



# **CANBERRA VALLEY INSTITUTE**

**Document:** Intellectual Property Policy and Procedure

*(Aligned to RTO Standards 2025)*

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## **Intellectual Property Policy and Procedure**

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## 1. Overview

According to Standards 2 and 4 for Registered Training Organizations (RTOs) 2025, the ESOS Act 2000, and the National Code 2018, Canberra Valley Institute (CVI) policy establishes the framework for protecting and managing the interests of CVI, staff members, and students related to the creation and use of intellectual property.

This policy aims to acknowledge the creative efforts of staff and students in developing intellectual property, as well as to enhance their awareness and understanding of intellectual property rights and obligations.

## 2. Scope

This policy applies to:

- All learners who complete nationally recognised training at Canberra Valley Institute (CVI)
- All staff members at Canberra Valley Institute CVI)

## 3. Definitions

**Intellectual property (IP)** refers to the legal rights and protections that govern the use of original works created by RTOs.

**Person** means a student, prospective student, staff member, client, customer, or employer.

## 4. Policy and Procedures

Intellectual property (IP) refers to a collection of legal rights that can be claimed over certain intellectual creations. These include:

- **Copyright**, which protects computer software, teaching resources, scholarly works, written, artistic, dramatic, and musical creations, as well as films and sound recordings.
- **Patents**, which safeguard new inventions across various fields, including software, biotechnology, engineering innovations, and increasingly, business methods.
- **Confidential information, knowledge, and trade secrets**, which can protect all types of information under common law.
- **Plant breeder's rights**, which protect new plant varieties that are distinct, uniform, and stable.
- **Registered designs**, which safeguard the visual appearance or "eye appeal" of an original object.
- **Registered and unregistered trademarks**, which protect the branding and identifying signs of businesses.
- **Circuit layout rights** for computer chips.

Some of these rights, such as patents and registered designs, require formal registration. Others, such as copyright and circuit layout rights, arise automatically upon creation. Protection of confidential

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information requires practical measures to maintain confidentiality. A single creation may also be protected by multiple forms of Intellectual property (IP).

Under Australian law, **Canberra Valley Institute (CVI)** owns the intellectual property created by staff—academic or general—in the course of their employment.

#### 4.1 Ownership of Intellectual Property at Canberra Valley Institute (CVI)

- Under Australian law, Canberra Valley Institute (CVI) **is entitled to ownership of Intellectual property (IP) created by staff members in the course of their employment.** This applies to all staff, including both academic and general staff, and covers work produced during paid employment hours—whether created on Canberra Valley Institute (CVI) premises or elsewhere, including remotely.
- This includes learning materials, assessment tools, training documents, software, and any other work-related creative output. Canberra Valley Institute (CVI) asserts full ownership of copyright and other relevant Intellectual property (IP) rights associated with these materials.
- However, Intellectual property (IP) **created outside paid working hours**, and **without the use of** Canberra Valley Institute's (CVI) **resources or facilities**, remains the property of the original creator. This distinction protects staff's personal creative pursuits outside their professional duties.
- If a staff member leaves Canberra Valley Institute (CVI) for employment at another institution, Canberra Valley Institute (CVI) **allows them to continue using the teaching and learning materials they personally prepared during their employment**, provided this is for their own professional use and does not breach confidentiality or licensing agreements.

#### 4.2 Intellectual Property and Contractors, Consultants, and Students

When Canberra Valley Institute (CVI) hires a contractor or consultant, the rights to any Intellectual Property (IP) created during the engagement will be clearly outlined in a written agreement. This ensures clarity for both parties and protects Canberra Valley Institute's (CVI) interests when external contributors produce learning materials, software, or other creative content for the organization.

In contrast, students keep full ownership of the work they create while studying at Canberra Valley Institute (CVI). This includes assessments, projects, creative works, and any other student-made content. Canberra Valley Institute (CVI) does not claim rights to students' intellectual property (IP) unless a separate agreement has been made, such as in collaborative industry projects.

#### 4.3 Acquisition and Use of Third-Party Learning Materials

- When Canberra Valley Institute (CVI) purchases or licenses external learning materials, it ensures the terms are not restrictive and do not hinder academic integrity or quality processes such as moderation, validation, revision, and continuous improvement.

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- Canberra Valley Institute (CVI) prioritises flexible licences that allow trainers and assessors to modify and adapt materials to meet training package updates and industry needs.
- If intellectual property (IP) created at Canberra Valley Institute (CVI) has commercialization potential, both the originator and Canberra Valley Institute (CVI) share the benefits equally to ensure fairness and promote innovation.
- Staff must comply with all legal and contractual obligations regarding confidential information and must not use or disclose such information without Canberra Valley Institute (CVI)'s consent.
- Canberra Valley Institute (CVI) does not claim ownership of Intellectual property (IP) created by staff outside their employment duties unless otherwise agreed in writing.

#### 4.4 Use of Copyright Material in Training and Learning

- Canberra Valley Institute (CVI) complies with the Copyright Act of 1968 (Part VB), which permits educational institutions to reproduce and share limited portions of third-party material for instructional purposes.
- Students and staff must not use copyrighted material beyond legal limits without permission from the copyright owner. Staff are informed of copyright responsibilities in the Staff Handbook and during induction.
- Public domain and legally permitted educational materials may be used with correct citation and acknowledgement.
- Canberra Valley Institute (CVI) may obtain a Statutory Education License (CAL) to expand access to a wider range of copyright materials in digital and print formats. Trainer and assessor input will determine the amount and type of materials needed.

#### 4.5 Record Keeping and Continuous Improvement

- Retain records for at least 7 years
- Backup systems to prevent data loss

### 5. Responsible Person

- CEO / RTO Manager
- Compliance Officer
- Trainers / Assessors

### 6. Review of Policy

Canberra Valley Institute (CVI) will review the *Intellectual Property Policy and Procedure* annually on an as-needed basis (whichever occurs first).

#### Intellectual Property Policy and Procedure