

Intellectual Property Policy

Title: Intellectual Property Policy
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Introduction

The intention of this policy statement is to provide guidance to staff and students of Morling College with respect to Intellectual Property.

Definition

For the purpose of this policy, Intellectual Property means and includes:

- Copyright by virtue of the Copyright Act 1968 in literary works (including computer programs, websites), dramatic works, artistic works, films, sound recordings, broadcasts, published editions and certain performances
- Trade Marks registered under the Trade Marks Act of 1995
- Designs registered under the Designs Act 2003

Ownership of Intellectual Property

MC asserts ownership of Intellectual Property of work created by a staff member as a result of their employment by MC whether full time, part time or by contract and work created by students where the Intellectual Property:

- has required substantial use of MC's resources;
- has made extensive use of pre-existing Intellectual Property owned by MC;
- is part of a set generated by a team of which the staff student is a member;
- has been generated as a result of funding provided by or obtained by MC.

MC asserts ownership of commissioned courseware (lecture notes, distance education materials, video recorded lectures, radio broadcasts, audiovisual materials, websites and the like) which has been developed to further its teaching function. In situations where the author relocates to another institution s/he may, at the absolute discretion of MC, be granted a non-exclusive licence to use the courseware for sole teaching purposes, but not for the implementation of a course in direct competition with that of MC.



Exclusions

MC does not assert its right to ownership of any Intellectual Property in books, articles, audio-visual lectures, websites or other scholarly work or subject matter produced by staff or students, other than that specifically commissioned by MC.

MC reserves the right to transfer the ownership of the Intellectual Property claimed under the above provisions to third parties, following consultations, where possible, with the creator(s) of the intellectual property, by written agreement.

Moral Rights

MC recognises the moral rights of the originators of Intellectual Property. These rights include proper recognition of authorship and the need for the work not to be altered in any way that could harm the reputation of the originator and an opportunity for the originator to be involved in determining the final outcome of his/her labours. These moral rights shall also apply to students as well as to contracted employees of MC.

Dispute Resolution

The Principal will be the arbiter over whether MC has a legitimate claim over the Intellectual Property developed by a staff member or a student. Where the staff member or student feels that they have legitimate grounds to contest MC's claim to ownership under the policies described above they may use the provisions of MC's grievance policy.