

Victoria's IP Policy and Records Management

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What is IP?

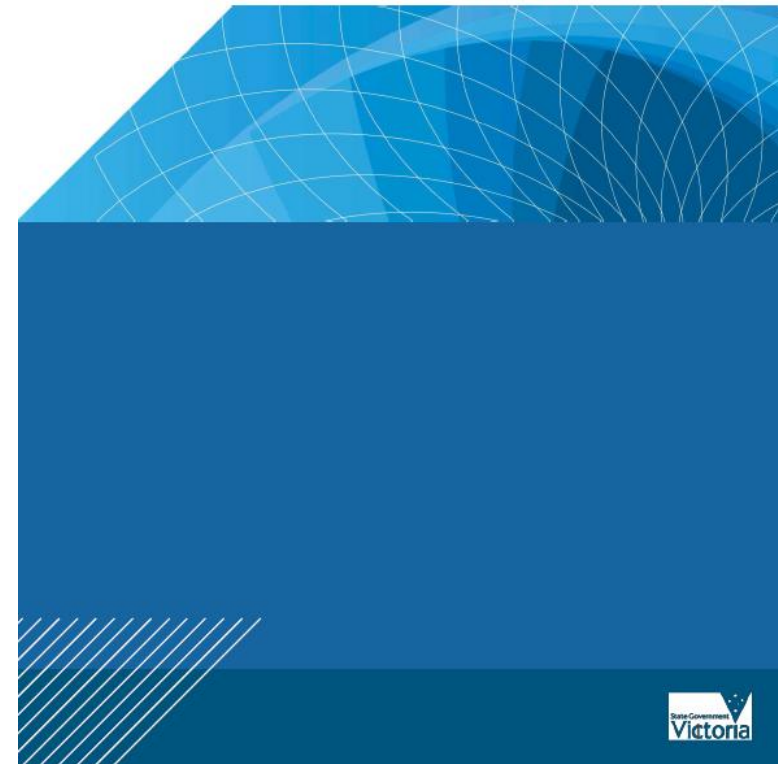
- IP may apply to creations resulting from intellectual activity.
- To foster innovation, the law provides some creators with certain exclusive rights over their creations, for a certain amount of time.
- Includes copyright, patents, trade marks, designs, circuit layouts and plant breeder's rights.

Whole of Victorian Government IP Policy

- August 2012
- IP owned by State
 - Maximise value to community.
- IP owned by third parties
 - Use efficiently, uphold law, manage risk.
- State should not commercialise IP.
- Granting rights, procurement, funding.
- IP Guidelines.

Whole of Victorian Government Intellectual Property Policy

Intent and Principles
August 2012



The State's copyright material

- The State owns copyright in written material.
- Agencies must grant rights to this material.
 - Except where restricted for reasons such as privacy, public safety, security and law enforcement, public health, commercialisation and compliance with the law.
- Best way to grant rights:
 - publish (e.g. on departmental/agency websites)
 - under a Creative Commons (CC) licence.

Creative Commons (CC) licensing

- Alternative copyright licences which allow flexible re-use.
- Applied by creator.
- Any person can use the material under the CC licence.
- No need for user to seek permission to use.
- Six different licences.
Default: CC Attribution.

Traditional copyright notice:

© All rights reserved

CC Attribution licence:



You are free to Share and Adapt for any purpose, even commercially.

Under the condition of Attribution — You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.

Example of CC: PROV records

- Formerly: Attorney's approval required.
- Now: PROV's decision in each case.
- Providing permission under CC recommended.

Example:

On behalf of the State of Victoria, we grant you a licence to re-use the records specified in your application under the Creative Commons Attribution 3.0 Australia Licence.

In essence you are free to copy, distribute and adapt the material, as long as you attribute it to the State of Victoria and abide by the other licence terms.

Please note that this licence does not apply to any logos, emblems and trade marks on the material.

Third parties' copyright material

- IP is owned by a third party where:
 - they created it; or
 - they own it under contract.
- Policy Intent: The State acquires or uses third party IP in a transparent and efficient way, while upholding the law and managing risk appropriately.
- Principle 11:
 - Avoid infringing IP rights.
 - Pay equitable remuneration to IP owners.

Examples of third party IP

Correspondence:

- People who write to the State own copyright in their correspondence.
- State has implied licence to use their material reasonably, e.g. scanning.
- Other uses such as publication or quotation may require permission.

Journal articles:

- Author or publisher owns copyright.
- State has special allowance to use without permission under Copyright Act.
- Must always pay for use.
- Direct payment or subscription recommended.

Identifying and recording IP

IP Policy Principle 12:

Agencies of the State identify and record intellectual property in their possession, where that intellectual property:

- a) involves statutory registration and renewal processes;
 - b) is critical to a deliverable or core function of the agency;
or
 - c) requires active risk management.
- Normal recordkeeping practices apply.
 - IP Register.

Take home

- IP Policy does not change legislative and other Records Management requirements.
- VPS should be aware of the Policy, and apply it, when dealing with IP.
- State owned copyright material should be published under Creative Commons licensing where appropriate.
- Third party IP should be used appropriately.

Questions?



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