

Intellectual Property Policy



Policy number	POL011	Version	A
Drafted by	FOP Australia Board	Approved by Board on	13/08/2019
Responsible person	FOP Australia Board	Scheduled review date	13/08/2022

INTRODUCTION

FOP Australia is responsible for managing its assets, including its intellectual assets, in a way that maximises their contribution to the goals of the organisation.

Subject to these responsibilities, FOP Australia is committed to the widest possible dissemination of its ideas and findings where these may assist others.

FOP Australia is also committed to respecting the intellectual property rights of others.

PURPOSE

The purpose of this policy is to clarify the status of intellectual property including material subject to copyright used by the organisation.

POLICY

Production of copyright material

At law, material created by the board, volunteers, contractors or employees of FOP Australia in the course of their activities on behalf of the organisation irrespective of whether it is created using FOP Australia facilities or materials, or during normal working hours, will belong to FOP Australia. What constitutes the course of the individual's FOP Australia activities will be determined by their role descriptions and usual duties.

Works by independent contractors and volunteers shall be owned in accordance with the written contract under which the work was created. FOP Australia shall ensure that there is a written agreement for work by an independent contractor or volunteer specifying ownership. At law, unless a written agreement specifies otherwise then independent contractors and volunteers will own the intellectual property and copyright in everything that they create.

Any dispute between FOP Australia and its directors, contractors or volunteers, or between staff (or between contractors or between volunteers) on issues of intellectual property and copyright ownership shall be determined by the

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organisation's dispute resolution procedures. Such determination will be subject to the judgement of any court or tribunal.

Copyright notice

Staff and volunteers of FOP Australia should ensure that every publication of FOP Australia, including any books, newsletters, brochures, forms, reports and computer software contains the following statement:

© FOP Australia Australia, [Year of creation of material]

This statement should not be included in normal business letters, invoices, and receipts.

Use of copyright material

Staff and volunteers of FOP Australia are required to observe all applicable copyright laws and regulations.

Staff and volunteers of FOP Australia may use copyright material belonging to or licensed to FOP Australia only for the purposes of their work for FOP Australia. Where the material is used by FOP Australia under licence, staff and volunteers must act in accordance with that licence.

Staff and volunteers of FOP Australia may not reproduce, publish, distribute or adapt third party copyright material in the course of their work for FOP Australia without the authorisation of the copyright owner. Staff and volunteers may not download or reproduce text, photographs or illustrations found on the internet without authorisation of the copyright owner. This includes for use in internal or external newsletters, reports or presentations. All images and illustration should be sourced from and with the consent of the creator. Images may be obtained from a stock image supplier (eg Shutterstock or iStockphoto).

When reproducing or otherwise using third party copyright material, it cannot be assumed that just because something is on the internet that it is free for everybody to copy and use. This includes images on Facebook or photo sharing websites such as Flickr.

Acknowledgement of the source of the material does not overcome the need for authorisation to use the material; actual authorisation is still required.

The staff member or volunteer compiling material for FOP Australia is required to:

- a) record all uses of third party copyright materials, and
- b) ensure that any amounts payable for the use of copyright material are appropriately paid.

Copyright in FOP Australia materials

All materials produced by or on behalf of FOP Australia are subject to copyright, with FOP Australia retaining ownership of the intellectual property. Permission to reproduce such materials depends on the category into which they fall.

All materials produced by or on behalf of FOP Australia will be classified by the board into one of the following classes:

1. Those materials that are copyright and that cannot be reproduced by any process other than for the purposes of and subject to the provisions of the Copyright Act and any licensing agreement between the user and FOP Australia
2. Those materials that are copyright and that may nonetheless be circulated and/or reproduced as long as any reproduction features specified credits and disclaimers.
3. Those materials that are copyright and that may nonetheless be reproduced without conditions.
4. Those materials that are not copyright.

The copyright policies of FOP Australia are binding on all staff, whether paid or voluntary.

Moral rights

Staff and volunteers of FOP Australia should ensure that:

- a) When reproducing any written material, photograph or illustration, the creator is acknowledged where it is appropriate to do so. It is generally appropriate to acknowledge the author of a report or article in a newsletter, but it is not appropriate to acknowledge the creator of a marketing brochure or promotional flyer, or where it is desirable for operational reasons that correspondence be sent out in the name of somebody else (such as in the name of a director, executive or manager).
- b) When reproducing any written material, photograph or illustration, a person should not be falsely attributed as the creator unless it is reasonable to do so. For example some correspondence may need to go out in the name of a director, executive or manager even though it was written by somebody else.
- c) When supplying FOP Australia materials to potential users, ensure the potential user receives and agrees to the Terms and Conditions of Use (Appendix A)

Use of Third Party Trade Marks

Staff and volunteers of FOP Australia are required to observe all applicable laws and regulations relating to trade marks.

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Staff and volunteers may not use any third party marks in relation to the activities of FOP Australia, or on the FOP Australia website, social media accounts, or other promotional materials without the express consent of the relevant mark owner. If in doubt as to whether a particular use of a third party mark requires consent, please contact the Secretary.

FOP Australia Trade Marks

FOP Australia enjoys trade mark protection in its FOP AUSTRALIA mark and its FOP Australia Logo. Permission to use FOP Australia trade marks is to be granted in accordance with the Guidelines for the use of FOP Australia Materials (Appendix A).

AUTHORISATION

13/08/2019

FOP Australia

Appendix A

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RESPONSIBILITIES

It is the responsibility of the board to ensure that:

- Staff, volunteers and contractors are aware of this policy;
- any breaches of this policy coming to the attention of management are dealt with appropriately.

It is the responsibility of all employees, volunteers and contractors to ensure that they comply with this policy.

PROCESSES

Production of copyright material

FOP Australia will keep records of any discussions regarding any agreements as to the ownership and copyright status of any material.

Contracts made by FOP Australia with third parties shall specify in writing the copyright status of any material produced under that agreement.

Any dispute between FOP Australia and its staff or volunteers, or between staff or between volunteers, on issues of copyright ownership shall be determined by the organisation's dispute resolution procedures.

Use of copyright material

The board shall institute procedures to ensure:

- a) that all uses of copyright materials are recorded, and
- b) ensure that any amounts payable for the use of copyright materials are appropriately paid.

Appendix A

Use of FOP Australia Material

Permission to use FOP Australia Materials is to be granted in accordance with the Guidelines for the use of FOP Australia Materials (Appendix A).

AUTHORISATION

13/08/2019

FOP Australia

FINAL

Appendix A

Appendix A: Guidelines for the use of FOP Australia Materials

FOP Australia Materials

FOP Australia Ltd is the owner of all intellectual property rights for materials developed by and for the Charity, including:

- the FOP Australia Logo, as depicted below:



- all original content on the FOP Australia website (<https://fopaustralia.org/>); and
- all materials developed by or on behalf of FOP Australia for the promotion of the charity and its goals.

("FOP Australia Materials").

All rights in the FOP Australia Materials are reserved by FOP Australia Ltd.

Permissions

Reproduction of the FOP Australia Materials, whether in paper or electronic media or other form, may be permitted for personal and non-commercial use and in support of activities related to FOP Australia, including but not limited to, raising funds and awareness for rare diseases and Fibrodysplasia Ossificans Progressiva specifically.

Under no circumstances should anyone be allowed to reproduce, distribute, communicate to the public or otherwise deal with the FOP Australia Materials for commercial purposes without the prior written consent of FOP Australia.

FOP Australia Logo

The FOP Australia Logo may not be used for commercial purposes, but only in support of activities related to FOP Australia subject to the quality control of FOP Australia. The FOP Australia Logo, if used, should be used:

- stand alone, in the format available on the FOP Australia Website;
- in compliance with standards and requirements as notified by FOP Australia from time to time; and
- consistently with the reputation and goodwill of FOP Australia.

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Appendix A



The content and design of the FOP Australia Logo and all promotional materials should not be altered without the express written approval of FOP Australia.

Additional Terms

All users should be required to comply with the standards of the Australian Charities and Not-for-profit Commission and state government fundraising permits when using the FOP Australia Materials.

All queries relating to use of FOP Australia Materials, including requests for permission for use, are to be directed to the board on info@fopaustralia.org.

FINAL