

## REGULATION 8.2-INTELLECTUAL PROPERTY

1. (1) In these Regulations, *Statute 8.2-Intellectual Property* is called the Principal Statute.
- (2) In these Regulations-  
  
"the Officer" means the Intellectual Property Officer established under section 6 of the Principal Statute.  
  
"the originator" means staff members and/or postgraduate research students and/or students of the University who create intellectual property in accordance with sections 2, 3 or 4 of the Principal Statute.
- (3) Expressions used in this Regulation have, unless the contrary intention appears, the same respective meanings as they have in the Principal Statute.

### The Intellectual Property Officer

2. The Officer may exercise all or any of the following duties, responsibilities or powers on behalf of the University in relation to any intellectual property owned by or licensed to the University under the Principal Statute and this Regulation or otherwise-
  - [a] consult with the originator and make such enquiries as the Officer considers appropriate concerning the commercial exploitation of any intellectual property;
  - [b] apply for protection or registration of, or take any other steps considered necessary for securing, maintaining and protecting (whether in Australia or worldwide) any intellectual property;
  - [c] commercially exploit any intellectual property upon such terms and conditions as the Officer considers appropriate;
  - [d] apportion the net profit or other share of the commercial exploitation of any intellectual property by negotiation with the originator having regard to-
    - [i] the cost incurred by the University, the originator and any other person in providing facilities, apparatus, supervision, services and resources for the creation, registration, protection and commercial exploitation of the intellectual property. These costs include but are not limited to any registration fees, legal or patent attorneys' fees, the cost of secretarial, word processing, printing, binding, publishing, distribution, academic and administrative services provided or incurred by or on behalf of the University, the originator or any other person;
    - [ii] the contribution (whether by intellectual input, provision of finance, time, supervision, pre-existing intellectual property, know-how, research facilities and data) of the University, the originator and any other third party to the creation, registration, protection and commercial exploitation of the intellectual property;

- [iii] the University's policy on earnings from outside work;
  - [iv] any submissions by the originator or any person who claims an entitlement or interest in the intellectual property; and
  - [v] any other applicable University's policy designed to promote the creation of intellectual property by persons within the University by encouragement and reward.
- [e] waive the University's ownership of any intellectual property which the Officer believes was developed by the originator independently from his or her employment, studies, scholarship or research with the University or outside the originator's recognised discipline.

### **Duty to Report**

3. Any staff member who becomes aware of the creation, exploitation or unauthorised use or infringement of any intellectual property to which the Principal Statute or this Regulation applies, must inform the Officer as soon as practicable in writing of all relevant details of the intellectual property, including the intellectual property's technical and commercial significance.
4. The Officer may set down guidelines, procedures and criteria for reporting the creation, exploitation, unauthorised use or infringement of intellectual property to which this Regulation applies.

### **Review of decisions**

5.
  - (1) An originator who is dissatisfied with a decision of the Officer under section 2 may, within 14 days of the decision, appeal to the Vice-Chancellor who shall review the decision.
  - (2) After providing the originator with an opportunity to be heard, the Vice-Chancellor must either confirm or vary the decision of the Officer and must notify the originator within 14 days of his/her decision.