

AIE Intellectual Property Policy and Procedure

1 Purpose and Scope

This policy specifies intellectual property (IP) ownership of learner-generated works and, where appropriate, guides the transfer of IP to from AIE to learners.

This policy applies to all AIE learners and staff.

2 The Policy

AIE retains the right to all Intellectual Property (IP) developed by learners during their studies. Learners may request that the assigned IP they have created or developed be returned to them after completion of their studies at AIE. This is the standard policy as it is often difficult to identify the originator of IP because:

- a. A significant amount of work created by learners in a learning context is often based on the original IP of others, including reference material from textbooks, DVDs, internet resources and work created by their trainers; and
- b. The majority of IP is generated in a highly peer-influenced and/or collaborative team environment.

Wherever feasible, AIE will transfer IP to students on completion of their study with AIE.

AIE retains the right to use any learner work, photos, moving imagery or testimonials solely for marketing, promotional and related activities. Learners may choose to opt-out of appearing in photos or imagery by completing the opt-out form on the AIE website.

3 Implementation

The Board of Directors is responsible for the approval of this policy after it has been drafted or reviewed by the Chief Operating Officer.

The policy is to be implemented via induction and training of staff and distributed via the AIE intranet and other publications as required. This policy is to be provided to learners via the AIE website.

4 Procedure/s

AIE learners may request, in writing, that AIE assign or transfer back any IP they created/developed.

AIE will transfer IP in most circumstances where **ALL** the following conditions are met:

- a. The applicants can prove that they were the primary originators of the IP
- b. There is no dispute of ownership by any of the learners who jointly created the IP and all applicants agree to acknowledge all creators of the original IP
- c. The IP is not incorporated, or AIE reasonably believes will not be incorporated, in full or in part, in any Graduate Diploma Project.

The *Intellectual Property Assignment Agreement* is used to transfer IP to learners on request if the above conditions are met.

Where these conditions are not met, AIE will determine to whom the IP should most reasonably be transferred in accordance with the *Intellectual Property Terms and Conditions*.

5 Definitions

Term	Definition
Intellectual Property	<p>Intellectual Property means all existing or future species of industrial and intellectual property, whether registered or unregistered, registrable or not:</p> <ol style="list-style-type: none"> as defined in Article 2 of the World Intellectual Property Organisation (WIPO) Convention; or recognised by any statute or any principle of law or equity, including copyrights, patents, designs, trademarks, circuit layout rights, confidential information, trade secrets and the right to register all such intellectual or industrial property rights.

6 Related Documents

The following documents are related to this policy:

- Intellectual Property Terms and Conditions
- Intellectual Property Assignment Agreement
- Learner Handbook
- Learner Privacy Policy and Procedure
- Opt-Out Form (AIE website) – <https://aie.edu.au/optout/>.

The following legislation and standards are related to this document:

- Copyright Act 1968 (Cth)
- World Intellectual Property Organisation Convention, Article 2.

7 Review

This policy will be reviewed every 2 years by the Chief Operating Officer.

8 Revision History

Version No.	Version Description	Contributor(s)	Approval Authority	Date Revised/ Approved
1.0	Creation of new policy.	-	BOD	-
2.0	New version.	David De Margheriti (Chief Operating Officer)	BOD	18 April 2019
3.0	New version.	Casey Gregory (Manager, Planning and Implementation)	BOD	17 June 2019
3.1	Updated styles.	Nick Markesinis (Intranet Content Coordinator)	-	12 April 2021
3.2	Reviewed; added some related internal documents; added legislation and standards; added definition of intellectual property; added note about policy on AIE website; extended review period to 2 years; general copyedit.	David De Margheriti (Chief Operating Officer) Charlotte Pichelmann (National Compliance Administration Support) Nick Markesinis (Intranet Content Coordinator)	-	1 August 2022