

INTELLECTUAL PROPERTY RIGHTS GENERAL POLICY

Intent

To ensure effective management of Council's Intellectual Property and to support its use for the benefits of the community.

Scope

The Intellectual Property Rights Policy refers to all types of intellectual property owned by or in the custody of Douglas Shire Council. It applies to all Councillors and Council employees, including contractors.

Provisions

Intellectual Property is an all embracing term covering legislative and common law rights which protect the creative manifestations of human thought and ideas against unauthorised use or exploitation. To be valid Council's Intellectual Property must meet the following criteria:

- It is an original expression of knowledge or ideas and its existence and nature can be shown by reference to something in material form
- It is not already the Intellectual Property of someone else; and
- It has substantial value or substantial potential, whether monetary or in terms of some other community / commercial benefit.

Councillors and Staff

Douglas Shire Council is the owner of all Intellectual Property generated through the official duties of its employees (including Councillors). Employees doing Council work in their own time may not on that basis claim Intellectual Property Rights for themselves.

Officers shall obtain prior approval from their Manager/General Manager before publishing or disclosing information, articles or materials that are intellectual property or copyright and which have come into their possession as a result of their duties or access in Council.

Any infringement against Council's Intellectual Property Rights must be reported to the Chief Executive Officer. Any misuse of Council's Intellectual Property by Council staff (including Councillors) will be formally deemed to be misconduct and disciplinary action will be taken in accordance with Council's disciplinary procedures and or legislation.

Consultants / Contractors to Council

Council's contractual provisions ensure that, unless specifically exempted, Intellectual Property generated by consultants or contractors is the property of Council. It is the responsibility of the Project Officer for a specific contract to record:

- Any specific exemption contained within the contract
- Any contractual agreement to jointly or collaboratively share Intellectual Property
- Any licensing conditions.

The ownership of Intellectual Property rights should be addressed in all contact documentation.

During their engagement, consultants and/or contractors cannot publish or disclose information, articles or materials that are intellectual property or copyright of Council which

may have come into their possession as a result of their duties or access in Council. Any infringements must be reported to the Chief Executive Officer and Council reserves the right to instigate any action deemed appropriate in the circumstances.

Volunteers

Douglas Shire Council is the owner of all Intellectual Property generated by persons whilst acting as volunteers to Council.

Moral Rights of Copyright Creators

Unless specifically stated in the contract, where Council contracts an external provider to produce an original piece of work, such as painting, photograph, manuscript or piece of music, the artist or creator retains the moral rights to the article, and Council can not alter or use the article without the artist's approval. In these instances the right to be attributed as the creator resides with the artist. Special provisions may apply in the case of commissioned works, works by volunteers and integrated design projects.

This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

General Manager Corporate Services

ORIGINALLY ADOPTED: 16/06/2015

CURRENT ADOPTION:

DUE FOR REVISION: 16/06/2019

REVOKED/SUPERSEDED: