**Intellectual Property Procedures**

## Associated Policy

These procedures were developed in conjunction with the Intellectual Property Policy.

## Related Publications

Copyright information guides – on the staff intranet.

CIT Archive Collection General Library Guideline – GLG 18 (internal CIT Library procedure)

## Intellectual Property Procedures

[Intellectual Property Procedure 1: Developing CIT IP 2](#_Intellectual_Property_Procedure_1)

[Intellectual Property Procedure 2: Using third party IP 4](#_Intellectual_Property_Procedure_2)

[Intellectual Property Procedure 3: Commercialising CIT IP 7](#_Intellectual_Property_Procedure)

[Permission to use student created copyright works form 9](#Student)

## Information and Guidance

Information about copyright and IP can be found in the [Copyright information guides](https://citeduau.sharepoint.com/sites/education/SitePages/Copyright-Licensing.aspx) available on SIS.

CIT staff can seek further information from the CIT Licensing and Copyright Manager, by email andrea.oneill@cit.edu.au or phone 6207 3378.

CIT Solutions staff can seek further information by emailing jacqui.james@cit.edu.au.

# ****Intellectual Property Procedure 1: Developing CIT IP****

Introduction

This procedure outlines the steps CIT and CIT Solutions staff need to take when developing CIT Intellectual Property (IP).

If the CIT IP contains third party material please refer to Procedure 2: Using Third Party IP. If the CIT IP will be commercialised please refer to Procedure 3: Commercialising CIT IP.

## Definitions

**Institute (CIT)**

**IP** Some examples of CIT IP include:

* Teaching and learning resources
* Classroom materials
* Subject guides
* Presentations
* Publications

**Note**: CIT owns intellectual property created by staff members in the course of their employment with CIT or CIT Solutions. CIT IP must only be used for training and assessment conducted by CIT or CIT Solutions.

**Third Party IP** Third Party IP is IP created by an organisation or person who is not a staff member and has not assigned their intellectual property to CIT or CIT Solutions.

**Publications** A work issued to the public. This includes works such as books, journals, annual reports, newspapers, sheet music, maps, and magazines.

**Legal Deposit** Legal deposit is a requirement of the *Copyright Act 1968.* Legal deposit applies to online and offline Australian publications – as described in the definition above.

## Procedure for developing CIT IP

This process should be followed for IP that is **wholly owned** by CIT and does not contain third party IP:

|  |  |  |
| --- | --- | --- |
| **Step** | **Action** | **Responsibility** |
| 1 | Create the item (IP) using the appropriate **CIT template**. | Staff member |
| 2 | Add the relevant **copyright notice** to the item:1. For all (printed or electronic) items under 10 pages use the [Short form copyright notice](#ShortFormNotice)
2. For printed items over 10 pages use the [Long form copyright notice](#LongFormNotice)
3. For material that is going to be accessed electronically use the [Electronic use copyright notice](#ElectronicMaterialNotice)
 | Staff member |
| 3 | If the item is a teaching and learning resource for use in eLearn or the classroom, then store in **eLR.**Note: this includes the electronic copy of resources that are to be **printed** and provided in hard-copy. | Staff member |
| 4 | If the item is a CIT produced publication suitable for legal deposit, send 3 x copies to CIT Library and Learning Services.Forward 1 x copy of CIT publication to the National Library of Australia for legal deposit. Add 2 x copies of the CIT publication to the CIT Archive. | Staff memberCIT Library and Learning Services staff |

**Short Form**

**Copyright Notice**

© Canberra Institute of Technology [Year]

**Long Form**

**Copyright Notice**

© Canberra Institute of Technology [Year]. This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission. Requests and inquiries concerning reproduction and rights should be addressed to the Copyright Officer, Canberra Institute of Technology, GPO Box 826, Canberra ACT 2601 or email copyrightCIT@cit.edu.au

**Electronic Material**

**Copyright Notice**

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# ****Intellectual Property Procedure 2: Using third party IP****

Introduction This procedure outlines the steps CIT or CIT Solutions staff need to take when using Intellectual Property (IP) that is partially or wholly owned by a third party in teaching materials.

If the IP is to be used in CIT IP that will be commercialised then refer to Procedure 3: Commercialising CIT IP.

## Definitions

**Third Party IP** Third Party IP is IP created by an organisation or person who is not a staff member and has not assigned their intellectual property to CIT or CIT Solutions.

Some examples of third party IP include:

* Non-CIT created copyright material, such as text books, articles and images
* Student work

## Use of third party IP

The use of third party IP at the CIT is allowable under:

* Exceptions in the *Copyright Act* *1968,*
* Statutory Licences,
* Open Licences, and
* Negotiated Licences.

**Exceptions/**

**Statutory**

**Licence** Educational exceptions in the *Copyright Act 1968* allow copying of limited amounts of copyright works in certain circumstances without seeking permission from the copyright owner. At CIT, teachers primarily use the statutory licence that is set out in the Text and Artistic licence (s113P) of the *Copyright Act 1968* to copy material for educational purposes.

The statutory Broadcast licence that allows educational institutions with a Screenrights licence to copy broadcast material from TV and Radio is set out in s113P of the *Copyright Act 1968.* **Note:** As of 31/12/15, CIT no longer has a Screenrights licence so teachers are unable to copy TV/radio broadcasts. For more information contact your [Liaison Librarian](https://cit.edu.au/library/about/college_liaison_program).

## ****Text and Artistic Licence****

The Text and Artistic licence as set out in the Copyright Act allows:

* 10% of the pages in the work or one chapter (whichever is greater) for hardcopy and 10% of the words or one chapter for electronic works
* All of an article in an issue of a periodical (journal, newspaper, e-journal, e-zine, online newspaper or magazine) or more than one (article) if they are on the same subject.

**Note:** Some exceptions may apply for articles sourced from CIT Library Online Resources; students may need to be directed to the article to print out their own copy.

* All of a work which is not available in either digital or hardcopy form within a reasonable time and at an ordinary commercial price (A reasonable time for a textbook is six months, for all other items, it is thirty days);
* All of a literary or dramatic work that is no more than fifteen pages published in an anthology;
* All of an image which accompanies (and explains or illustrates) text being copied; or
* All of an image not separately published or from an electronic source.

## Procedure for using copied content

This process must be followed by CIT staff when copying third party text and artistic works (images) under s113P of the Copyright Act to use in CIT teaching materials:

| **Step** | **Action** |
| --- | --- |
| 1 | Determine how the third party IP will be used |
| 2 | Use the information below to identify your next step |

|  |  |
| --- | --- |
| **IF the third party text and images …** | **THEN** |
| Will be used with CIT students in the classroom/eLearn  | 1. Ensure copying is within the limits of the [Text and Artistic Licence](#PartVB).
2. Use a citation to acknowledge the source of text and images copied, and label the material with the following: Copied under s113P of the *Copyright Act 1968*, [Creator name, Source].

**Note:** This information can be included in a reference list at end of item.1. Include the [s113P Copyright Notice](#CALNotice) in all teaching resources.
 |
| **IF the third party text and images …** | **THEN** |
| Will be used in materials that are to be commercialised  | Seek advice from CIT’s Copyright Officer to determine if the third party content can be used. |

**S113P**

**Copyright Notice**

COMMONWEALTH OF AUSTRALIA

Copyright Regulations 1969

WARNING

This material has been copied and communicated to you by or on behalf of the Canberra Institute of Technology pursuant to s113P of the *Copyright Act 1968* (the Act). The material in this work may be subject to copyright under the Act. Any further copying or communication of this material by you may be subject to copyright protection under the Act.

Do not remove this notice.

**Open Licences -**

**Creative Commons** Creative Commons (CC) is a licensing system for copyright creators to grant rights for others to use and/or re-use their work.

If you have sourced CC licensed text or images to use in your teaching materials, include the appropriate citation. For example: Copied under CC by Attribution licence, [Creator name, source/web link].

 You may also source and use other licenced Open Educational Resources (OER). The allowed use of the IP will be outlined in the resource licence and include the required attribution.

**Negotiated**

**Licences** A negotiated licence is an agreement between CIT and the copyright owner that provides permission to use the material. A negotiated licence is required when using copyright material that is not covered by a statutory licence or an open licence (such as Creative Commons).

 Negotiated licences must be agreed in writing setting out how CIT can use the copyright work, including any required attribution. A copy of the licence must be forwarded to the CIT Copyright Officer.

 The licence can be informal, such as an email from the copyright owner granting permission for CIT to use the copyright material in eLearn, or formal, such as purchased learning resources with terms of use set out in a licence agreement/contract.

 CIT Library and Learning Services manages the procurement of library resources and learning resources on behalf of CIT Colleges. Contact the [CIT Library](https://cit.edu.au/library/contact) for more information. Contact CIT’s Copyright Officer to obtain a licence/permission from a third party on your behalf, or to clarify the terms of use for licensed resources you are using.

**Obtaining Permission -**

**Students Work**

Complete the [**Permission to use Student copyright works form**](#Student)when obtaining permission to use a student’s work for display, promotion or advertising, or teaching purposes or for examples in future classes.

|  |  |
| --- | --- |
| **Step** | **Action** |
| 1 | Student completes the form |
| 2 | **Student signs** form agreeing to the Terms & Conditions. |
| 3 | **Teacher signs** form agreeing to the Terms & Conditions. |
| 4 | **Provide** a copy to the student, and retain a copy for the College file. |

Note: As outlined in the CIT IP Policy, CIT staff must **not** sell or licence, or offer to sell or licence, any intellectual property created by CIT students, except where the student has first explicitly assigned CIT permission to do so, in writing.

# Intellectual Property Procedure 3: Commercialising CIT I****P****

Introduction This procedure outlines the steps CIT and CIT Solutions staff need to take when commercialising CIT IP. Commercialising CIT IP can be complex; CIT staff are encouraged to seek advice from the Copyright Officer.

## Definitions

**Commercial**

**IP** Some examples of Institute (CIT) IP that could be commercialised include:

* Course Design
* Learning Resources
* Research
* New computer software or hardware

**Third party**

 **IP**  Some examples of third party IP include:

* Non- CIT created copyright material, such as, textbooks, articles and images, web content.
* Students work.

## Procedure for commercialising CIT IP

This process must be followed for **wholly owned CIT IP** (contains no third party content) that will be commercialised.

| **Step** | **Action** |
| --- | --- |
| 1 | Identify or create IP that can be commercialised |
| 2 | Use the information below to determine your next step |

| **IF the CIT IP …** | **AND is to be…** | **THEN…** |
| --- | --- | --- |
| Contains **no** third party IP  | **Delivered** by CIT to a commercial client | * Follow CIT Contract processes.
* Written agreement between CIT and the client, including agreement about future use of the CIT IP is to be authorised by the delegate
 |
| Contains **no** third party IP | **Jointly owned** by CIT and a third party  | * Follow CIT Contract processes.
* Ownership of the IP and the conditions for future use and/or redevelopment are to be negotiated and agreed in writing between CIT and the third party. Agreement must be authorised by the delegate
 |
| Contains **no** third party IP  | **Sold** by CIT to another partyOr**Delivered** by CIT to a commercial client that seeks ownership of the IP | * Seek advice from CIT’s Copyright Officer.
* Follow CIT Contract processes.
* Written agreement between CIT and the other party/client is to be authorised by the delegate.
 |

Procedure for commercialising CIT IP containing third party IP

This process must be followed when CIT IP **containing third party IP** will be commercialised.

| **Step** | **Action** |
| --- | --- |
| 1 | Determine if the IP is suitable for commercialising |
| 2 | Use the information below to identify your next step |

| **IF the CIT IP …** | **AND is to be…** | **THEN…** |
| --- | --- | --- |
| Contains third party IPOrContains student IP | **Delivered** by CIT to a commercial client/students Or**Delivered** by CIT to a commercial client that seeks ownership of the IPOr**Delivered** by CIT to international clients/studentsOr**Sold** by CIT to another party | * Seek advice from CIT’s Copyright Officer to determine if the third party content can be used.

Note: CIT staff must **not** sell or licence, or offer to sell or licence, any intellectual property created by CIT students, except where the student has first explicitly assigned CIT permission to do so, in writing |

# Permission to use student created copyright works

Use of student created copyright works by Canberra Institute of Technology (CIT) requires permission from the student or their parent/legal guardian. This form must be completed and retained by CIT for the use of a student’s copyrighted work. If the student is under the age of 18, this form must also be completed by their parent/legal guardian.

**Name and description of work ('Work'):**

**Student details** (First name, Surname)**:**

**\*Parent/legal guardian details** (First name, Surname):

**Contact postal address, email address or phone number**:

I confirm that I am the [rights holder of the Work/parent or legal guardian of the rights holder of the Work (as the case may be)]\* and give CIT permission to use the Work (including copy, communicate to the public, publish and authorise such use) without payment for the full term of the Work’s copyright for CIT’s educational and promotional purposes.

Student signature:

Date:

\*Parent/legal guardian signature:

Date:

Acknowledged by:

CIT staff member signature:

CIT staff member name:

Date:

**\*Delete as appropriate**