Intellectual Property

1 Purpose

This standard establishes the minimum requirements that evidence the implementation of the Queensland Health Intellectual Property Policy. It also identifies responsibilities and accountabilities of Queensland Health employees in implementing these requirements.

2 Scope

This standard applies to:

• all intellectual property created, purchased or used by Queensland Health

• all Queensland Health employees, as defined the Glossary of Terms (s 14)

• all of Queensland Health including Health Service Districts, Statewide Services and Corporate Office Divisions.

'Intellectual property' includes:

• copyright in all electronic and hard copy literary works, artistic works, logos, computer software, music, videos, databases,

• surveys, assessment tools, forms and any other works or subject matter in which copyright subsists and may in the future subsist

• inventions, discoveries and novel designs, whether or not registered or registrable as patents or designs, including developments or improvements of equipment, products, technology, processes, methods or techniques

• trade and service marks (whether registered or unregistered)

• any of the above generated as a result of clinical or non-clinical research and development, training, treatment, diagnosis, education and information and project management.
This standard does not apply to:

- background or pre-existing intellectual property created by employees prior to the commencement of their employment with Queensland Health
- contractors, students or volunteers unless they are also Queensland Health employees or otherwise creating copyright works under the direction or control of Queensland Health.

3 Definition of Terms

Definitions of key terms in this standard are listed in the Glossary of Terms in the Queensland Health Intellectual Property Policy.

4 Supporting Documents

- Queensland Health Procedure: Ownership and Protection of Intellectual Property Created by Queensland Health Employees and Others
- Queensland Health Procedure: Management of Intellectual Property Purchased by Queensland Health

5 Requirements

- Queensland Health employees will comply with the Queensland Health Procedure: Ownership and Protection of Intellectual Property Created by Queensland Health Employees and Others
- Queensland Health employees will comply with the Queensland Health Procedure: Management of Intellectual Property Purchased by Queensland Health

6 Responsibilities

The following responsibilities relate to the management of intellectual property including its creation, protection and commercialisation. It includes responsibilities relating to the implementation of the Government Information Licensing Framework (GILF) policy.

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<th>Position</th>
<th>Responsibilities</th>
<th>Accountabilities</th>
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| Developers of intellectual property | • Select appropriate licences under the GILF Policy to attach to copyright works using the Licensing Review and obtain appropriate approval.  
• Maintain confidentiality of unprotected intellectual property.  
• Maintain accurate and detailed laboratory notebooks.  
• Report inventions to the Intellectual Property Officer | • Copyright notices and licences are applied to Queensland Health copyright works made publicly available. |
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<th>Role</th>
<th>Responsibilities</th>
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| Intellectual Property Officer, Office of Health & Medical Research, Centre for Healthcare Improvement | - Develop and maintain this implementation standard and advise on intellectual property ownership and protection.  
- Record reported Queensland Health intellectual property in the Queensland Government Intellectual Property Register.  
- Review trademark applications and assist with their submission to the Australian Trade Marks Office.  
- Review invention disclosure and intellectual property ownership assessment forms and manage related decision making process.  
- Approve invention disclosure. |
| Business, Program Research and Unit Managers | - Evaluate intellectual property status before commencement of all projects, including the existence of background and new intellectual property and its ownership.  
- Ensure that, where appropriate, an intellectual property clause is included in all contracts with non-Queensland Health individuals or organisations.  
- Submit all draft contracts to the relevant legal unit for approval (unless working under a standard agreement).  
- Identify all intellectual property, developed or to be developed under contracts, that is likely to provide Queensland Health with better health outcomes and report to Directors.  
- Devise strategies for safeguarding intellectual property.  
- Ensure that Queensland Health's intellectual property is being enforced.  
- Understand existing contracts to see where Queensland Health stands with regard to intellectual property.  
- Approve licences under the GILF Policy according to this implementation standard. |
| Directors and                             | - Ensure that appropriate copyright licence and                                           |
|                                          | Contracts include appropriate intellectual property clauses.                      |
|                                          | - Least restrictive Creative Commons licences are applied to all new copyright works owned by Queensland Health made publicly available, where appropriate.  
- Restrictive licences, produced using the Restrictive Licence template include least restrictive provisions consistent with legal requirements, business or operational objectives.  
- Records are kept of copyright works containing licences under GILF. |
| Department Directors or Chairs | • Copyright notice is attached to Queensland Health copyright works.  
  • Approve trade mark applications. |
|-----------------------------|--------------------------------------------------------------------------------|
| Commons licences are applied to all new copyright works owned by Queensland Health made publicly available, where appropriate.  
  • Restrictive licences, produced by using the Restrictive Licence template include least restrictive provisions consistent with legal requirements, business or operational objectives. |

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<th>District Chief Executive Officers and Senior Directors</th>
<th>• Recommend options and progress intellectual property projects to their relevant delegate for approval.</th>
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| • Deputy Director General, Corporate Services  
  • Executive Director, Corporate Services  
  • Chief Executive Officer, Centre for Healthcare Improvement  
  • Chief Executive Officer, Clinical and Statewide Services  
  • Chief Health Officer  
  • Chief Information Officer  
  • Executive Director, ICT Service Delivery  
  • Chief Executive Officer, Major Hospitals Project Office |
| • Fund registered protection of intellectual property developed within their jurisdiction.  
  • Approve GILF Restrictive Licences, produced using the Restrictive Licence template (and other restrictive licences not based on the template, where appropriate). |
| • Restrictive Licences under the GILF Policy produced by using the Restrictive Licence template are applied to new copyright works owned by Queensland Health at the discretion of the delegate.  
  • Restrictive licences produced without use of the Restrictive Licence template are applied to copyright works owned by Queensland Health where the Restrictive Licence template is unsuitable and at the discretion of the delegate.  
  • Funding for registration of Queensland Health patents, trade marks and designs is provided where protection will meet Queensland Health's objectives. |

| Director-General | • Delegated officer for the management and use of Queensland Health intellectual property (received from the Director-General Public Works and Housing in the capacity of Administrator Crown Copyright and Intellectual Property) dated 12 June 1996. |

Funding for registration of Queensland Health patents, trade marks and designs is provided where protection will meet Queensland Health's objectives.
7 Review

This standard is due for review on 5 July 2012

8 History

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<tr>
<th>Date</th>
<th>Description</th>
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9 Document Custodian

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