Wyong Shire Council
CENTRAL COAST

POLICY NO: WSC119

POLICY FOR INTELLECTUAL PROPERTY

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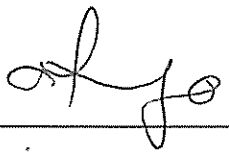
AUTHOR	Melanie Domingo, Legal Officer, Legal		15/4/14
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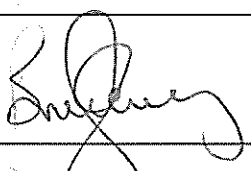
DIRECTOR	Brian Glendenning, General Counsel		26/2/14
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History of Revisions:

Version	Date	TRIM Doc. #
1	30/10/2013	D03542453

A. POLICY SUMMARY

A1 This Policy provides for the management of intellectual property owned and/or used by Wyong Shire Council.

B. POLICY BACKGROUND

B1 Council creates and/or acquires rights to use intellectual property daily during the course of its everyday functions. Effective management of intellectual property is necessary so as to ensure that intellectual property is used, and where necessary, disclosed appropriately.

C. DEFINITIONS

C1 **Agent or Contractor** means any person or organisation contracted to or acting on behalf of Wyong Shire Council or any person employed to work on Council premises or facilities.

C2 **Council** means the elected representatives, Councillors, who form the governing body of Wyong Shire Council and the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.

C3 **IP** means Intellectual Property and includes any original works subject to copyright, patents, trademarks and designs.

C4 **The Act** means the *Local Government Act NSW 1993*.

D. POLICY STATEMENTS

Jurisdiction

D1 This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of Council.

D2 This Policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

General

D3 Council owns the IP listed in Appendix A to this Policy. This list is not exhaustive, and is subject to change.

D4 All IP created by Council personnel during the course of their employment with Council is owned by Council.

D5 Subject to any specific arrangements, contractual or otherwise, all IP created by Council, any committee of Council, any committee exercising a function of Council or any community group or organisation established and/or managed by Council is owned by Council.

D6 Where possible, it will be a condition of any contract with any person or organisation engaged by Council, that any IP generated by that person or organisation, as a result of the contract arrangement, is owned by Council.

D7 Council acknowledges the moral rights of the creator of any IP, including for example, the right of attribution/ performership, the right to not have authorship/ performership falsely attributed, and the right of integrity of authorship/ performership.

D8 Council will ensure that it obtains appropriate authorisation, from any third party that owns the IP in any information, data or other material, in whatever form, used by Council, in order to use the IP. Use includes disclosure to another third party, including members of the public.

D9 Council will ensure in disclosing to any third party, any IP that it owns, that as a bare minimum, where possible, the following conditions will apply to the disclosure:

a. That use of the IP is for a specific purpose; and
b. That Council must be appropriately recognised in any use of the IP by the third party.

E. POLICY IMPLEMENTATION - PROCEDURES

E1 This Policy should be read in conjunction with the Council Code of Conduct.

E2 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this Policy.

E3 Any information, data or other material produced by Council, including, but not limited to the IP listed in Annexure A, must include the following copyright ownership statement: **© Wyong Shire Council**.

E4 Council employment contracts must include a condition that the creation of IP by a Council employee, during the course of employment with Council, is owned by Council.

E5 Contracts with any person or organisation engaged by Council must include a condition that the creation of IP by that person or organisation, as a result of the contract, is owned by Council.

E6 In the event that a request for access to Council IP is received, Council employees are responsible for ensuring that they:

a. Have delegation and/or other authority to release the IP; and
b. Seek legal advice as to any appropriate conditions that the disclosure must be subject to.

E7 Associated documents

- Wyong Council Code of Conduct

APPENDIX A INTELLECTUAL PROPERTY OWNED BY WYONG SHIRE COUNCIL

1. All Wyong Council logos, including Sub-brand logos, as provided for in the *WSC Corporate Style Guide (20 October 2011)*.

2. All information, including the documents, pages and images placed on, at any point in time, the Council website, and any other website owned and/or controlled by Council.

3. All publications produced by Council, including, but not limited to:
   - Council planning documents
   - Council development and building planning documents, including the local environmental plan, development control plan, and other planning policies
   - Council policies and procedures
   - Council community publications, including, but not limited to, newsletters, information brochures, newspaper advertisements, posters, and media releases
   - Council reporting documents, including, but not limited to, the state of the shire report, annual report, and annual financial reports
   - Council forms

4. All internal Council documents, including internal reports, correspondence including emails, legal advices, legal agreements, policies, procedures, guidelines and fact sheets.

5. All internal management systems, created by Council including processes, databases, and other management tools.