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## Southern Grampians and Glenelg Primary Care Partnership

### Intellectual Property/Copyright Policy

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#### Policy Statement

This policy provides guidelines for staff and members regarding ownership of intellectual property and copyright issues within the Southern Grampians and Glenelg Primary Care Partnership (SGG PCP)

This policy has been established to achieve the following aims:

- To encourage staff and members in the development of intellectual material that contributes to the growth and transfer of knowledge both within the SGG PCP and across the sectors in which the PCP operates.
- To increase the involvement of staff and members in research and innovative activities.
- To provide a clear understanding of the rights and responsibilities of staff and members in relation to intellectual property and copyright in order to protect the interests of Southern Grampians and Glenelg Primary Care Partnership.
- To assist external organizations seeking access to intellectual material developed by Southern Grampians and Glenelg Primary Care Partnership, through providing a process by which materials may be disseminated.
- To assist Southern Grampians and Glenelg Primary Care Partnership staff and members to understand the intellectual property rights of others.

#### Definition of Intellectual Property

Intellectual property means any confidential information or any rights resulting from intellectual activity, including but not limited to electronic media and any rights under the *Patents Act, Copyright Act, Design Act, Trade Marks Act* and rights under any convention to which Australia is a party and under Common Law.

#### Ownership

At law, intellectual property rights in materials developed by a party will vest in that party. Hence, unless otherwise specified, the Southern Grampians and Glenelg Primary Care Partnership owns all intellectual property created or developed by staff in the course of their duties and responsibilities, as defined in their contract of employment, position description and the Partnership Agreement and by members as part of a collaborative PCP process.

Under the requirements of the *Copyright Act 1968 (Cth)*, however, any material produced under the direction or control of the State will vest in the State, therefore any intellectual property produced using State Government funding, relating to Services and Funding as defined in a Service Agreement will vest with the State of Victoria.

#### Copyright

Copyright legislation protects original intellectual and artistic creations in material form. Copyright does not protect ideas or information; rather it protects the form in which those ideas or information are given expression and from which work can be reproduced.

Intellectual property produced within the Southern Grampians and Glenelg Primary Care Partnership that is subject to copyright legislation includes but is not limited to:

- Literary works such as: newspaper and journal articles; tables and compilations; computer programs; policy and procedure manuals, timetables, business plans, educational material; and promotional material.
- Artistic works such as: drawings (including diagrams, maps, charts and plans); and photographs.

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#### *Exclusive rights of copyright owners*

The copyright owner has exclusive rights to:

- Reproduce the work in a material form;
- Publish the work;
- Communicate the work to the public; and
- Make an adaptation to the work.

#### *Publication of copyright material*

A work is considered to have been 'published' when copies have been supplied (for sale or otherwise) to the public or where the work has been communicated to the public. For example, the distribution of training course material constitutes publication under the *Copyright Act*.

#### *Protection of copyright*

Copyright protection is automatic in Australia for published and unpublished works. Therefore there is no need to register copyright on intellectual material developed within the Southern Grampians and Glenelg Primary Care Partnership. Such works are protected automatically once they are set in a 'fixed' form, such as written, drawn, built, recorded or saved in digital format. The work need not convey new ideas or information; as long as the author has exercised independent skill and labour in the work and not merely copied it from elsewhere, it will be sufficiently original for copyright protection.

#### *Use of a copyright notice*

A copyright notice is not a legal requirement in Australia. The presence of a copyright notice acts as a reminder to users that the owner has certain rights in the work and tells them the name of the copyright owner and the date of publication (or creation if the material is unpublished). The notice takes the form of the copyright symbol, followed by the name of the copyright owner and the year of first publication.

It is a requirement of this policy, that a copyright notice in the following format be placed on all pages of intellectual material developed by the Southern Grampians and Glenelg Primary Care Partnership, prior to external distribution or communication of the material.

© Southern Grampians and Glenelg Primary Care Partnership 2008 (year of publication or creation)

Staff and members should be aware that material may still be subject to copyright even if it does not include a copyright notice.

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#### Distribution

There is currently significant intellectual material developed by Southern Grampians and Glenelg Primary Care Partnership staff and members, which is relevant to the wider community. Should staff and members wish to distribute such material to an external agency or individual, or receive a request for material from an external agency or individual, the following key processes are to be completed:

1. Protection of Copyright

If the material in question is deemed to be copyright material in accordance with this policy, the appropriate Copyright Notice is to be placed on the material. The placement of the Copyright Notice indicated that the material originates from the Southern Grampians and Glenelg Primary Care Partnership. Any use or adaptation of the material must therefore be in accordance with the *Copyright Act 1968*.

2. Request for Distribution

The Southern Grampians and Glenelg Primary Care Partnership employee who receives the request for copyright material is responsible for ensuring that a "Request for Distribution of Southern Grampians and Glenelg Primary Care Partnership Intellectual Property" is completed by the individual/agency making the request (Refer Appendix). This Request Form is to be signed by the Executive Officer of Southern Grampians and Glenelg Primary Care Partnership and filed in the Central Distribution Register?.

3. Authorisation of distribution

The distribution of all copyright material is to be authorised and co-ordinated through the Executive Officer. A covering letter, signed by the Executive Officer will accompany the material. A central register will be maintained of all material distributed.

4. Exceptions to the request and authorisation procedure outlined above.

The exception to the procedures outlined in point 2 and 3 relates to educational material distributed as part of a course or workshop run by the Southern Grampians and Glenelg Primary Care Partnership. A Request Form is not required and authorisation for the distribution of educational material will be provided by the Executive Officer.

The Executive Officer is responsible for maintaining a Distribution Register for the release of all material he/she authorises.

5. Recouping Distribution Costs

Whilst not seeking to derive commercial benefit from the distribution of intellectual material, the Southern Grampians and Glenelg Primary Care Partnership is to recoup all costs associated with the external distribution of such material. Cost may include such factors as:

- Printing/photocopying/binding
- Postage
- Staffing costs directly related to the distribution of the material

A suitable cost is to be established and negotiated with the agency/individual requesting the material, and an account initiated.



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#### *Electronic Distribution*

The Digital Agenda amendments to the *Copyright Act* have introduced the right of an owner to communicate work the public. Communication is defined in the Act as meaning 'making available online' for public access or electronically transmitting material i.e. an e-mail or a file attachment to an e-mail. Hence, once copyright material has been placed on the Internet or e-mailed to an external agency/individual, it is protected by the legislative requirements of the *Copyright Act*. Staff and members are to place the Copyright notice on all pages of relevant documents prior to communication of copyright material.

Electronic Distribution of copyright material is to be processed through the Executive Officer and included in the central distribution register. As with hardcopy materials, education material electronically distributed as part of an education course or workshop is the exception to this rule (refer No. 2 above).

To provide additional protection for documents distributed in electronic form, a PDF file may be created, which allows the recipient to view and print a document, but not to electronically amend the document.

#### **Breach of Copyright**

This policy, not only seeks to protect the intellectual property and copyright interests of the Southern Grampians and Glenelg Primary Care Partnership, but to ensure staff and members are aware of their responsibilities in respect of the intellectual property rights of others. One of the most important aspects of copyright concerns the right of the author or creator of a work to be acknowledged ("right of acknowledgement"). Southern Grampians and Glenelg Primary Care Partnership staff and members are legally required to clearly indicate the source of the materials they use or reproduce, which are not of their own creation. Southern Grampians and Glenelg Primary Care Partnership staff and members should also be aware of the provisions of the *Copyright Act 1966* which in general prevents a person from copying, reproducing, adapting or transmitting copyright material owned by another person, without that person's permission.

Copyright is not infringed by reproducing or communicating an insubstantial part of copyright material. The *Copyright Act* does not define 'substantial part', however staff and members should refer to the Act for further clarification if necessary.

#### **Further Information**

Further information regarding Intellectual Property and Copyright can be obtained from the following websites:

Australian Copyright Council - [www.copyright.org.au](http://www.copyright.org.au)  
IP Australia - [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au)



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#### Outcome Standards

1. Staff and members are aware of their responsibilities in relation to intellectual property and the *Copyright Act 1966*.
2. A Copyright Notice is placed on all intellectual property of the Southern Grampians and Glenelg Primary Care Partnership prior to external distribution or communication.
3. A Register is maintained for all intellectual material distributed to external agents/individuals.

**Author:** Project Officer-CEO

**Date Initiated:** November 1, 2007

**Date Reviewed:** November 2, 2008

**Validated by:** EO

**Distribution:** Agency Wide

**Reference:** RMIT ([www.rmit.edu.au](http://www.rmit.edu.au))

Deakin University ([www.deakin.edu.au/learningservices/copyright](http://www.deakin.edu.au/learningservices/copyright))

*Copyright Act 1966*

Australian Copyright Council Information Sheets at [www.copyright.org.au/publications/inforsheets.htm](http://www.copyright.org.au/publications/inforsheets.htm)

[www.ipaustralia.go.au](http://www.ipaustralia.go.au)

**Authorisation:** Executive Officer



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## Southern Grampians and Glenelg Primary Care Partnership

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#### Request for distribution of Southern Grampians & Glenelg Primary Care Partnership Intellectual Property

Date \_\_\_\_\_

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#### Details of Person/Organisation requesting material

Name:  
Organisation:  
Address:

Phone No:

Email Address:

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#### Details of request

(✓ appropriate box)

(Please state Name/Number/Type etc)

<input type="checkbox"/>	Policy/ Procedure	
<input type="checkbox"/>	Planning document	
<input type="checkbox"/>	Research paper	
<input type="checkbox"/>	Manual	
<input type="checkbox"/>	Other	

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#### Southern Grampians & Glenelg Primary Care Partnership Contact Person

Name:  
Organisation:

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#### Distribution Charge

The agreed charge of \$ \_\_\_\_\_ covers the cost of dispersing the material in accordance with this request.

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#### Copyright Agreement

In signing this form, I acknowledge that the material I have requested is the intellectual property of the Southern Grampians and Glenelg Primary Care Partnership. As such, it is subject to the provisions of the *Copyright Act 1966*, which in general prevents any copying, reproducing, adapting or transmitting of copyright material without the permission of the Southern Grampians and Glenelg Primary Care Partnership. Any future use of the requested material will acknowledge the copyright of Southern Grampians and Glenelg Primary Care Partnership.

In addition, I agree to pay the Distribution Charge as detailed above.

#### Signed for:

Name:  
Position:

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**Signed for: Southern Grampians and Glenelg Primary Care Partnership**

Name:  
Position: Executive Officer

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