

Intellectual property management policy



Authorised by board: 26 November 2020

Executive Director’s authorisation:

Effective date: 26 November 2020

TABLE OF CONTENTS

- 1. PURPOSE 2
- 2. RESPONSIBILITY..... 2
- 3. DEFINITIONS AND ACRONYMS 2
- 4. RISK CATEGORY..... 2
- 5. RELEVANT DOCUMENTATION 2
- 6. PUBLICATION 2
- 7. BACKGROUND..... 2
 - 7.1 The nature of IP 3
- 8. POLICY..... 3
 - 8.1 Ownership of IP 3
 - 8.2 Ownership of reports 3
 - 8.3 Moral Rights 3
- 9. IP MANAGEMENT FRAMEWORK 4
- 10. LEGISLATION AND SUPPORTING POLICIES 4
- 11. RISK MANAGEMENT 4
- 12. IP POLICY REVIEW 4
- 13. IP POLICY IMPLEMENTATION..... 4
- 14. ATTACHMENTS..... 4

Document ID NEMO-17805-39	Version: 5.0	https://frdc1.sharepoint.com/teams/StrategicManagement/Policies/Intellectual property management policy - effective 26 November 2020.pdf	11:03	4/12/2020	Page 1 of 4
------------------------------	-----------------	---	-------	-----------	-------------

1. PURPOSE

The purpose of this policy is to provide clear direction to Fisheries Research and Development Corporation employees and to research partners and other investment partners, in respect of the identification, protection and management of IP Rights (IPR) arising from FRDC's Research & Development (R&D) investment.

IP (Intellectual Property) protection will ensure that Australian fishing and aquaculture benefit from the commercialisation of FRDC's R&D investment.

2. RESPONSIBILITY

Responsibility for this policy resides with the Board.

3. DEFINITIONS AND ACRONYMS

Definitions - follow link to [Definitions](#)

Acronyms – follow link to [Acronyms and Abbreviations](#)

4. RISK CATEGORY

Strategic	Operational	Financial	ICT	People
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. RELEVANT DOCUMENTATION

This section contains links to internally and externally facing documents – access to internally facing documents is restricted to FRDC employees.

Relevant documentation
Internal
Intellectual property management procedure
Intellectual property register
Project material management plan
External
Australian Government Public Data Policy Statement
FRDC Statutory Funding Agreement
Intellectual property principles for Commonwealth entities
IP Australia
Primary Industries Research and Development Act (1989)
Public Governance, Performance and Accountability Act (2013)

6. PUBLICATION

FRDC Website	Yes	Directors' website	Yes
--------------	-----	--------------------	-----

7. BACKGROUND

The Fisheries Research and Development Corporation ('FRDC' or "the Corporation") is a statutory authority under the Primary Industries Research and Development Act 1989 (PIRD Act) and is a corporate commonwealth entity under the Public Governance, Performance and Accountability Act 2013 (PGPA Act).

Document ID NEMO-17805-39	Version: 5.0	https://frdc1.sharepoint.com/teams/StrategicManagement/Policies/Intellectual property management policy - effective 26 November 2020.pdf	11:03	4/12/2020	Page 2 of 4
------------------------------	-----------------	---	-------	-----------	-------------

7.1 The nature of IP

FRDC recognises that intellectual capital developed from its R&D investments can consist of various different forms of knowledge that can be converted to beneficial outcomes and that this can exist in at least four different forms:

- a) *Know-how, confidential information and trade secrets* - which is practical information relating to innovations that is held by a person or an organisation
- b) *Data* - which is recorded information that is used for the development and in some cases operation for innovations, for example, information which is recorded in documents and databases and used in the operation of software systems
- c) *Legal rights* that exist over intangible assets relating to copyright, trademarks, patents, circuit layouts, registered designs and plant breeder rights (some of which must be registered and some of which exist automatically)
- d) *Moral rights* - which are rights of attribution of authorship.
- e) First Nations *cultural rights*

8. POLICY

FRDC is committed to managing IP to further the dissemination, adoption and commercialisation of the results of its investment in research and development for the benefit of Australian Fishing and Aquaculture.

8.1 Ownership of IP

Through adopting a policy of identifying a commercialisation party prior to contract the FRDC creates an environment in which the commercialisation party has freedom to act. When contracting, the research partner(s) and the FRDC agree on both the strategy and their respective shares of any financial costs or returns that might arise from the activity. The commercialisation party can be the FRDC, its research partner or a third party. However, it is in most instances the research partner.

Project Material IP (i.e. IP generated during, or as an outcome of, a Project) will vest immediately upon creation in the Commercialisation Party.

In securing intellectual property ownership rights, the FRDC reserves the right to request assignment of copyright in works created in the course of FRDC-funded research; and/or reserves a right of first refusal to purchase another party's share of any intellectual property rights that arise from a FRDC-funded project.

8.2 Ownership of reports

Copyright in all Reports (Milestone Progress Reports, Final Reports and Financial Reports), will be owned by, and will be deemed to vest on its creation in, the FRDC. While ensuring the protection of IP developed from projects, the FRDC will encourage wide communication of research, development and extension results, provided that the FRDC is clearly acknowledged.

8.3 Moral Rights

The FRDC will acknowledge the moral rights of researchers and other individuals that have developed copyright material produced as a result of funded research, including any project reports. Unless agreed otherwise, the FRDC will not seek to have an individual waive their moral rights in such copyright material.

Document ID NEMO-17805-39	Version: 5.0	https://frdc1.sharepoint.com/teams/StrategicManagement/Policies/Intellectual property management policy - effective 26 November 2020.pdf	11:03	4/12/2020	Page 3 of 4
------------------------------	-----------------	--	-------	-----------	-------------

9. IP MANAGEMENT FRAMEWORK

FRDC will establish and maintain an IP Management framework consisting of:

- a) IP Management Policy (this document)
- b) Project material management Plan
- c) IP Management Procedure
- d) Register of significant or commercially valuable IP

10. LEGISLATION AND SUPPORTING POLICIES

The following documents are relevant to this policy:

<u>PGPA Act 2013</u>	<u>FRDC's Statutory Funding Agreement</u>	<u>PIRD Act 1989</u>	<u>Policies and other</u>
Sec 25 Duty of care & diligence Sec 28 Duty in relation to use of information	6.6 Intellectual Property Principle 4: Governance	PIRD Act Part 2, Section 11 Function PIRD Act Part 2, Section 12 Powers PIRD ACT Part 2, Section 13 Contractual Powers	Intellectual Property (IP) Principles for Commonwealth Entities (2016). Australian Government Public Data Policy Statement

11. RISK MANAGEMENT

The FRDC will maintain appropriate systems and processes to identify and record IP.

The FRDC will apply appropriate risk management assessment to IP management that takes account of the opportunities and threats of protecting, granting access rights or publishing IP.

The FRDC will maintain procedures to reduce the risk of infringement of the IP right of others.

12. IP POLICY REVIEW

The FRDC will regularly evaluate the effectiveness, including costs, risks, and benefits of the policies and practices it has in place for the management and use of IP. This will be done at a minimum of two year intervals.

13. IP POLICY IMPLEMENTATION

The Board will review and approve this policy and be provided with reports on its implementation.

Training must be provided to staff at a monthly staff meeting within **three months** of approval of the policy.

A copy of the policy and associated documents will be provided to:

- a) Board members via the Board portal
- b) FRDC employees via SharePoint

14. ATTACHMENTS

#	Description
	NIL