

## 1. Statement

The Department of Health (the Department) shall manage intellectual property in a way that maximises the performance of the agency through creation of positive public health outcomes whilst minimising legal, reputational and financial risk.

## 2. Scope

This standard applies to all intellectual property created, purchased or used by the Department.

## 3. Requirements

### 3.1 Responsibilities & Accountabilities

The following responsibilities relate to the management of intellectual property including its creation, protection and commercialisation.

Position	Responsibilities
<b>Developers of Intellectual Property</b>	<ul style="list-style-type: none"> <li>• Maintain confidentiality of unprotected intellectual property.</li> <li>• Maintain accurate and detailed laboratory notebooks.</li> <li>• Report inventions and original product designs (which may potentially be protected through registration) to the Intellectual Property Officer using the Innovation Disclosure Form (<a href="http://www.health.qld.gov.au/ohmr/documents/invn_disc_2012.DOC">www.health.qld.gov.au/ohmr/documents/invn_disc_2012.DOC</a>)</li> <li>• Report significant intellectual property developments to the Intellectual Property Officer for inclusion in the Department's Intellectual Property Register.</li> <li>• Assist the Intellectual Property Officer in processes related to protection and commercialisation.</li> <li>• Take appropriate steps to avoid the infringement of third party intellectual property, including obtaining permission for use when required.</li> <li>• Take steps to avoid infringement of the moral rights of creators of intellectual property (for example, by acknowledging correct authorship and avoiding derogatory treatment of copyright works)</li> </ul>
<b>Intellectual Property Officer Preventive Health Unit</b>	<ul style="list-style-type: none"> <li>• Provide advice on intellectual property ownership, use and protection to departmental staff members.</li> <li>• Record reported Queensland Health intellectual property in the Department's Intellectual Property Register.</li> <li>• Manage and respond to copyright requests from third parties in consultation with content managers.</li> <li>• Review trade mark applications and assist with their submission to the Australian Trade Marks Office.</li> <li>• Review innovation disclosure and intellectual property ownership assessment forms and manage related decision making process.</li> <li>• Facilitate access to contracted specialists in intellectual property protection and commercialisation for appropriate projects.</li> </ul>

Position	Responsibilities
<b>Project Managers</b>	<ul style="list-style-type: none"> <li>• Evaluate intellectual property status before commencement of all projects, including the existence of background and new intellectual property and its ownership.</li> <li>• Ensure that, where appropriate, an intellectual property clause is included in all contracts with non- Queensland Health individuals and organisations and Hospital and Health Services.</li> <li>• Understand Queensland Health's intellectual property rights under existing contracts and manage contractor obligations (such as payment of commercialisation royalties).</li> <li>• Report suspected infringements of the Department's intellectual property rights to the Intellectual Property Officer or the Legal Unit for assessment of appropriate action.</li> <li>• Prior to publishing copyright material owned by the Department, select and apply copyright statements and appropriate licences under the Australian Government Open Licensing Framework (AusGoal) in accordance with the requirements of the <i>Queensland Public Sector Intellectual Property Principles Version 2</i>. Director level approval should be obtained for use of the selected licence.</li> <li>• Ensure that intellectual property is evaluated for commercial potential. Commercialisation should only occur if in the best interests of the Department, taking into account its core functions and service delivery obligations. Commercialisation should be consistent with the <i>Queensland Public Sector Intellectual Property Principles Version 2</i>, and should be conducted in an open, accountable and competitive manner.</li> </ul>
<b>Directors</b>	<ul style="list-style-type: none"> <li>• Approve trade mark applications</li> <li>• Approve appropriate licences under the Australian Government Open Licensing Framework (AusGoal) for inclusion on copyright material owned by the Department.</li> </ul>
<b>Director-General</b>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>

## 4. Related legislation and documents

### 4.1 Legislation

- *Copyright Act 1968* (Cth)
- *Designs Act 2003* (Cth)
- *Trade Marks Act 1995* (Cth)
- *Patents Act 1990* (Cth)

### 4.2 Queensland Government Policy

- Queensland Public Sector. Intellectual Property Principles, Version 2: 2013:  
<http://www.qld.gov.au/dsitia/assets/documents/ip-principles.pdf>

### 4.3 Supporting documents

- Guideline: Management of Intellectual Property purchased and created by the Department of Health
- Guideline: Moral Rights

## 5. Definitions

Term	Definition
Intellectual Property	includes a wide range of intangible assets that are the result of creative, intellectual or administrative effort, for example, copyright material (such as rights associated with original literary material, databases, software, artwork, photographs, music and audio-visual material), know-how, confidential information, patents, trade marks and designs.
Commercialisation of intellectual property	the act of making a product, process or service, resulting from intellectual property developed in the Department, available to other departments, agencies, organisations, individuals or geographical regions.
Significant Intellectual Property	includes intellectual property owned by the Department which is: <ul style="list-style-type: none"><li>- of significant financial, strategic or operational value;</li><li>- registered with a relevant authority such as IP Australia; or</li><li>- commercialised by the Department; and</li></ul> third Party IP in which the Department has a significant interest, such as a contractual right to a share of commercialisation proceeds.

## Version Control

Version	Date	Comments
1	01/09/2006	New document
2	05/07/2010	Review and editorial update
3	23/06/2015	Policy Rationalisation Project