

Australian Stroke Coalition Intellectual Property Policy

1.0 Background

The Australian Stroke Coalition has been formed to work together to tackle agreed priorities to improve stroke care, reduce duplication amongst groups and strengthen the voice for stroke care at a national and state level.

As the ASC works through its members, part of its operations involves and encourages members to contribute existing, and jointly develop intellectual property (IP). In light of this the ASC has agreed that a policy for IP should be developed. This policy should be considered along side the terms of reference and the guiding principles of the ASC

The following points were considered in developing this policy

- Some ASC members will own pre-existing IP that they contribute to an ASC joint project, and this may be shared between themselves and other organisations who may, or may not, be members of the ASC
- Some projects will be brought to the ASC for collaboration but they will be funded by, and IP owned by the ASC member bringing the idea to the group
- Some projects will be developed jointly by ASC members and will result in the creation of new IP
- The ASC is not an incorporated body and therefore cannot own IP in its own right.
- The ASC has not been established to create commercial opportunities from its IP, but to work through its member organisations to improve outcomes for stroke in Australia

The ASC acknowledges that IP considerations are important however the primary purpose of the ASC is not the development and commercialisation of IP but to work collaboratively to improve outcomes for stroke.

2.0 Process by which to address IP issues on ASC projects

The ASC has identified that IP issues will vary from project to project and has therefore endorsed the following process.

1. IP issues shall be considered prior to the commencement of any ASC project and documented as part of the project plan (or to the ASC secretariat/executive if they are agreed at a later date)
2. Consideration of IP issues will address both Background IP and ownership of newly created IP
3. In considering newly created IP, the positions outlined in Section 5.0 may be considered but are not considered mandatory positions. They are intended to guide discussion only.

3.0 Definitions relating to this policy

“Background IP” means pre-existing or independently developed Intellectual Property made available by an ASC member for the purpose of ASC activities and projects.

“Working Group or Project Team” means a sub group of the ASC which has been created to focus on a particular area identified by the ASC and will oversee the operational aspects of the project. Working group and Project Team members include core organisations, associated organisations and individuals identified as key stakeholders in stroke.

“Confidential Information” means all trade secrets and know-how, Background IP, financial information and other commercially valuable information of whatever description and in whatever form but excludes the interpretation, analysis and application of general information generally known to the public.

“Intellectual Property” or “IP” includes but is not limited to all inventions, discoveries, innovations, technical information and data, prototypes, processes, improvements, patent rights, circuitry, computer programs, drawings, plans, specifications, copyright, trade mark rights, design rights, plant variety rights and Confidential Information.

4.0 Background Intellectual Property

- Background IP remains owned by the ASC member that introduces it to the ASC.
- Each ASC member warrants that it is the owner of, or is otherwise entitled to provide, the Background IP which it makes available to the ASC.
- The ASC members grant other members of the ASC a non-exclusive royalty-free licence to their Background IP for the sole purpose of the carrying out ASC activities.
- The parties must treat background IP as confidential
- All ASC members agree that:
 - They will take all necessary steps to protect Background IP introduced to the Project;
 - They will give to the other Party, prompt notice of any infringement of Background IP that comes to its attention; and
 - They will give to the other Party, all assistance which is reasonably required in order to protect Background IP.
- The ASC secretariat will maintain a register of all Background IP that is introduced to the ASC, and any conditions associated with the provision of that Background IP. This will be reviewed regularly.

5.0 Methods of managing IP created through ASC activities.

IP created in the course of an ASC project which is completed with funds provided to the ASC by an external source. This includes all projects where ASC members are jointly responsible for developing a project plan, agreeing on aims and sourcing funding.

- IP shared between the SSA and NSF with royalty free, world-wide, non-exclusive rights granted to all other ASC members
- IP created in the course of an ASC project which is led by an individual, organisation or group and completed with funds provided to the ASC by an external source. In this instance, the ASC (or its working groups/project teams) is responsible for developing the project plan, agreeing on its aims, and sourcing funding.
- IP shared between the SSA and NSF, or owned by the lead organisation with royalty free, world-wide, non-exclusive rights granted to all other ASC members
- IP created in the course of a project which is led, and funded by an ASC member with input from members of the ASC or its working groups/project teams. In these instances, the ASC member would have provided funding. The project concept and outline may have been developed by the lead member, or by the ASC or an ASC working group/project team.
- IP owned by the project lead member of the ASC, with acknowledgment of input from the ASC. The ASC would work with the project lead member to agree on methods of disseminating the project outputs as appropriate