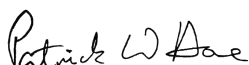


Intellectual Property Management

Managing Director's Authorisation

Patrick Hone



Effective Date

14 February 2024

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Version: 2

Review date: 14/02/2026

Document ID: NEMO-759100797-93

1. PURPOSE

The purpose of this policy is to provide clear direction to Fisheries Research and Development Corporation (FRDC) employees and to research partners and other investment partners, in respect of the identification, protection and management of IP Rights (IPR) arising from FRDC's Research & Development (R&D) investment.

IP (Intellectual Property) protection will ensure that Australian Fishing and Aquaculture benefit from the commercialisation of FRDC's R&D investment.

2. RESPONSIBILITY

Responsibility for this policy resides with the Board.

3. DEFINITIONS, ACRONYMS AND ABBREVIATIONS

Definitions link [Definitions](#)

Acronyms Link [Acronyms and Abbreviations](#)

4. RISK CATEGORY

This policy covers the following risk categories.

Strategic	Governance	Service Delivery	Reputational	Financial	Operational	People
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

FRDC will maintain appropriate systems and processes to identify and record IP.

FRDC will apply appropriate risk management assessment to IP management that takes account of the opportunities and threats of protecting, granting access rights or publishing IP.

FRDC will maintain procedures to reduce the risk of infringement of the IP right of others.

5. RELEVANT DOCUMENTATION

This section contains links to internally and externally facing documents – access to internally facing documents is restricted to FRDC employees.

Relevant documentation
Internal
Intellectual property management procedure
Intellectual property register
Knowledge Transfer and Commercialisation Policy (in development)
External
Australian Government Public Data Policy Statement
FRDC Statutory Funding Agreement
Guidelines to Statutory Funding Agreements
Intellectual property principles for Commonwealth entities

IP Australia
Primary Industries Research and Development Act (1989)
Public Governance, Performance and Accountability Act (2013)

6. TRAINING

The training for the Policy will be delivered both during Staff induction, and also at least every 18 months as part of the FRDC Learning Management System.

7. DOCUMENT MANAGEMENT

If any material resulting from this policy is to be filed to Nemo, please complete the table below (*delete this section if not applicable, see [Nemo Scenarios](#) or General Manager if unsure which metadata to use*):

Functional Group	FRDM/Project Library
Action Date	Date IP was registered with FRDC
Function type	Research
Organisation	Organisation Name
Prime activity	Project Agreement
Secondary activity	Intellectual Property (IP)
Document type	Register, Agreement

8. PUBLICATION

This policy is to be made available on the FRDC website.

This policy is to be made available on the Directors' site.

9. BACKGROUND

The Fisheries Research and Development Corporation ('FRDC' or "the Corporation") is a statutory authority under the Primary Industries Research and Development Act 1989 (PIRD Act) and is a corporate commonwealth entity under the Public Governance, Performance and Accountability Act 2013 (PGPA Act).

FRDC recognises that intellectual capital developed from its R&D investments can consist of various forms of knowledge that can be converted to beneficial outcomes and that this can exist in at least five different forms:

- a) *Know-how, confidential information and trade secrets* – which is practical information relating to innovations that is held by a person or an organisation
- b) *Data* – which is recorded information that is used for the development and in some cases operation for innovations, for example, information which is recorded in documents and databases and used in the operation of software systems
- c) *Legal rights* – that exist over intangible assets relating to copyright, trademarks, patents, circuit layouts, registered designs and plant breeder rights (some of which must be registered and some of which exist automatically)

- d) *Moral rights* –which are rights of attribution of authorship
- e) First Nations *cultural rights and traditional knowledge*

10. POLICY

FRDC is committed to managing IP to further the dissemination, adoption and commercialisation of the results of its investment in research and development for the benefit of Australian Fishing and Aquaculture.

IP registration will only be considered when it is required to assist with leveraging adoption, as a defensive measure, as required to maintain quality control of the outcomes, or when brand or cultural protection is considered valuable or necessary. A managed register of registered IP is maintained and available on a confidential basis.

10.1 Ownership of IP

Intellectual property ownership and rights of project outputs are contractually managed and structured to primarily support adoption, achieve impact, whilst mitigating risks to stakeholders.

When contracting, the research partner(s) and FRDC agree on both the strategy and their respective shares of any financial costs or returns that might arise from the activity. The commercialisation party can be FRDC, its research partner or a third party.

However, it is in most instances the research partner.

Project Material IP (i.e. IP generated during, or as an outcome of, a Project) will vest immediately upon creation in the commercialisation party.

In securing intellectual property ownership rights, FRDC reserves the right to request assignment of copyright in works created during FRDC-funded research; and/or reserves a right of first refusal to purchase another party's share of any intellectual property rights that arise from a FRDC-funded project.

10.1 Ownership of reports

Unless otherwise noted, copyright (and any other intellectual property rights, if any) in reports is owned by the FRDC. While ensuring the protection of IP developed from projects, FRDC will encourage that publications from research funding are to be made available via open access., and that FRDC is clearly acknowledged.

10.2 Moral Rights

FRDC will acknowledge the moral rights of researchers and other individuals that have developed copyright material produced from funded research, including any project reports. Copyrighted material will acknowledge authors and creators (when known) in a clear and reasonably prominent manner. Where practicable and appropriate, Moral Rights waivers for copyrighted material will be incorporated into contracts, which assists RDC's to fulfill their obligations under their Commonwealth Statutory Funding.

11. IP Management Framework

FRDC will establish and maintain an IP Management framework consisting of:

- a) IP Management Policy (this document)
- b) [IP Management Procedure](#)
- c) [Register of significant or commercially valuable IP](#)

Board Intellectual property management policy - Board approved

Final Audit Report

2024-02-22

Created:	2024-02-22
By:	Cheryl Cole (cheryl.cole@frdc.com.au)
Status:	Signed
Transaction ID:	CBJCHBCAABAADq2lr7_01C8MW1ptKoshJRGNFagVI4y

"Board Intellectual property management policy - Board approved" History

-  Document created by Cheryl Cole (cheryl.cole@frdc.com.au)
2024-02-22 - 2:15:31 AM GMT- IP address: 124.168.241.39
-  Document emailed to Patrick Hone (patrick.hone@frdc.com.au) for signature
2024-02-22 - 2:16:56 AM GMT
-  Email viewed by Patrick Hone (patrick.hone@frdc.com.au)
2024-02-22 - 6:51:47 AM GMT- IP address: 104.47.71.254
-  Document e-signed by Patrick Hone (patrick.hone@frdc.com.au)
Signature Date: 2024-02-22 - 6:52:12 AM GMT - Time Source: server- IP address: 101.175.70.238
-  Agreement completed.
2024-02-22 - 6:52:12 AM GMT