

INTELLECTUAL PROPERTY AND COPYRIGHT POLICY FOR STUDENT WORK

<p>Purpose</p>	<p>To minimise the risk to NIDA and to Students of the misuse of Intellectual Property created at NIDA.</p> <p>To maximise the opportunities for Students to develop their own work and benefit from their own Intellectual Property.</p>
<p>Scope</p>	<p>This policy and procedure covers Intellectual Property and Copyright and applies to Students (as defined below).</p> <p>The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other NIDA policies or under statute or any other law.</p> <p>This policy and procedure is published on the NIDA website.</p>
<p>Definitions</p>	<p>Intellectual property (IP) is a term that describes the various intangible property rights which the law gives for the protection of intellectual or creative effort. These rights include Copyright (including future Copyright) and rights in relation to trade marks (registered and unregistered), inventions and novel designs (including patents, patent applications, registered designs and design applications) and confidential information.</p> <p>Copyright is Intellectual Property which protects the original expression of ideas, not the ideas themselves. Copyright protects literary works, artistic works, dramatic works, musical works and other subject matter such as cinematograph films, sound recordings, broadcasts and published editions. Copyright arises automatically under the Copyright Act.</p> <p>Copyright Act is the Copyright Act 1968 (Cth).</p> <p>Student means any student enrolled in any course of study at NIDA and any student undertaking a course of study who is visiting NIDA as a student from another institution.</p> <p>Moral Rights are rights provided to authors under the Copyright Act to protect both their reputation and the integrity of their work. They are (in summary):</p> <ul style="list-style-type: none"> • the right of attribution of authorship; • the right not to have authorship of their work falsely attributed; and • the right of integrity of authorship - the right not to have their work used in a derogatory way that may negatively impact on their character or reputation. <p>Work is any work or other subject matter in which Copyright subsists.</p>

<p>Policy</p>	<p>Intellectual property at NIDA</p> <p>Except as set out in this policy or otherwise agreed in writing by NIDA and a Student, NIDA makes no claim to ownership of Intellectual Property in Works created by Students for or in the course of their education, training and activities at NIDA as Students.</p> <p>Any Work created at NIDA which has life beyond NIDA, regardless of who owns the Intellectual Property Rights in the Work, must be acknowledged as follows: [insert title] was originally developed at NIDA. Where possible, the original company/group must also be acknowledged.</p> <p>Works created by Students (alone or jointly with others) for or in the course of their education, training and activities at NIDA fall into one of two ownership categories:</p> <p>Category 1 - Work a Student or a group of Students creates on their own with no staff input and minimal NIDA resources. Intellectual property vests in the Student(s). Where two or more Students made contributions to the creation of the Work, Copyright may be jointly owned.</p> <p>Examples of Category 1 Work: Devised Graduating Directors' productions, scripts written by Writing for Performance Students, work created for Student organized events.</p> <p>Category 2 - Work created by a Student or a group of Students with significant input from NIDA. i.e. with substantial use of NIDA resources, funding, staff supervision. Intellectual Property (including Copyright) vests in NIDA.</p> <p>Examples of Category 2 Work: NIDA Production Program, class exercises, staff-led devised work.</p> <p>All Intellectual Property in Category 2 Work vests in and is the property of NIDA for NIDA's use and benefit. Students assign to NIDA on creation all Intellectual Property in Category 2 Works.</p> <p>Although a Student may retain an artistic work such as a drawing, model or design that a Student has produced for the purpose of the Student's portfolio and self-promotion, all costumes, sets and props made and created by a Student from NIDA's funds for a NIDA play or performance as part of the NIDA Production Program are the property of NIDA for NIDA's use, disposal or collection.</p> <p>As part of its cultural and educational records and archives, NIDA also retains photographs, videos and show reels featuring Students, NIDA plays and performances and examples of Student work.</p> <p>NIDA has the right to document all NIDA productions and</p>
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	<p>teaching programs and to use this material as it sees fit.</p> <p>Moral Rights</p> <p>NIDA is committed to promoting the Work of its Students for the professional and promotional benefit of both NIDA and the Student.</p> <p>Moral Rights may subsist in Works created by a Student.</p> <p>Where a Student or a group of Students creates an artistic, dramatic, literary or musical work or film, NIDA seeks to attribute and acknowledge the authorship or co-authorship when performed or exhibited or reproduced in NIDA’s publications and publicity.</p> <p>However, for the purposes of NIDA’s marketing and promotion and its theatrical and technical production storage requirements, there may be situations where a Student’s Work is altered with their consent (e.g. for exhibition, further development or publication by NIDA), is worked upon and developed by a group of Students and staff (in which case attribution of the original authorship is not appropriate) or removed or disposed of (e.g. where neither NIDA nor the Student wish to keep or store the Work).</p> <p>Management of IP and Copyright</p> <p>A determination by NIDA as to whether a particular Work is a Category 1 Work or a Category 2 Work will be final and binding on Students.</p> <p>Students participating in a Category 1 Work will be required to sign a release form establishing who are the authors of the Work and acknowledging they have understood their Moral Rights.</p> <p>For Category 2 Work, NIDA is the “Original Producer”. Students and graduates are not permitted to make any arrangements regarding the exploitation of Category 2 Work with any third parties. All requests are to be handled by NIDA.</p> <p>NIDA will not unreasonably withhold permission to further exploit Category 2 Work, such as through the remounting of a production. NIDA will ask that for the original (available) company members be employed in the remount and NIDA will seek a credit and royalty as original producer.</p> <p>Students must do all things reasonably necessary to assist NIDA in protecting, securing, confirming and perfecting NIDA’s ownership of Intellectual Property in Category 2 Works, including executing any documents required by NIDA for that purpose.</p>
<p>Responsibility for implementation</p>	<p>Director/CEO</p>

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