



Department of
Education

Intellectual Property Policy

Effective date: 11 June 2014

Version: 1.2

Accurate at the time of printing 29/07/2021.

Table of contents

| | |
|---|----|
| 1. Policy statement | 3 |
| 2. Policy rules | 3 |
| 3. Responsibility for Implementation and Compliance | 3 |
| 4. Scope | 3 |
| 5. Supporting Procedures | 3 |
| 6. Definitions | 3 |
| 7. Related documents | 7 |
| 8. Contact information | 8 |
| 9. History of changes | 9 |
| 10. More information | 10 |
| Policy review date | 10 |
| Policy last updated | 10 |

1. Policy statement

The Minister for Education owns intellectual property created by employees in the course of their employment.

2. Policy rules

Employees must:

- safeguard the Department's intellectual property;
- ensure their legal obligations are fulfilled when using third party intellectual property; and
- comply with the Intellectual Property Procedures.

3. Responsibility for Implementation and Compliance

Implementation of the policy is the responsibility of line managers.

Compliance monitoring is the responsibility of the Manager, E-Schooling.

4. Scope

This policy applies to all employees.

5. Supporting Procedures

[Intellectual Property Procedures](#)

6. Definitions

Copyright

Protects the original expression of ideas in a material form, for example, original works of art, scripts, books, reports, information sheets, music, films, broadcasts and computer programs. Copyright protects only the material expression of ideas not the ideas themselves.

Copyright protection is provided automatically when a work is created and no registration is required. Copyright covers:

- literary, dramatic and musical works;
- artistic works, including logos, architectural designs, maps etc;
- sound recordings;
- films, DVD and VCR footage, podcasts, webinars and broadcasts;
- photographs; and
- published editions of literary, dramatic, musical, and artistic works.

Employee

A person who is currently employed by the Department of Education under the School Education Act 1999 or the Public Sector Management Act 1994.

Intellectual property

The umbrella term given to a range of legal and moral rights that come into being with the creation of literary and artistic creations, scientific and industrial works, and discoveries, and covers copyright, patents, industrial designs, trademarks, and plant breeding rights. Intellectual property rights can be dealt with like any other form of property (such as land and goods), that is, they can be bought, sold, and leased (licensed).

ISSN

The International Standard Serial Number (ISSN) is a unique code for the identification of serial publications, for example, the Department of Education's Annual report.

ISBN

The International Standard Book Number (ISBN) is a 13-digit number that uniquely identifies books and book-like products published internationally.

Moral rights

Separate from copyright, moral rights are associated with an author's creativity and personality, as opposed to the 'economic' rights already protected under the Copyright Act 1968. Moral rights are only held by individuals as authors of their work. Unlike the economic rights of a copyright owner, moral rights are not transferable by assignment, by will or by operation of law.

Parent

In relation to a child, means a person who at law has responsibility for the long-term care, welfare and development of the child; or the day-to-day care, welfare and development of the child.

Statutory licence

A licence provided by legislation. It enables a school to copy limited amounts of material for the purposes of a course of education provided by it. Copyright Agency Limited and Screenrights administer these statutory licences for schools.

SCIS

The Schools Catalogue Information Service (SCIS) is a national cataloguing service for Australian, New Zealand and international schools. The SCIS number uniquely identifies a product for cataloguing in schools. Each record has complete cataloguing details including abridged and full Dewey Decimal Classification numbers and SCIS subject headings. For books, the description will typically include:

- title
- author/editor/illustrator
- ISBN
- publisher
- place and date of publication
- a brief physical description.

Trademarks

Refer to words, phrases or logos (or a combination of these) that are used to identify the trade source of goods or services of an organisation. Depending on the circumstances, trademark rights may also extend to sounds, smells, shapes, or aspects of packaging such as colour.

Valuable intellectual property

Intellectual property that either generates, or has the potential to generate, income or improved business reputation for the Department of Education.

Voluntary licence

A licence which is not provided by legislation, but is purchased by the Department for example the Australasian Mechanical Copyright Owners' Society (AMCOS) licence that enables the copying of print music and the Australasian Performing Right Association (APRA) licence enabling the performance of copyright musical works in schools.

Works

The output of a writer, artist, or musician considered or collected as a whole which can include, but is not limited to, the following categories:

- literary works;
- artistic works;
- musical works; and
- dramatic works.

7. Related documents

Relevant legislation or authority

[Copyright Act 1968 \(Cth\)](#)

[Designs Act 2003 \(Cth\)](#)

[Patents Act 1990 \(Cth\)](#)

[Public Sector Management Act 1994 \(WA\)](#)

[School Education Act 1999 \(WA\)](#)

[Trade Marks Act 1995 \(Cth\)](#)

Related Department policy

[Records Management](#)

[Research Conducted on Department of Education Sites by External Parties](#)

[Software Licences – Policy and Guidelines](#)

[Students Online in Public Schools](#)

[Telecommunications Use](#)

Other documents

[Copyright for Schools Guidelines](#)

[Copyright website \(staff only\)](#)

[Government Intellectual Property Policy and Best Practice Guidelines](#)

[Intellectual Property Pack](#)

[Music Copyright: Guide for Schools](#)

[National Copyright Guidelines](#)

[Records Management Manual for School College and Campus Records \(staff only\)](#)

8. Contact information

Policy manager:

Manager, E-Schooling

Policy contact officer:

Principal Consultant, Intellectual Property and Copyright, E-Schooling

T: (08) 9264 4058

E: copyright@education.wa.edu.au

W: [Use copyright materials in schools \(staff only\)](#)

9. History of changes

| | |
|--|---|
| Effective date | 11 June 2014 |
| Last update date Policy version no. | 1.0 |
| Notes | Endorsed by the Director General at Corporate Executive meeting 2 May 2014. |

| | |
|---------------------------|-----------------------------------|
| Effective date | 11 June 2014 |
| Last update date | 25 January 2015 |
| Policy version no. | 1.1 |
| Notes | Contact email updated D15/0027727 |

| | |
|---------------------------|---|
| Effective date | 11 June 2014 |
| Last update date | 6 October 2015 |
| Policy version no. | 1.2 |
| Notes | Compliance monitoring role and contact information updated. D15/0326946 |

10. More information

Supporting content

Procedure

[Intellectual Property Procedures](#)

Policy review date

11 June 2017

Policy last updated

6 October 2015
