



**College of Intensive Care Medicine
of Australia and New Zealand
ABN: 16 134 292 103**

Document Reference	C-Gen	2019
Document Type	Policy	
Document Category	Corporate	
Date Established	2013	
Date Last Reviewed	2018	

INTELLECTUAL PROPERTY POLICY

INTRODUCTION

The College of Intensive Care Medicine of Australia and New Zealand (the College) is committed to excellence in teaching, research and the dissemination of knowledge amongst the community. As an educational institution, the College's integral aim is to produce and circulate both existing and new knowledge.

PURPOSE

The College recognises that the publication and general use or dealings of scholarly works is inherently essential to the processes of education and research. An intellectual property policy therefore provides for clarity in the delineation of ownership, commercialisation and general use or dealings with intellectual property.

1. ACKNOWLEDGEMENT OF OWNERSHIP

All intellectual property of the College will be denoted "© Copyright – CICM All rights reserved" and otherwise clearly acknowledge the College's ownership and that the right to use any intellectual property may be restricted.

2. MORAL RIGHTS OF AUTHORS

The College recognises that the moral rights in intellectual property should be vested in the original creators or authors of works. The author has the right to be identified as the author of the intellectual property, reproductions and adaptations of that intellectual property. The author has the right not to have the intellectual property subject to derogatory treatment including distortion, alteration or mutilation of the intellectual property and doing anything else which is prejudicial to the author's reputation and professional standing.

3. DETERMINING OWNERSHIP AND INTERESTS OF INTELLECTUAL PROPERTY RIGHTS AND EQUITIES

3.1 Employees of the College

Given that resources of the College are ordinarily expended in the course of employment by employees, the College has beneficial and legal ownership of all existing or future intellectual property created or developed by employees in the course of employment unless agreed otherwise. This is the position at law. Ownership of future or existing intellectual property created beyond the course of employment, in the author's own time, and at the author's own cost, will remain entirely with the author.

3.2 Fellows of the College

Intellectual property created by Fellows will be vested in the creating Fellow(s) subject to one exception: ownership of existing or future intellectual property which has been created or developed by Fellows as a result of the full or partial contribution or use of the resources of the

College may be vested in the College or subject to joint authorship between the author and the College. In circumstances where intellectual property may be vested in the College or subject to joint authorship between the author and the College, matters including the proportions of ownership, rights attached to ownership and any other matters which may be relevant can be jointly decided through a written agreement between all relevant parties.

The College may require Fellows who participate in College funded activities to sign an agreement or give a written acknowledgement that intellectual property will vest in the College. A form of acknowledgement is attached. This may on occasion be an obligation imposed on Fellows (and the College) by external parties providing funding (eg. government funding).

3.3 Trainees

During their training with the College, trainees acquire the appropriate information, knowledge and skills to graduate with Fellowship of the College (FCICM). Ordinarily the College has no controls or rights over the way an individual trainee may subsequently use or develop information, knowledge and skills acquired during training. However, where the College (or others) provides specific documentation and/or materials to trainees, that documentation and/or materials are likely to be subject to copyright protection, and therefore should not be utilised by trainees or others more broadly than intended, without potentially incurring liability.

As part of trainees agreeing to participate in the training program of the College, they will sign a Training Agreement which includes acknowledgement that specific documentation and/or materials provided to trainees during the course of the training program are owned by the College and subject to intellectual property protection.

3.4 Board Members

Board Members are often the Fellows who contribute significantly to the development of materials for the College. As Directors of an organisation, Board Members are required to protect the intellectual property of the College and ensure that they comply with College policies on the disclosure of College information.

Materials created by Board Members when acting in their capacity of Directors will usually be regarded as having been created by them as an agent for the College. Accordingly, the College will retain intellectual property rights in that material. When Board Members acknowledge and accept a role as Director, they also relinquish ownership of intellectual property rights to the College. Board Members acting in a private capacity outside their role as Directors will retain the ownership of the intellectual property created by them in these circumstances.

4. PERMITTED DEALINGS WITH INTELLECTUAL PROPERTY

4.1 Employees, Fellows and Trainees of the College

Generally, employees, Fellows and trainees of the College can deal with any intellectual property belonging to the College, save for situations where dealings are of a commercial or financial purpose or nature or travel beyond the meaning of dealing as defined in this policy. Employees of the College may communicate intellectual property to other employees, Fellows or trainees of the College for the purposes of administration, research, review, training or teaching. All documents will carry the description “© copyright - CICM All rights reserved”. In some cases, it may be necessary to require those accessing intellectual property to sign a formal acknowledgment or licence agreement.

4.2 The College

The College reserves a right to use intellectual property, whether ownership is vested in the College. In the event that the College should need to license intellectual property to third

parties or which the College does not have ownership, the College may consult with the owner of intellectual property, and agree in writing as to the manner and extent of such licensing.

5. NOTIFICATION OF DEALINGS WITH INTELLECTUAL PROPERTY

Should employees, Fellows or trainees be required to engage in dealings, other than as defined in this policy, or dealings of a commercial or financial nature with intellectual property in which the College may have an interest, then notification must be given to the College. Formal agreement or acknowledgements may be required. All works provided will carry the description “© copyright - CICM All rights reserved”.

Notification must be given prior to dealing with any intellectual property in which the College may have an interest. Written notification must provide a full and frank disclosure of the details of the proposed dealings. Upon the College receiving notification, the College and the relevant parties shall discuss whether the intended dealings are permitted, and expressly agree in writing as to the manner and extent to which such intended dealings may be carried out. The College is not obliged to permit the intended dealings.

6. PROHIBITED DEALINGS WITH INTELLECTUAL PROPERTY

Dealings with intellectual property in which the College may have an interest are generally prohibited, except in accordance with this policy, particularly where they are dealings of a financial or commercial nature.

Prohibited dealings in relation to intellectual property which the College may have an interest in may include, but are not limited to, distributing or licensing or communicating intellectual property in any form to any third parties to which the College has not consented; publishing intellectual property in any form; making copies or reproductions of intellectual property in any form; making adaptations of intellectual property; entering into commercial arrangements; or causing intellectual property to be heard or seen in public; other than for the purposes of normal College activities and processes.

Definitions and acronyms

Dealings or Deal	Dealing with intellectual property means viewing, listening, reproduction or copying, communication to Fellows, Trainees or Employees for the purposes of employment, studying or expressly agreed purposes. Dealings do not include financial or commercial purposes unless agreed otherwise.
Intellectual Property (IP)	includes anything, matter or right which may give rise to interests under the <i>Copyright Act 1968</i> (Cth), <i>Designs Act 2003</i> (Cth), <i>Trade Marks Act 1995</i> (Cth), <i>Patents Act 1990</i> (Cth), trade secrets or confidential information at Common Law. This includes all existing and future intellectual property interests.

References and sources

Not applicable

Acknowledgments

Not applicable

Document Control

Date created	2013
Date approved by Board	2013
Revision frequency	3 years
Document revisions	2018
Next review	2021

Revision History

Date	Pages revised/ Brief explanation of revision
2018	Minor updates

2019

Minor updates. Updated definitions and acronyms table.

Further Reading

Not applicable.

Publishing Statement

Published by CICM: July 2019. This Corporate Document has been prepared with regard to general circumstances and it is the responsibility of the practitioner to have regard to the particular circumstances of each case, and the application of this document in each case. Corporate Documents are reviewed from time to time, and it is the responsibility of the practitioner to ensure the current version has been obtained. Corporate Documents have been prepared according to the information available at the time of their preparation, and the practitioner should therefore have regard to any information, research or material which may have been published or become available subsequently.

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