Intellectual Property Policy

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Threshold Standard	5.2
Responsible person/s	CEO

1. Introduction

Intellectual property (IP) is any product of the human intellect protected by law from unauthorised use, and includes patents, copyright, trademarks, and trade secrets. Copyright refers to the rights granted to the creators or copyright holders of original works. Copyright protects copyright holders' rights over the use of their works.

Copyright applies to materials produced in or on behalf of Adelaide Central School of Art (ACSA), including but not limited to:

- works of an artistic nature such as paintings, sculptures, videos, films, photographs, diagrams, engravings, sketches, embroidery, ceramics, woodworking and jewellery
- teaching materials such as videos, online presentations, readers and lecture notes
- administrative documents, webpages, computer software, logos, and advertising materials.

2. Purpose

The purpose of this policy is to ensure that the ownership of copyright created by ACSA staff, students and agents is appropriately assigned and managed in accordance with the *Copyright Act 1968 (Cth)*.

3. Scope

This policy applies to all staff and students of ACSA, to independent contractors engaged by ACSA and to agents acting on behalf of ACSA.

4. Policy

4.1 All ACSA staff and students must adhere to the terms of the Copyright Act 1968. As provided by the Copyright Act 1968, copyright protection applies from the time a work is created, whether or not the work is made public or a copyright notice is placed on it.

4.2 Ownership of copyright can be assigned to another party through written agreement. Any such agreement must specify the materials concerned, the ownership and usage provisions and any conditions concerning ownership, usage or modification of the materials.

4.3 Subject to para 4.4 & 4.5. ACSA owns copyright relating to materials produced by staff in the course of their employment unless there is an agreement to the contrary. Staff also hold moral rights over material they have created, and as such must be attributed as the creator of the material, even where ACSA owns the copyright.

4.4 Copyright in all journal articles, academic publications and research conducted outside of the teaching function produced by staff is owned by the staff concerned unless there is an agreement providing an alternative arrangement. Staff members may assign to ACSA a non-exclusive licence to use their scholarly works freely for teaching and research, subject to preservation of their rights as authors. Where a staff

member leaves ACSA, ACSA may assign to that staff member ownership of copyright in materials created by that staff member in the course of their employment.

4.5 Staff members who produce artworks as part of their private practice own the copyright in all the artworks they produce as part of their private practice.

4.6 The copyright on IP created by students as part of their studies at ACSA is owned by the students unless there is a written agreement providing an alternative arrangement. If a student is employed by ACSA then ACSA owns copyright in all materials created as part of that students' employment. Students own copyright on scholarly or artistic works produced by as part of their private practice.

4.7 Copyright on materials created by independent contractors for ACSA will be the property of the contractor unless there is a written agreement providing an alternative arrangement. Independent contractors may grant to ACSA a non-exclusive, royalty-free, worldwide, and irrevocable license to use those materials. Independent contractors hold moral rights over the copyright on material they have created, and as such must be attributed as the creators of the materials, including in situations where ACSA is granted the copyright.

4.8 Where ACSA collaborates with an organisation or individual, ownership of copyright created through that collaboration must be governed by an agreement between ACSA and the collaborating party.

4.9 Where teaching materials include IP created by a third party, ACSA must ensure that appropriate permissions or licenses have been granted for the use of that IP in teaching, and due acknowledgment of the owner of the copyright must be made.

4.10 ACSA must acknowledge the ownership of copyright in artworks exhibited by ACSA and in related documents such as exhibition essays.

4.11 ACSA must maintain written records of the re-assignment of copyright or the transfer of IP to or from ACSA and written records of license agreements for the use of IP.

5. RESPONSIBILITIES

5.1 The Academic Director, Heads of Department and the Curator of the ACSA Gallery are authorised to approve agreements between ACSA and students that provide for the assignation of ownership of copyright on student IP to ACSA or an agent of ACSA.

5.2 The CEO or delegate is authorised to approve any agreement between ACSA and a staff member that provides for the assignation of ownership or joint ownership of copyright owned by ACSA to the staff member or a third party.

5.3 The CEO or delegate is authorised to approve any agreement between ACSA and an independent contractor that provides for the assignation of ownership or joint ownership of IP.

5.4 The CEO may issue guidelines on particular aspects of copyright and may seek legal opinion or may refer to guidelines issued by the Australian Copyright Council or other advisory body, as required. The CEO will ensure that information on IP provisions is made available to staff, students and third parties.

GUIDELINES

Staff, students, contractors and agents of ACSA seeking further advice on copyright are advised to read relevant factsheets issued by the Australian Copyright Council. Factsheets that may be particularly relevant to ACSA include the following:

An Introduction to Copyright In Australia

Ownership of Copyright

Artists and Copyright

Fair Dealing

Assigning and Licensing Rights

Education: Copyright Fundamentals

Moral Rights

Permission: Do I Need It?

Video Livestreams and Copyright

Galleries and Museums: Introduction to Copyright

Research or Study

Staff, students, contractors and agents of ACSA seeking to re-assign copyright may need to obtain formal legal advice. The Australian Copyright Council provides free legal advice to a range of organisations including cultural and educational organisations. The Arts Law Centre of Australia may also be able to assist.

The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Code of Ethics governs the conduct of research involving Aboriginal and Torres Strait Islander knowledge and cultures.

Related Documents

- Standard Terms of Appointment
- Student Misconduct Policy