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INTELLECTUAL PROPERTY POLICY

Version:	Approved by:	Approval Date:	Effective Date:	Next Review:								
4	Executive Director, Commercial and Legal	04 July 2024	04 July 2024	04 July 2027								
Responsible Officer:	Executive Director Commercial and Legal		Document No:	UOWE-LGL-POL-87								
Purpose:	This Policy: <div>1. Develops a governance framework regulating the creation, ownership and use of Intellectual Property at UOW Global Enterprises.</div> <div>2. Sets out the entitlements and responsibilities of UOW Global Enterprises and its staff and Students in relation to Intellectual Property.</div>											
Scope:	UOWGE	✓	UOWCA	✓	UOWD	✓	UOWCHK	✓	UOWM	✓	UOWI	✓
	This Policy covers Intellectual Property at: <div>1. UOW College Australia (UOWC Ltd);</div> <div>2. University of Wollongong in Dubai (University of Wollongong in Dubai FZ-LLC);</div> <div>3. University of Wollongong Malaysia, UOW Malaysia KDU Penang University College, UOW Malaysia KDU College, and UOW Malaysia College (collectively, UOWM);</div> <div>4. UOW College Hong Kong;</div> <div>5. University of Wollongong- India Branch (UOWI); and</div> <div>6. UOWGE Ltd.</div> This Policy does not diminish any rights between parties arising from: <div>1. An Instrument of Appointment, associated agreements and terms; or</div> <div>2. An offer of admission, associated terms and conditions.</div>											
Related Documents:	General Delegations of Authority Policy Dubai General Delegations of Authority Policy UOWC Ltd General Delegations of Authority Policy Hong Kong General Delegations of Authority Policy UOWGE Ltd General Delegations of Authority Policy UOWM Sdn Bhd General Delegations of Authority Policy Malaysia KDU General Delegations of Authority Policy UOWI Grievance Policy Privacy Policy Records Management Policy Student Grievance and Appeals Policy											



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References and Legislation	<i>Article 2 of the Convention establishing the World Intellectual Property Organization of July 1967</i>
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1. Definitions

Word/Term/Acronym:	Definition:
Administrative or Course Material	Any documentation, process, material, information or software in any format that has been developed for the purposes of UOW Global Enterprises operations or administration, including but not limited to: <ol style="list-style-type: none">1. Policies, procedures, guidelines, business plans, contracts, funding applications, reports, or promotional brochures;2. Subject or Course outlines;3. Course Materials; and4. Course handouts and examination documents.
Copyright	A type of property that is founded on a person's creative skill and labour. Copyright protects the form or way an idea or information is expressed, not the idea or information itself.
Course	Any program of study, in whole or part, provided, or developed to be provided, by or on behalf of UOW Global Enterprises.
Enterprise Resources	Those resources owned, funded or provided by UOW Global Enterprises. This includes, but is not limited to: <ol style="list-style-type: none">1. Premises or facilities;2. Funds;3. Services;4. Equipment;5. Staff time; and6. Support Staff.
Instrument of Appointment	The legal agreement between a Staff Member and the UOWGE Employing Institution. This includes any contract, enterprise agreement or award, which is relevant to the Staff Member's employment.
Intellectual Property (IP)	All rights, titles and interests (whether registered or not) throughout the world relating to literary, artistic, scientific Works, inventions, industrial designs, patents, Copyright, trade secrets, trademarks, service marks and commercial names and designations, know-how and other confidential information, and all other kinds of Intellectual Property as defined in <i>Article 2 of the Convention establishing the World Intellectual Property Organization of July 1967</i> , and any improvements thereto. Intellectual Property does not include Moral Rights.



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Moral Rights	<p>A sub-category of rights which protect the right of a creator of original Copyright Works (whether colloquially or legally known as Moral Rights or otherwise) to:</p> <ol style="list-style-type: none">1. Be recognised as the creator of the work (<i>the Right of Attribution</i>);2. Take action against false attribution (<i>Right of Protection Against False Attribution</i>); and3. To object to derogatory treatment of their work which prejudicially affects their honour or reputation (<i>Right of Integrity</i>).
Scholarly Material	Any article, book, thesis or manual in any form written by a Staff Member or Student based on scholarship, learning or research, but does not include work that is a computer program, Administrative or Course Material, or Teaching Material.
Staff Member	A Full-time, permanent, fixed term, part-time, sessional or casual employee or contractor of a UOWGE Employing Institution.
Student	Any person who is enrolled in any course or program offered at, or in conjunction with, UOW College Australia, UOWD, UOW College Hong Kong, UOWMKDU and UOWI.
Teaching Material	Works created by a Staff Member for teaching purposes to supplement Administrative or Course Material. This may include lecture notes, lesson plans and classroom handouts. Teaching Material does not include Administrative or Course Material or Scholarly Material.
UOW	University of Wollongong.
UOW Global Enterprises / UOWGE	UOWGE Ltd and its subsidiary and managed Institution including UOW College Australia (UOWC Ltd, University of Wollongong in Dubai (UOWD), UOW College Hong Kong (UOWCHK), UOW Malaysia Group (UOWM) and University of Wollongong – India Branch (UOWI).
UOW Malaysia Group (UOWM)	University of Wollongong Malaysia, UOW Malaysia KDU Penang University College, UOW Malaysia KDU College, and UOW Malaysia College.
UOWCHK	UOW College Hong Kong.



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UOWD	University of Wollongong in Dubai.
UOWGE Employing Institution	The UOW Global Enterprises Institution (being either UOWGE Ltd, UOW College Australia, University of Wollongong in Dubai, UOW College Hong Kong, one of the UOWM Group, or UOWI) which employs the relevant Staff Member.
UOWGE Enrolling Institution	The UOW Global Enterprises Institution at which a Student is or has been enrolled.
UOWI	UOW through its international branch campus in India.
Works	All inventions, designs, drawings, plans, software, hardware, reports, documents, systems, improvements and other materials, and includes all literary, dramatic, musical and artistic Works and cinematographic films in which Intellectual Property subsists.

2. Principles

- 2.1. UOW Global Enterprises is committed to encouraging and developing institutional growth, progress and success through an innovative culture that fosters the creation of Intellectual Property. This Policy enables UOW Global Enterprises to:
1. Identify;
 2. Protect;
 3. Manage; and
 4. Where appropriate, commercially develop its Intellectual Property in furtherance of its vision to be a leading global education provider delivering transformative Student experiences.

3. Ownership of Intellectual Property: Employees

- 3.1 Except as otherwise set out in this Policy, any separate agreement or Instrument of Appointment, the UOWGE Employing Institution owns all Intellectual Property rights arising in relation to any Works created or developed by a Staff Member of that UOWGE Employing Institution in the course of their employment or using Enterprises Resources, whether or not the Staff Member's express duties include a duty to develop Intellectual Property, and all Intellectual Property rights vest in the UOWGE Employing Institution on creation.

Ownership of Copyright in Teaching Material

- 3.2 In respect of the Intellectual Property in Teaching Material created by Staff Members, the UOWGE Employing Institution and the Staff Member own such Intellectual Property jointly, and:
1. The Staff Member must make such resources and material available to the UOWGE Employing Institution;



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2. The Staff Member agrees not to publish or cause to be published the results of any work carried out by them in the service of the UOWGE Employing Institution without the prior written consent of the Executive Director Commercial and Legal; and
 3. The UOWGE Employing Institution may use such material to its benefit.
- 3.3 Nothing in this provision affects or modifies any rights conferred upon a Staff Member or the UOWGE Employing Institution by virtue of an Instrument of Appointment.

Ownership of Copyright in Scholarly Material

- 3.4 Staff Members at any UOWGE Employing Institution will retain ownership of the Intellectual Property in Scholarly Material that they create in the course of their employment, except where there is an overriding contractual obligation to a third party affecting ownership of that Scholarly Material, or where the UOWGE Employing Institution acts as a publisher of the Scholarly Material, in which case the UOWGE Employing Institution will own the Intellectual Property in the Scholarly Material.
- 3.5 A UOWGE Employing Institution acts as a publisher of the Scholarly Material if:
 1. The work is produced by or commissioned on behalf of the UOWGE Employing Institution in a format suitable for sale to third parties; or
 2. The work is developed for distribution as part of an academic program delivered by the UOWGE Employing Institution.
- 3.6 In cases where a UOWGE Employing Institution owns the Intellectual Property in Scholarly Material, it will provide the creators with a non-exclusive license to use the Scholarly Material for research or education purposes.
- 3.7 Except where the Scholarly Material is owned by a Staff Member, the Staff Member will provide the UOWGE Employing Institution with an irrevocable perpetual, world-wide, non-exclusive, royalty-free license to use that Scholarly Material.
- 3.8 Each Staff Member agrees that they may be asked to sign documents giving effect to the foregoing provisions of this Section 3, and that they will sign such documents in a timely manner.

4. Ownership of Intellectual Property: Students

- 4.1 In the absence of any specific agreement to the contrary, Students retain the Intellectual Property in the Scholarly Material they create in their capacity as a Student during the course of their enrolment.
- 4.2 The UOWGE Enrolling Institution owns Intellectual Property created by Students when they participate in an activity that:
 1. Builds upon pre-existing UOWGE Enrolling Institution Intellectual Property; or
 2. Is carried out for or in conjunction with third parties who have entered into an agreement with the UOWGE Enrolling Institution; or



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3. Is intended to be commercialised by or on behalf of the UOWGE Enrolling Institution; or
 4. Is intended to support UOWGE Enrolling Institution commercial activities.
- 4.3 A Student may enter into an agreement to assign the Student's Intellectual Property, including any subsisting Moral Rights, to the UOWGE Enrolling Institution. Such an agreement will be executed by the Student and an authorised delegate of the UOW Global Enterprises Institution.

5. Commercialisation of Intellectual Property

- 5.1 Where a Staff Member has developed new Intellectual Property with possible commercial application, which is not Administrative or Course Material, they must:
1. Notify UOW Global Enterprises Executive Director, Commercial and Legal; and
 2. Avoid disclosing the Intellectual Property to others. Such a disclosure may impact the commercialisation of the Intellectual Property.
- 5.2 Following notification of the development of new Intellectual Property, UOW Global Enterprises will nominate a delegated authority to consider potential commercialisation.
- 5.3 When considering whether to commercialise Intellectual Property, the delegated authority may consult with the Staff Member.
- 5.4 During consultation, the distribution of any profits from commercialisation will be finalised between the parties. The following general principles of distribution apply:
1. A general presumption that distribution will be equitable;
 2. This presumption may be subject to the following considerations which may impact the final distribution of profit:
 - a. The means by which the property was created;
 - b. The owner of the Intellectual Property;
 - c. Costs incurred as a result of the commercialisation; and
 - d. Any other factor the delegated authority or Staff Member consider relevant.

6. Moral Rights

- 6.1 UOW Global Enterprises recognises the Moral Rights of authors of Intellectual Property in accordance with relevant legislation.
- 6.2 Where a UOW Global Enterprises Institution owns Intellectual Property (other than Copyright) it will take reasonable steps to ensure that the author is acknowledged in any relevant documentation.
- 6.3 Where a UOW Global Enterprises Institution owns the Copyright to the material it will take reasonable steps to:
1. Acknowledge the author;
 2. Consult with the author before modifying or adapting the work; and



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3. Ensure that any wish on the part of the author is acknowledged.
- 6.4 In respect of the Intellectual Property in Teaching Material, the Staff Member consents to any and all acts or omissions made or to be made in the course of their employment which might otherwise infringe their Moral Rights in any or all of those Teaching Materials and agrees not to take action against UOW Global Enterprises or the UOWGE Employing Institution in respect of any such acts or omissions. The waiver of Moral Rights by the Staff Member is limited to a waiver of the right to be attributed as author of their Teaching Materials and a waiver of the right to be consulted in regard to the modification of the Teaching Material.
- 6.5 Nothing in this provision affects or modifies any rights given to a Staff Member or the UOWGE Employing Institution by virtue of an Instrument of Appointment.

7. Dispute Resolution

- 7.1 Any disputes arising under this Policy will be managed according to UOWGE's *Grievance Policy* or UOWC's *Student Grievance and Appeals Policy*, as applicable.

8. Change History

Version Control	Date Effective	Approved By	Amendment
1	11/05/2017	Executive Director Legal and Governance	New Policy.
2	08/02/2018	Executive Director Legal and Governance	Minor amendments made to incorporate references to UAE IP Law.
3	11/02/2021	Executive Director Commercial and Legal	Minor amendments to update nomenclature and clarify wording clause 3; substantive amendments to clause 4.2 to cover execution of agreements to assign Student IP; amendments to ensure compliance with UAE law; deletion of clause in respect of IP of property originated by visitors or third parties.
4	04/07/2024	Executive Director, Commercial and Legal	Minor amendments to include UOWI, UOWM and UOWCHK in scope, updates to definitions and added reference.