned by the University,

will be owned by the University immediately on creation of the relevant Work (including any Work created by the Staff Member in the circumstances described above where it was not the Staff Member's express duty to create it). In relation to Honorary Staff, this section 2 is subject to the terms of engagement between the Honorary Staff member and the University.

3. Subject to section 4, Intellectual Property in a Scholarly Work created by an Academic Staff Member will be owned by the Academic Staff Member and to the extent that the University owns any Intellectual Property in a Scholarly Work created by an Academic Staff Member, the University transfers such Intellectual Property to that Academic Staff Member.

4. An Academic Staff Member who owns Intellectual Property in a Scholarly Work pursuant to section 3 grants to the University a world-wide, non-exclusive, irrevocable, royalty-free licence to use, reproduce, sublicense or exploit the Scholarly Work for research and teaching purposes or in the promotion of the University, subject to the moral rights of the Originator. The licence granted to the University pursuant to this section 4 includes the right to make the Scholarly Work available to the public (in hardcopy, electronic or any other format) in accordance with relevant University policies and procedures and the duration of the licence is for the duration in which the Intellectual Property rights subsist in the Scholarly Work whether or not the relevant Academic Staff Member is still engaged or employed by the University.
5. The University acknowledges that:
  - (a) Students own all Intellectual Property subsisting in Work that they create, in accordance with relevant University policies or procedures and subject to contractual, collaborative or other arrangements;
  - (b) Students retain the Intellectual Property in any Work submitted as part of the assessment requirements of their courses; and
  - (c) Students shall not be impeded from fulfilling any course requirements by the application of this Statute.
6. A Student who owns Intellectual Property pursuant to section 5 grants to the University a world-wide, non-exclusive, irrevocable royalty-free licence to use, reproduce, modify and exploit the Work referred to in section 5 (and sub-license other people to do those things) for the business or internal requirements of the University. The licence granted to the University pursuant to this section 5 includes the right to:
  - (a) make the Student's Work available to the public (in hardcopy, electronic or any other format) in accordance with relevant University policies and procedures; and
  - (b) reproduce and retain the Student's Work for the purpose of assessment of the Work by the University and for the purpose of ensuring that the Work complies with University policies and procedures (including checking for plagiarism and collusion, through electronic or any other means determined by the University).
7. Ownership of Intellectual Property created by Honorary Staff shall be dealt with in accordance with section 2 of this Statute subject to the terms of their appointment and subject to relevant University policies and procedures.
8. Council may make regulations for and with respect to any matter required to be regulated for the purposes of this Statute and by later regulation revoke or amend any such regulation.
9. Regulations made under this Statute will come into effect when promulgated by being displayed on the University's official notice board.
10. The University may make policies and procedures to facilitate the application and operation of this Statute and any regulations made under it.
11. In the event of any inconsistency between this Statute and the terms of a contract agreed between the University and a Staff Member, the terms of this Statute shall prevail unless expressly stated to the contrary in the contract.

Approved by the Minister for Higher Education and Skills on 28 August 2012.