



Chancellor Research and Enterprise and their delegates, and NewSouth Innovations Pty Limited (NSi) and its officers.

Creators cannot act on behalf of themselves or the University in dealing with UNSW or NSi owned IP. Any commercial enquiries in relation to the right to Exploit IP owned by The University or NSi received by staff or students must be referred to the Division of Research and Enterprise, Industry and Innovation and staff or students must not engage in any commercial discussions without Division of Research and Enterprise – Industry and Innovation’s involvement.

Only delegated officers and employees in the Division of Research and Enterprise – Industry and Innovation have the authority to deal with or make any commitments relating to IP that has been notified or assigned to the University and/or NSi.

2. Pre-Existing IP

Pre-existing Intellectual Property means IP that is owned by a staff member or a student prior to the date of their employment or enrolment at UNSW. The University does not assert ownership over Pre-Existing IP. Staff and students must advise the Industry and Innovation Office (Division of Research and Enterprise) of the existence of Pre-Existing IP that a staff member or student brings to the University within 30 days of their employment or enrolment.

Staff and students must complete a [Pre-existing Intellectual Property Notification Form](#) (with full, complete, and accurate information that is available to them as may reasonably require to enable a fair assessment of the nature, value, and ownership of that IP) and provide this to the Industry and Innovation Office. NSi will maintain a confidential register of Pre-Existing IP which will be taken into consideration when new IP is developed by that staff member or student in the course of their employment or enrolment at UNSW.

3. Assignment of Student IP

The assignment of IP by a Student is not a condition of enrolment but may be a condition of participating in certain (usually industry sponsored) research projects. Where the University asserts ownership of IP developed by a student in the course of their enrolment at UNSW, the University will assert ownership of that IP.

and protection that might be applicable to that IP. A confidential Register of IP Notifications will be maintained by NSi.

6. Determination of Student IP ownership

Industry and Innovation can assist students in determining their right to own, commercialise and Exploit IP developed by them.

Industry and Innovation can provide commercialisation services to Students who own their own IP. In this event, Students will be required to assign their IP to NSi and will be afforded the same rights as Staff under the [_____y_____](#).

7. Determination by Industry and Innovation as to commercialisation and Creatorship

Industry and Innovation will decide, as soon as reasonably practicable after receiving an IP Notification whether or not it wishes to protect and/or commercialise and Exploit the IP. Industry and Innovation will use all reasonable efforts to make this determination and advise the Creators of its decision within three months of receiving the IP Notification. Industry and Innovation will also make a determination in relation to the validity of any claim made by a Staff member or Student that they are the true Creator(s) of that IP and in relation to their rights under the UNSW Intellectual Property Policy.

A decision made at the time not to proceed with or delay a patent application or other applicable form of IP protection may not necessarily exclude an ongoing interest by Industry and Innovation in commercialising or Exploiting the IP or prevent them from retaining the right to do so.

8. Notice of Determination by Industry and Innovation and assignment to NSi

Industry and Innovation will advise the Creators of its decision as to whether to proceed with commercialisation. If Industry and Innovation elects to commercialise, the Creators will formally assign () any right, title or interest they may have in that IP to NSi in the form of a contract that specifies the rights that will accrue to the Creators and The University and the obligations they will have to assist with the commercialisation of that IP.

9. Commercialisation by Industry and Innovation

Industry and Innovation will determine the best strategy to commercialise and Exploit IP, however, it will consult with the Creator(s) of the IP before determining the most appropriate commercialisation pathway to be taken. The commercialisation pathway may or may not include the filing of patent applications or other forms of IP protection, the identification of possible licensees, the formation of a limited liability company or some other vehicle or strategy to Exploit the IP.

Industry and Innovation may decide to suspend or cease supporting the commercialisation or protection of any IP in any market of jurisdiction where, in its reasonable opinion, the outcomes and benefits to be gained are insufficient to justify further investment.

Industry and Innovation will keep the Creators informed of any developments in the commercialisation of their IP.

9.1.

The Creators of IP being commercialised or being considered for commercialisation by Industry and Innovation must provide it with all reasonable assistance in the assessment and commercialisation of the IP. This includes the provision of information promptly, providing opinions and assessments frankly preventing premature public disclosure of the IP, attending meetings, giving presentations and executing appropriate documents, as required.

10. Assignment of IP back to staff where commercialisation does not proceed

If Industry and Innovation decides not to proceed with, or continue with, the commercialisation of the IP in a particular IP Notification, it will advise the Creators of its decision, in writing, in a timely manner. Subject to the

Creators having complied with the

Appendix 2: Procedure for Exploiting & Commercialising IP

