



Intellectual Property (Staff) policy

Section 1 - Preamble

(1) This Policy is effective from 2 October 2017.

(2) This Policy is made under:

- a. [Statute 9.1 - Intellectual Property](#)
- b. [Regulation 9.1\(1\) - Intellectual Property](#).

Section 2 - Purpose

(3) This Policy governs the development and commercialisation of Intellectual Property.

Section 3 - Scope

(4) This Policy applies to all Staff and Honorary Appointees of Deakin University (collectively referred to as Staff Members).

Section 4 - Policy

Responsibilities

(5) Staff Members are required to disclose all Intellectual Property created in the course of their employment at Deakin University.

(6) Staff Members who wish to use any Intellectual Property in the course of their employment at Deakin University that was created prior to their employment at Deakin University or outside the scope of their employment at Deakin University, are required to disclose that Intellectual Property to their supervisor and any encumbrances on that Intellectual Property, prior to using it.

(7) Staff Members who are research staff who may create patentable inventions are required to maintain a written laboratory note book and to make disclosures in accordance with the [Intellectual Property procedure](#).

(8) All Deakin University line managers must ensure that issues regarding the creation, development and exploitation of Intellectual Property are addressed (where relevant) throughout the performance planning and review cycle.

(9) A Staff Member who ceases employment with Deakin University is not entitled to use or transfer any Intellectual Property created in the course of employment without the express permission of Deakin University.

Support

(10) Deakin University will assist Staff Members in identifying and, where appropriate, commercialising Deakin

University's Intellectual Property by providing Intellectual Property management advice through Deakin Research Commercial.

(11) Staff Members who develop Intellectual Property that may be commercialised by Deakin University will assist in that commercialisation as may be reasonably requested from time to time by Deakin University.

Distribution of revenues from commercialisation

(12) Commercialisation revenues paid to Deakin University from the licensing, assignment or other forms of commercialisation of Deakin University's Intellectual Property may be shared between the Originators and Deakin University.

(13) Revenues paid to Deakin University for further research, development, trials or demonstration will not be considered commercialisation revenue for the purposes of this Policy.

(14) The commercialisation revenue available for distribution will be net commercialisation revenue received after the costs of Intellectual Property protection, commercialisation, marketing and other reasonable expenses incurred by Deakin University are deducted.

(15) Net commercialisation revenue will be distributed according to the following formula (unless otherwise agreed):

- a. Deakin Originators are apportioned one third (33.3%) (in equal shares unless the Originators agree and document otherwise)
- b. Deakin University is apportioned two thirds - one half of which is to the University centrally and one half of which is to the Faculty, Institute or business unit.

Any dispute between Originators regarding distribution of their share of revenue will be referred to the Intellectual Property Officer for resolution and the Intellectual Property Officer's decision will be final and binding on the Originators.

(16) Staff Members may elect to receive their share of net commercialisation revenue partially or wholly as personal income and/or research funds. Personal income will normally be treated as assessable income for taxation purposes and Originators should seek independent financial advice as to the tax implications of such a decision. Revenue allocations will continue after the Staff Member has ceased employment with Deakin University and whilst Deakin University continues to receive commercialisation revenue from the subject Intellectual Property.

(17) An Originator may assign their rights to net commercialisation revenue to:

- a. Deakin University in exchange for agreed consideration, such as equity in a commercialised entity
- b. a third party only with the prior written consent of the University Intellectual Property Officer.

Section 5 - Procedure

(18) The [Intellectual Property procedure](#) documents how to comply with this Policy.

Section 6 - Definitions

(19) There are no definitions arising under this Policy. Refer to [Statute 9.1 - Intellectual Property](#).

Status and Details

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Implementation Officer	Julie Owens Deputy Vice-Chancellor Research +61 3 522 73486
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