Australian Government

Australian Research Council

Intellectual Property Policy

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Contents

The Australian Research Council

The Australian Research Council (ARC) is a Commonwealth entity within the Australian Government. The ARC's purpose is to grow knowledge and innovation for the benefit of the Australian community through funding the highest quality research, assessing the quality, engagement and impact of research and providing advice on research matters.

The ARC funds research and researchers under the National Competitive Grants Program (NCGP). The NCGP consists of two elements—Discovery and Linkage Programs. Within these elements are a range of schemes structured to provide a pathway of incentives for researchers to build the scope and scale of their work and collaborative partnerships. The majority of funding decisions under the NCGP are made on the basis of peer review.

The ARC evaluates the quality of research undertaken in higher education institutions through the Excellence in Research for Australia (ERA) program. ERA is an established evaluation framework that identifies research excellence in Australian higher education institutions by comparing Australia's research effort against international benchmarks. ERA assesses quality using a combination of indicators and expert review by research evaluation committees.

The ARC is also responsible for developing and implementing an Engagement and Impact (EI) assessment, which assesses the engagement of researchers with end-users, and shows how universities are translating their research into economic, social, environmental and other impacts.

Purpose and Principles

The ARC is committed to maximising the benefits to Australia from ARC funded research through the effective management and use of intellectual property (IP) arising from ARC funded research. This policy supports this commitment and sets out the IP requirements for the NCGP, ERA and EI.

This policy is designed to facilitate an adaptable research and innovation environment, in which ARC funded research can be used widely and the benefits can be realised for Australia.

The ARC does not seek to own, or benefit from, IP created from ARC funded research. IP arising from ARC funded research will vest as agreed between the organisations collaborating on the research.

The ARC has adopted a flexible approach to IP with a focus on:

- supporting a collaborative research sector encompassing the Australian and international higher education sectors, industry, business and government;
- enabling access for business and industry, as major investors in research and innovation, to IP arising from ARC funded research;
- implementing mechanisms to ensure ARC funded research can be best utilised through IP sharing; and
- supporting the protection of IP.

Definition

For the purposes of this policy, IP rights means all copyright, patents, registered and unregistered trademarks (including service marks), registered designs, and other rights resulting from intellectual activity (other than moral rights under the Copyright Act 1968).

Implementation

National Competitive Grants Program

All ARC grants must comply with the IP requirements detailed in the applicable ARC Funding Rules/Grant Guidelines and Funding/Grant Agreements, the *National Principles of Intellectual Property Management for Publicly Funded Research,* and the *Australian Code for the Responsible Conduct of Research*.

The Funding/Grant Agreement requires that Administering Organisations adhere to an IP policy that maximises the benefits to Australia arising from the research.

Specific IP requirements for Participating Organisations are also detailed in the Funding/Grant Agreement.

ERA and EI

Institutions participating in ERA and EI must comply with the IP requirements as set out in the applicable:

- ERA Submission Guidelines
- EI Submission Guidelines

These requirements include, but are not limited to, where a participating institution owns IP rights or has a right to sublicense, they must provide an express licence to the ARC for the use of material in ERA and/or EI submissions—noting the ARC may use this material for the purposes of ERA and EI, policy development and program management.

Relevant Documents

Documents relevant to the ARC *Intellectual Property Policy* can be located at the links below.

NCGP:
- ARC Funding Rules/Grant Guidelines
- ARC Funding/Grant Agreements
- *National Principles of Intellectual Property Management for Publicly Funded Research*
- *Australian Code for the Responsible Conduct of Research*

ERA and EI:
- ERA Submission Guidelines
- EI Submission Guidelines

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