

# Intellectual Property Policy

Version	Approved by	Approval date	
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- (i) the use of University Resources;
  - (ii) participation in any project or program supported by funding obtained or provided by the University;
  - (iii) a course of research being undertaken at the University, either in collaboration with other Staff members or any third party
- (b) created by Affiliates where:
- (i) generation of the IP has required use of University Resources; or
  - (ii) generation of the IP has resulted from the use of Background IP owned by the University; or
  - (iii) the IP is a component of IP generated by a team of which this person is a member and other members are University Staff; or
  - (iv) the IP has been generated as a result of any funding provided by or obtained by the University.

## **2.2. Ownership by the University of Intellectual Property developed by Students**

The University does not assert ownership of IP created by Students unless the IP:

- (i) consists of teaching materials; and/or
- (ii) has been separately assigned to UNSW under a specific agreement with the Student; and/or
- (iii) has been jointly developed with University Staff and the Student is deemed to be a co-Creator; and/or
- (iv) is the subject of an existing agreement between The University and with a 3rd party (usually associated with industry-sponsored research programs).

The University, or its nominee NSi, will have the sole right to protect and commercialise any IP over which it asserts legal and beneficial ownership and may assign or license such IP to third parties, with the right to sub-license, unless otherwise agreed in writing.

## **2.3. Ownership by the University of Intellectual Property developed by Students who are also Staff**

Except as otherwise agreed in writing by the President and Vice-Chancellor and Deputy Vice-Chancellor, Research and Enterprise, or as stated in this Policy, the University asserts legal and beneficial ownership of IP developed by Students who are also Staff where the IP has been developed as a direct result of their employment.

## **2.4. Ownership of Pre-Existing Intellectual Property**

Pre-existing Intellectual Property means IP that is owned by a Staff member or a Student prior to the date of their employment or enrolment at UNSW. The University does not assert ownership over Pre-Existing IP. Staff and Students must advise the Knowledge Exchange Office (Division of Research and Enterprise) of the existence of Pre-Existing IP that a Staff member or Student brings to the University within 30 days of their employment or enrolment (refer to the [Pre-existing Intellectual Property Notification Form](#)).

## **2.5. Ownership of Course Materials and scholarly works not Specifically Commissioned or created with use of University Resources**

The University does not assert ownership of any IP in scholarly books, journal articles, Course Materials, or other scholarly works or subject matter generated (whether in written or any other form) by Staff or Students, except where the work is:

- (a) Specifically Commissioned by the University; or
- (b) produced with the assistance of University Resources.

Subject to the above exclusions, the ownership of IP in scholarly books, articles, Course Materials, or other scholarly works or subject matter generated is retained by the Creator.

The Creator grants to The University a perpetual, royalty free, non-exclusive licence to use such scholarly books, journal articles, Course Materials, or other scholarly works or subject matter generated by that Creator and research purposes. The non-exclusive licence to use such scholarly books, journal articles, Course Materials, or other scholarly works or subject matter persists should the Creator leave the employ of The University.







<b>Supporting Documents</b>	<a href="#">Intellectual Property: Procedure for Disclosing and Exploiting IP</a> <a href="#">Intellectual Property: Guidelines for the Disbursement of Net Revenue from IP Commercialisation</a> <a href="#">Copyright Ownership Guidelines</a> <a href="#">Pre-existing Intellectual Property Notification Form</a>
<b>Related Documents</b>	<a href="#">UNSW Code of Conduct</a> <a href="#">Research Code of Conduct</a> <a href="#">Conflict of Interest Disclosure and Management Policy</a> <a href="#">Staff Complaint Procedure</a> <a href="#">Student Code of Conduct</a> <a href="#">Student Complaint Procedure</a>



