

# Policy – Intellectual Property



## 1. Purpose

Intellectual Property (IP) is created through the DMTC research activity. This policy addresses how such IP is owned, managed and used.

## 2. Policy Scope/Coverage

This policy covers all IP created within the DMTC and applies to any person engaged in DMTC activities including but not limited to:

- DMTC directors and officers
- DMTC employees, and
- DMTC partner personnel, supporting partner personnel and external contractors

All background and foreground IP will be captured in an appropriate DMTC IP register.

The policy reflects the requirements of the:

- DMTC Commonwealth Agreement
- DMTC Partner Agreement, and
- various DMTC Supporting Partner Agreements

## 3. Policy Statement

### 3.1. Policy Overview

The prime objective of the DMTC IP policy is that all IP generated under DMTC projects should be commercially exploited by the Industry partners involved in the project, in order to maximise the creation of a sustainable industry base in Australia, whilst protecting Defence's rights.

Consistent with the Innovation Hub's Principle 1, ownership of Pre-existing IP owned by a partner will remain unaffected.

As most DMTC projects involve multiple industry partners, DMTC's IP policy follows the Innovation Hub's Principle 5, DMTC will assume the coordination role, with DMTC contracting with all of the partners involved in the collaborative development of technology and products. DMTC will own the Innovation IP and provide licences to each partner.

In collaborative development projects, each partner will grant rights to each other in respect of pre-existing IP that becomes embedded in the resultant technology to enable the further development or exploitation of the Innovation IP.

Where there is only one Industry partner to utilise the IP, then DMTC will arrange the ownership in order to maximise the commercial exploitation of that IP, consistent with Innovation Hub principle 1.

Consistent with the Innovation Hub's Principle 3 DMTC will retain rights to all IP for the benefit of Defence. DMTC will be entitled to use Innovation IP and associated pre-existing IP internally within DMTC for DMTC and/or Defence-related purposes, including further research, study or capability development purposes.

### 3.2. Disclosure of IP

DMTC will also have the ability to provide Innovation IP and associated pre-existing IP to third parties in certain circumstances, including:

- to further develop or apply the technology where the partner is unable or incapable of doing so within a reasonable timeframe, and
- to integrate the technology or product in a material system that involves or requires the assistance of third parties.

### 3.3. Terms and Conditions of IP

The DMTC and all associated personnel will respect the terms and conditions of IP provided to the DMTC under non-disclosure agreements by third parties.

### 3.4. Recognition of IP Created from DMTC Activities

DMTC Chief Operating Officer (COO), program leaders and project leaders will identify IP that has been created as part of DMTC projects. A strategy will be prepared to protect, manage and exploit the project IP to achieve the goals of DMTC.