

## Wheatbelt Natural Resource Management Incorporated

### Intellectual Property Policy

<b>Policy Name:</b>	Intellectual Property Policy
<b>Policy Number:</b>	5.4
<b>Policy Version Number:</b>	V2.00
<b>Policy Category:</b>	Records Management
<b>Contact Officer:</b>	Chief Executive Officer
<b>Date Approved by the Board of Management:</b>	1 <sup>st</sup> August 2016
<b>Date of Last Review:</b>	Not Applicable
<b>Period Until Next Review:</b>	36 months from the approved date or as required
<b>Related Legislation:</b>	<ol style="list-style-type: none"> <li>1. Associations Incorporation Act 1987 (Western Australia)</li> <li>2. Copyright Act 1968 (Commonwealth)</li> </ol>
<b>Related WNRM Policies or Procedures:</b>	<ol style="list-style-type: none"> <li>1. 2.8 Use of the Corporate Logo and Name Policy</li> <li>2. 4.1 Grievance Resolution Policy</li> <li>3. 5.2 Copyright Compliance Policy</li> <li>4. 5.6 Records Management Policy</li> </ol>

#### 1. Definitions

**“Intellectual Property”** means property that results from original creative thought, relating to patents, designs, copyright material, trade secrets or trademarks, that have or could have commercial value.

**“Intellectual Property Register”** means a register that maintains specific Intellectual Property agreement detail. Usually the register details are based on specific provisions stated in a legal agreement between two or more parties.

**“Moral Rights”** means:

- (a) in relation to an author:
  - (i) a right of attribution of authorship; or
  - (ii) a right not to have authorship falsely attributed; or
  - (iii) a right of integrity of authorship; and

**“Originator”** means a person who creates any Intellectual Property.

**“Project Management Office”** means the support function for assisting a Program or Project and is the custodian of the Wheatbelt NRM Program and Project Management Methodology.

**“Project Management Office Support Officer”** means the person allocated to provide administration to the Project Management Office and its functions.

**“Representative”** means a Board Director, employee, contractor or volunteer of Wheatbelt Natural Resource Management Incorporated.

**“Resources”** means assets, infrastructure, facilities or other equipment, or technical, administrative, financial or legal support services, controlled or owned by Wheatbelt NRM.

**“Wheatbelt NRM”** means Wheatbelt Natural Resource Management Incorporated.

## 2. Overview

This Policy relates to rights to Intellectual Property created by Representative(s) in the course of their work with Wheatbelt NRM or where Wheatbelt NRM Resources have been used or accessed in generating Intellectual Property. Wheatbelt NRM is committed to safeguarding its rights to its Intellectual Property.

Representative(s) who breach this Policy may be subject to disciplinary action.

## 3. Policy Statements

- 3.1 The ownership of any Intellectual Property created by Representative(s) affected by this Policy will be determined by the terms of this Policy, unless such Representative(s) have entered into a written agreement with Wheatbelt NRM that overrides the Policy’s provisions.
- 3.2 Where a Representative, in the performance of his or her official duties or in using or accessing Resources, creates an item of Intellectual Property, Wheatbelt NRM is entitled to own that Intellectual Property.
- 3.3 Where Wheatbelt NRM decides to commercialise Intellectual Property created by a Representative, the net revenue received will be shared by Wheatbelt NRM and the Representative in accordance with any written agreement created prior to the Intellectual Property’s creation and/or commercialisation. The percentage share will be determined on a case by case basis.
- 3.4 All Wheatbelt NRM Intellectual Property design or trademark applications will be registered in the name of Wheatbelt Natural Resource Management Incorporated and detailed on the Intellectual Property Register.
- 3.5 No Representative may apply for Intellectual Property rights in their own name, or assign, license or otherwise deal with Intellectual Property that is the property of Wheatbelt NRM, without the written consent of the Chairperson based on a Board of Management decision.

- 3.6 Contracts that involve work to create Intellectual Property (including outsourcing, consulting, sub-contracting, and employment agreements) will specifically address Intellectual Property management and ownership matters and this will also be detailed on the Intellectual Property Register.
- 3.7 If any representative has Moral Rights in any intellectual property owned by Wheatbelt NRM then consent will be granted for Wheatbelt NRM to use the intellectual property for any purpose without further reference to the creator or attribution of authorship.
- 3.8 All documents, presentations and other materials made public pertaining to Wheatbelt NRM that can be seen or are accessible by outside parties, will have some form of associated acknowledgement to Wheatbelt NRM by way of logo or organisational name.
- 3.9 Where the Representative as the Originator of Intellectual Property created prior to being a Representative of Wheatbelt NRM, brings or intends to bring this to be used within the course of their duties, the ownership and use of this Intellectual Property will be clearly specified in writing with the agreement of both parties before it is used.
- 3.10 In the case of a dispute over rights to Intellectual Property the Grievance Resolution Policy or other channels in accordance with legal advice, will be followed.

#### **4. Responsible Officers**

- 4.1 The Board of Management, as part of its governance authority, is responsible for the approval and publication of this Policy, including the approval of any subsequent changes.
- 4.2 The Audit Committee is responsible for reviewing this Policy prior to Board of Management approval, and ensuring the scheduled review of this Policy.
- 4.3 The Chief Executive Officer is responsible for the operational compliance of the organisation to this Policy.
- 4.4 The Project Management Office Support Officer is responsible for administering the Intellectual Property Register.

#### **5. Approval**

This Policy was approved by the Board of Management on the 1<sup>st</sup> August 2016

Jim Sullivan  
Chairperson  
Board of Management  
Wheatbelt Natural Resource Management Incorporated