

INTELLECTUAL PROPERTY POLICY

Purpose

To describe the ownership and use of Intellectual Property Rights in Materials created by AIB Staff, Candidates and students and allow for an equitable return on the financial returns from the commercial exploitation of such intellectual property.

Scope

This policy applies to all AIB Staff, Candidates, students, honorary appointments, directors, officers, external appointees on any AIB board or committee, volunteers, and contractors.

Definitions

Unless otherwise defined in this document, all capitalised terms are defined in the [glossary](#).

Intellectual Property

Intellectual Property, or 'IP' means the legal rights which may be claimed for certain creations, such as copyright protections for others' work, patents to protect new inventions and processes, confidential information protected under Common Law, and trademarks for registered designs and identities of businesses (University of Adelaide (2018) *Intellectual Property*, viewed 10 August 2022, <https://www.adelaide.edu.au/policies/1263/?dsn=policy>)

Materials

Materials means all things, Materials and in formation, including without limitation all teaching materials, inventions, software, databases, models, drawings, plans, processes, formulae, recipes, artwork, designs, logos, reports, proposals, and records.

Policy

1. Principles

- 1.1. AIB is entitled to, and asserts ownership of, all IP created by staff members through the course of employment, unless there is a specific written agreement to the contrary.
- 1.2. AIB asserts ownership over all teaching materials created by staff, students or honorary appointees in the course of, or for use in, teaching at AIB (including but not limited to subject content materials, presentation slides, videos and multimedia resources, recorded webinars, learning activities, assessments, and associated resources).
- 1.3. All external teaching materials licenced for use by AIB for teaching and learning purposes are covered by the AIB [Copyright Policy](#).
- 1.4. Candidates and students retain ownership of their IP created in the course of their studies, except when a student elects to participate in a research project or activity

undertaken within AIB or a third party collaborator of AIB. This does not apply to academic works produced by students.

- 1.5. AIB acknowledges that at law, ownership of intellectual property created by a Candidate or student in the course of their studies with AIB is likely to vest with them as the originator on its creation; any AIB claim to ownership of Intellectual Property Rights would be as per provisions in this policy and associated procedure.
- 1.6. Unless otherwise agreed in writing with the honorary appointees, or their respective employing organisation, AIB is entitled to, and asserts ownership of, IP created by titleholders and visitors where the IP was generated solely or primarily through the use of AIB resources or pre-existing AIB IP.
- 1.7. AIB acknowledges the moral rights of the authors of IP in accordance with the [Copyright Act 1968](#). AIB will take reasonable steps to ensure that the moral rights of originators are respected. In the case of Materials created by staff members or honorary appointees on behalf of AIB, those authors consent to AIB using or modifying such materials as AIB sees fit.
- 1.8. AIB will provide equitable financial returns from commercial exploitation of Candidates and students' intellectual property under the terms of the Intellectual Property Procedure.
- 1.9. AIB recognises that the commercial development of products resulting from use of the traditional knowledge of Indigenous peoples should be subject to benefit-sharing negotiations with the providers of such knowledge, and conform to the relevant Indigenous protocols and ethical guidelines (including the [Aboriginal and Torres Strait Islander Studies Guidelines for Ethical Research in Australian Indigenous Studies](#)).

Related Forms:

Nil

Related Policies and Procedures:

Copyright [Policy](#) and [Procedure](#)

Course and Subject Development and Approval [Policy](#) and [Procedure](#)

Records Management [Policy](#) and [Procedure](#)

Research and Scholarship Policy and [Procedure](#)

Managing Complaints about the Conduct of Research [Procedure](#)

Student Complaints, Grievances and Appeals [Policy](#) and [Procedure](#)

Related Legislation or Legislative references:

Copyright Act 1968 (Cth)

Designs Act 1906 (Cth)

Patents Act 1990 (Cth)

Trademarks Act 1995 (Cth)

Responsibility:

Chief Executive Officer

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	V3 – 3 May 2021 – <i>amendments included change of title from</i>
	<i>“Commercialisation of Intellectual Property Created by Staff and Students</i>
	<i>Policy”</i>
	1 July 2011
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