Intellectual Property Policy and Procedure

1 Purpose

To establish a structure for the ownership, reporting, identification, management and commercialisation of Intellectual Property.

2 Scope

This policy applies to:

All employees whether full-time, fractional, continuing, fixed term or casual and all organizations & learners that engage with In Safe Hands.

3 Policy Statement

In Safe Hands seeks to provide an environment for the encouragement of creative work, the dissemination of knowledge and the advancement of teaching, learning and research. Intellectual Property created out of these activities is recognised by In Safe Hands as a valuable asset.

In Safe Hands adheres to the principle that knowledge and ideas should be made available within the public domain for the benefit of the entire community but this must be balanced with the recognition of the importance of Commercialisation of Intellectual Property for and on behalf of In Safe Hands for a financial return.

This policy seeks to facilitate, where appropriate, the Commercialisation of Intellectual Property created by In Safe Hands and its staff.

4 Principles

This policy sets out the principles of ownership of intellectual property generated by Employees of In Safe Hands Educators in Safety.

The policy provides procedures for the disclosure protection, management and Commercialisation of In Safe Hands Intellectual Property.

This policy recognises and respects the Moral Rights of Originators of Intellectual Property.
5 Procedures

5.1 Ownership of Intellectual Property

5.1.1 Intellectual Property created by Employees

Other than as stated in paragraphs 3 and 4 of section 5.1.1 below, In Safe Hands, as an employer owns all Intellectual Property invented, created, made or designed by an Employee in the Course of Employment. This includes copyright in any material that is:

- Course Material;
- Computer Works;
- Administration Material; or
- Material created at the express request or direction of ISH.

An Employee may be required to sign an agreement to formally record ISH's ownership of ISH Intellectual Property, in particular to enable patent applications to be made. This includes agreements where an Employee is engaged on an ISH Project.

Where ISH owns a copyright work created by an Originator (including Course Materials), the Originator may request a license to use the Intellectual Property in that work. Where the Originator wishes to use that Intellectual Property for purposes outside the Course of Employment, In Safe Hands reserves the right to grant a non-exclusive licence on conditions, or to not grant a licence, if it considers In Safe Hands interests, including Commercialisation of the Intellectual Property would be adversely affected by such a grant.

In Safe Hands does not seek to claim ownership over any Intellectual Property created by an Employee outside the Course of Employment provided no use of ISH Resources has been used to generate that Intellectual Property. If ISH Resources are used then ISH reserves the right to claim a negotiated percentage ownership of that Intellectual Property.

Employees who bring existing Intellectual Property to ISH to be used in the Course of Employment, must provide evidence of ownership when disclosing that Intellectual Property to ISH. This ensures their ownership and contribution to Intellectual Property development at ISH will be recognised.
5.2 Confidential Information

Employees who receive In Safe Hands Confidential Information must not disclose that information without express consent from ISH. If required by operation of the law to make a disclosure, the Employee will first inform ISH prior to making the disclosure.

5.3 Moral Rights

In Safe Hands recognises the right of an Originator to be acknowledged as the creator of Intellectual Property, and the right to object to derogatory treatment of that Intellectual Property. ISH will take all reasonable steps to ensure that the Moral rights of the Originator are respected and to endeavour that others respect those Rights.

Subject to any contracted obligation to which ISH is a party, the use of the whole or part of the work of an Originator shall be appropriately acknowledged in accordance with academic practices.

ISH recognises that Moral Rights are personal in nature and cannot be sold or licensed or assigned and vest in the Originator irrespective of his/her employment status and ownership of copyright in the materials.

5.4 Indigenous Cultural Knowledge

In Safe Hands makes no claim to ownership of Intellectual Property in Indigenous Works.

Where the creation of ISH Intellectual Property involves the traditional interests of Indigenous Australians then ISH will consult with relevant Indigenous groups for the purpose of ensuring that the interests and/or knowledge is recognised and protected in accordance with Indigenous protocols and the Australian law.

5.5 Reporting on Intellectual Property

Employees must report to the CEO (Michael Pecic) at least every four (4) months:

- all details of disclosures made in the preceding four (4) months
5.6 Intellectual Property Agreement

In Safe Hands may enter into agreements concerning Intellectual Property rights and ownership including Intellectual Property assignments, which will override the provision of this policy. This includes agreements with external bodies and Employees.

5.7 Dispute Resolution

If a dispute arises as to the operation of this policy, or as to any matter on which the operation of this policy relies, the CEO (Michael Pecic) will appoint a mediator to assist the parties in resolving their dispute.

If such a dispute cannot be resolved through the assistance of a mediator, the CEO (Michael Pecic) will appoint a suitably qualified person to conduct an investigation into the dispute. Such appointment(s) or persons may be external to In Safe Hands and where more than one person is appointed to an investigation one of those persons will be an external appointment.

The person(s) conducting the investigation will act expeditiously and will have access to all persons and relevant information to fully investigate the matter consistent with the principles of natural justice. The investigation may entail gathering evidence and interviewing the parties to the dispute which may include Employees. The parties to the dispute may make submissions in writing to the investigator(s). Confidentiality will be respected at all time during the investigation process, within the constraints of needing to fully investigate the matter.

The outcomes of the investigation together with recommendations will be forwarded to the CEO for consideration. The CEO will review the outcomes but is not bound to accept the recommendation of the investigation.

Following receipt of the investigation the CEO shall make a finding on the dispute which shall be in writing and shall be final and finding on all parties to the dispute.

5.8 Information and Education

Upon adoption of this policy, ISH shall take all reasonable steps to ensure that it is communicated and explained to Employees and contractors. Such steps will include induction and training sessions and published material available for Employees and contractors including material published on the ISH website.