



INTELLECTUAL PROPERTY POLICY

Purpose

This policy provides certainty about ownership of intellectual property created at Grief Journeys Ltd by stakeholders, and sets out the policy to ensure that the legal rights of Grief Journeys' members, contractors, participants, volunteers and students on placement with Grief Journeys are protected.

Scope

This policy applies to all stakeholders of the Grief Journeys' community.

Definitions

Intellectual Property laws in Australia are largely enshrined in legislation and international conventions which set out the laws relating to moral rights and economic rights. These include:

- A Copyright Work as defined in the Copyright Act 1968,
- A design as defined in the Designs Act 1906,
- A trademark as defined in the Trade Marks Act 1995,
- all other rights with respect to Intellectual Property as defined in Article 2 of the July 1967 Convention Establishing the World Intellectual Property Organisation,
- includes related rights and confidential information and know-how in relation to the above rights,
- All other rights with respect to Intellectual Property as defined in Article 2 of the July 1967 Convention Establishing the World Intellectual Property Organisation, and
- Related rights and confidential information and know-how in relation to the above rights.

The definition of Intellectual Property may be amended from time to time, consistent with Commonwealth legislation and international conventions¹.

Computer Works include, without limitation:

- Computer software in any form and on any medium;
- Multi-media works in any form which are accessible wholly or partly by means of a computer;
- Web pages and web sites;

¹ IP Australia - <https://www.ipaustralia.gov.au/understanding-ip>

- Copyright Works created with the intention of being accessed primarily by computer.

Training Materials mean:

- Any Copyright Work whether in electronic, written or any other form of media created by a Director, contractor or student specifically for use in, or in connection with, a program or professional development course or offered or to be offered by Grief Journeys.

Originator means any party who authors, creates, develops or makes, whether or not in conjunction with another person, any Intellectual Property.

Scholarly Works means works such as scholarly books, articles, musical and dramatic works, but does not include works which are Course Materials or Computer Works.

Policy

1. Principles

Grief Journeys values the originality, intellectual enquiry, creativity and innovation of its directors, members, contractors, volunteers and students, and asserts its legal right to ownership of the intellectual property residing in its professional development courses and programs.

Intellectual property (“IP”) represents the property of the mind or intellect. Intellectual property rights (“IPR”) are rights that the owner and/or the creator have over how their IP is used. There are two distinct types of IPR of particular importance, in relation to authors or ‘originators’ of works, these are **moral rights** and **economic or ownership rights**.

2. Moral rights

Moral rights are protected in the [Copyright Act 1968 \(Cwth\)](#). Moral rights are personal legal rights that cannot be assigned, and include:

- The right of attribution of authorship / performership,
- The right not to have authorship / performership of a work falsely attributed, and
- The right of integrity of authorship of a work.

Moral rights and ownership rights are separate and distinct. Moral rights always belong to the creator even if the creator does not exercise other intellectual property rights (IPR) in relation to that work. Moral rights cannot be assigned to a third party. All IPR can be assigned or transferred with the exception of moral rights.

5. Ownership of IP

Students on placement with Grief Journeys own their copyright of IP in works they create in the course of their study, except in situations where there is an express written agreement between Grief Journeys and the relevant student/s.

Grief Journeys recognises and seeks to preserve the moral rights of volunteers and contractors who are the authors of creative and scholarly works, as such rights are defined under the Copyright Act.

Students, volunteers and contractors are encouraged to seek independent legal advice before entering into written agreements that affect their ownership of IP.

16. The resolution of disagreements and disputes related to this policy will be dealt with in accordance with Grief Journeys' Grievance and Complaints Policy.

Responsibilities

Directors are responsible for the implementation and monitoring of this policy.

Related Documents

Conflict of Interest Policy
Grievance and Complaints Policy

Version Control

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