

Learner Intellectual Property

To be read in conjunction with:	Intellectual Property Policy		
Approval Date	01 Jun 2020	Approved by	Chief Executive
Next Review	30 Nov 2022	Responsibility	Deputy Chief Executive: Learner Experience

PURPOSE

Intellectual Property (“the Policy”) provides:

- 2.1 Otago Polytechnic Ltd does not wish to make any claim over the ownership of outputs or outcomes of learners’ work. These belong to the creator.
- 2.2. Otago Polytechnic Ltd will act in the role of a guardian of learners’ activity to protect learners’ rights to IP.
- 2.3. For a staff member or any other party to claim any interest in a learner’s work this must be agreed and specified prior to the engagement in the activity.

This guideline is to help staff comply with their obligation to guard learners’ intellectual property while also providing learners with benefits to their learning from engaging in real world projects.

The circumstances in which real world project work is undertaken as part of learner learning include but are not limited to:

1. Learners work individually or collectively on student only projects, for example Fashion, Art, and self-employed learners on the Master of Professional Practice programme.
2. Learners work on projects with a third-party community partner such as a not-for-profit organisation or a business, for example Business, Communication Design, Occupational Therapy, Nursing, Engineering Technologies, and externally employed learners on the Master of Professional Practice programme.
3. Learners work collectively on larger projects which may include staff research, for example Information Technology and Communication Design learners involved in game development for Forth Street Studio, Information Technology students working on open source accessibility software, Engineering Technologies learners working on designing interactive biomedical test equipment.
4. Learners work on projects with Otago Polytechnic Ltd as a partner, for example Business, Leadership for Change, GDTE, and staff learners on the Master of Professional Practice programme.
5. Authority to negotiate IP ownership for a learner who is a staff member of Otago Polytechnic Ltd.

PROCESS

1. In accordance with clause 2.1 of the Policy, learners own the intellectual property they create (for example reports, resources, designs, software) unless otherwise agreed.
2. Staff engaged in each programme must consider each project considering clause 2.2 of the Policy and include appropriate intellectual property provisions in project documentation.
3. The suggested default position is that a partner organisation, including Otago Polytechnic Ltd, has the right to use the learners’ work for the agreed purpose(s) under an irrevocable non-exclusive licence.

4. In accordance with clause 2.2 of the Policy, no learner is required to assign their intellectual property as a condition of completing any course. Therefore, where the conditions of any project require the learner(s) involved to assign intellectual property in their work, the learner(s) must be given the option of working on another equivalent project without that requirement.
5. For learners who are also staff of Otago Polytechnic Ltd and seek support from Otago Polytechnic Ltd (for example time allowance) for their study, Otago Polytechnic Ltd may impose conditions on that support for example co-ownership of intellectual property. Approval and negotiations of the conditions for OP staff learners shall be the Formal Leader of said learner with area Deputy Chief Executive sign off.
6. In accordance with clause 2.3 of the Policy, staff engaged in each programme must ensure that the intellectual property provisions for each project, whether a default position or any negotiated variation, and all parties' agreement to those provisions are documented and preserved.
7. If Otago Polytechnic Ltd wishes to use learner work, for example for promotional purposes, learner consent must be obtained either beforehand or afterwards.

REFERENCES

[See also Otago Polytechnic's Work Placement Policy.](#)



Approved by: Dr Megan Gibbons
Chief Executive

Date: