	SAAA POLICIES & PROCEDURES	
	<b>Procedure Name</b>	<b>MGT 1.1.09-000 Intellectual Property.docm</b>
	Revision No	0
	Revision Date	05 - 02 - 2017
	Procedure Owner	MCG

## **Purpose**

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To protect intellectual property and other intangible assets that have developed by SAAA

## **Scope**

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This policy and procedure covers:

- a. Branding and noting of copyright on all SAAA material
- b. Management of high value material
- c. Handling of intellectual property rights within staff, contractor or service provider contracts and agreements
- d. Registering of interest in intellectual property contributed by an SAAA member

## **Prerequisites**

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1. This policy & procedure is applicable to SAAA Members, staff, service providers, consultants and contractors
2. Intellectual Property of the SAAA (IP) in this context refers to all of but not limited to patents, inventions, trademarks, branding, and information not already legally existing in the public domain that may include but not be limited to documents, designs, processes, systems, tools, formulae and knowledge that support the business of the SAAA (material)
3. IP as defined in this policy & procedure is variously protected under Australian Law. Matters to consider:
  - a. Australia is a signatory to a number of international conventions that deal with copyright
  - b. No specific registration of copyright is required in Australia, although there are some exemptions from what is covered and around the use of copyrighted material
  - c. Registered trademarks are afforded legal protection that prevents others from using another's brand. However, trademarks are issued and protected nationally
  - d. An Australian patent provides a legal right to prevent third parties from manufacturing, using and/or selling an invention in Australia
4. IP is of substantial value to SAAA. Accordingly, care should be taken to protect the IP and related material through a combination of any or all of the following measures such that all material:
  - a. Is clearly branded with SAAA logos, symbols or similar
  - b. Has copyright noted
  - c. Where practical to do so and certainly in respect of high value material, is circulated on an as needs basis to a limited distribution. In these circumstances, if the content of such material is generally required to be known and understood by Members, then information notes or similar which summarise the concepts and principles of such material should be developed and made available to Members


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- d. Where practical and financially viable to do so in respect of high value material, is protected through the establishment of patent or trade marks
5. All general information of the SAAA, whether of significant value or not, should be restricted from general public access other than that required to be published, ideally in summary form, as marketing information for the purposes of engaging with prospective Members of the SAAA
6. Sensitive corporate and all commercial and financial information of the SAAA (restricted and / or confidential information) may also be considered IP material of value and is therefore subject to the provisions of this policy & procedure and must not be accessible to the general public, and generally only available in summary form to Members. Refer also policy & procedure MGT 1.1.08 Confidentiality
7. IP contributed or developed for the purposes of supporting the SAAA business and its Members by SAAA Members (as volunteers), staff, service providers, consultants and contractors is deemed to be the property of SAAA unless there is specific agreement otherwise. In circumstances where Members (as volunteers), staff, service providers, consultants and contractors bring a component of their own original IP into new material that is knowingly contributed to or developed on behalf of the SAAA, then in the absence of any agreement otherwise such material may be either or both:
  - a. Copyrighted by them but such copyright must afford SAAA full rights to use the so developed material for non-commercial purposes unless otherwise specifically agreed
  - b. Include at contributor's discretion an acknowledgement of the specific and unique Member(s) IP contribution

## **Responsibilities**

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- a. Branding and noting of copyright on all SAAA material – All SAAA Members, staff and volunteers engaged in any process to create or modify any material relating to the business of the SAAA
- b. Identification of high value material that may be considered to be made available to a limited distribution and / or be material that should be patented or trademarked – SAAA Business Portfolio Managers and National Councillors
- c. Approval to invoke limited circulation or proceed with establishment of a patent and / or trade mark – National Council
- d. Preparation of information notes in respect of material the subject of limited distribution – material Owner under the direction of the relevant SAAA business Portfolio Manager if not the same
- e. Administrative processes to remove material from public and Member access, and establishment of limited circulation lists and distributions – OFFICE under the direction of MCG
- f. Applications to establish patents and trademarks – OFFICE under the direction of MCG
- g. Registering of interest in intellectual property contributed by a Member - Member

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## Procedure

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1. Branding and noting of copyright on all SAAA material
  - a. On the occasion of update and or as the opportunity presents, any existing material (such as but not limited to a document, system, tool, process) should have:
    - i. SAAA branding in the form of at minimum the SAAA logo and
    - ii. Excepting forms of an administrative nature, a notice of copyright applied and / or acknowledgement applied IAW above pre-requisites
  - b. Any new material (such as but not limited to a document, system, tool, process) should have:
    - i. SAAA branding in the form of at minimum the SAAA logo and
    - ii. Excepting forms of an administrative nature, a notice of copyright applied and / or acknowledgement applied IAW above pre-requisites
  
2. Management of high value material
  - a. In respect of existing or new material, if a view is formed that any such material is considered to be of high value (monetary, in kind or strategic) then:
    - i. A recommendation must be tabled to National Council seeking approval to do any or all of invoke limited circulation, establish a patent or establish a trade mark
    - ii. Subject to approval, then as relevant:
      - Limited circulation
        - Withdraw all public including Member access to the material, and establish a limited circulation list and distribution
        - Prepare, if relevant, an information note or similar to be made available to SAAA Members whilst also taking reasonable care to prevent general public access
      - Establishment of patent and / or trade mark
        - Develop the case for and documentation to apply for the patent and / or trade mark
        - Assess the need to engage independent specialists to assist with application
        - Cause or approve submission of applications
        - Manage renewals as may be pertinent from time to time
  
3. Staff, contractor or service provider contracts and agreements
  - a. On the occasion of the establishment or renewal of any staff, contractor, consultant or service provider contract or agreement ensure that specific clauses are included which require:

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- i. Acceptance and acknowledgement that any material developed under any such contract or agreement is owned by SAAA, is regarded as IP of the SAAA and may be subject to any or all of copyright, patent or trademark by SAAA
  - ii. Existing unique intellectual property brought to SAAA under any such contract or agreement that is not to be released to SAAA is disclosed, identified and evidenced by the third party prior to such contract or agreement coming in to effect
  
- 4. Registering of interest in intellectual property contributed by an SAAA member
  - a. If a Member wishes to note an interest in unique pre-existing IP owned by them and which may be contributed to SAAA, or note an interest in IP which may come in to existence by virtue of a Member's contribution as a volunteer to an SAAA project, activity or similar, then the Member must notify the SAAA project, activity or similar co-ordinator before any contribution from the Member is delivered
  
  - b. The SAAA and the Member must negotiate and formally agree how the Member's interest is to be managed:
    - i. Any terms of agreement in this regard must be in writing
    - ii. If an agreement is not reached then the Member must not make any contribution of pre-existing IP or contribute to the project, activity or similar

## References

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- a. Policy & procedure MGT 1.1.08 Confidentiality

## Definitions

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Acronym or Terminology	Concise definition or meaning
IP	Intellectual Property of the SAAA refers to all of but not limited to patents, inventions, trademarks, branding, and material
Material	Information not already legally existing in the public domain that may include but not be limited to documents, designs, processes, systems, tools, formulae and knowledge that support the business of the SAAA
MCG	The prevailing SAAA Mgr. Corporate Governance
OFFICE	The prevailing appointed SAAA administration services provider