



## CW007 Intellectual Property Policy

### Purpose

The purpose of this policy is to provide a framework to identify, manage and support the ownership and use of intellectual property (**IP**) rights and assets created during the course of the activities of Curious Works Incorporated (**CWI**) and Co-Curious Limited (**CCL**).

The policy reflects CuriousWorks' commitments to:

- maximising access, engagement, creation, collaboration and re-use of Intellectual Property Rights;
- supporting and respecting the financial commitment made by CWI or CCL to the creation of Intellectual Property Rights;
- the need for CWI and CCL to derive income from these Intellectual Property Rights; and
- respecting the Intellectual Property Rights, Moral Rights and any Indigenous Cultural and Intellectual Property (ICIP) Rights of creators.

### Scope

This policy applies to employees and volunteers of CWI and CWL and all people who engage in the programs and projects facilitated and supported by CWI or CWL.

### Definitions

**Intellectual Property Rights:** means all rights in tangible or intangible material which are the result of the creative and intellectual effort of individuals or organisations. Intellectual Property Rights shall include (but not be limited to) inventions, literary, artistic, dramatic or musical works, computer programs, databases, confidential information, trade secrets, performers' rights, broadcasts, films, sound recordings, trademarks and designs.

**Creator Led Project:** means projects supported by CWI which are particular to, contributed to or devised by one key creator.



**Collaboratively Led Projects:** means projects supported by CWI which are initiated, formulated, developed or contributed by multiple contributors are made and the work is effectively a 'joint' creation, from which it would be very difficult to extract the work of one particular participant or author from another.

It is acknowledged that a Creator Led Project may arise from (or receive inspiration from) a Collaboratively Led Project.

**Moral Rights:** has the meaning given to these rights in the *Copyright Act (1968) Cth* and shall include the right of attribution, the right not to be falsely attributed and the right of integrity of authorship.

## Principles

1. CWI or CCL will own all Intellectual Property Rights in all works or materials produced by employees in accordance with relevant legislation.
2. Intellectual Property Rights produced by volunteers as part of voluntary services in connection with the operations or administration of CWI or CWL will be assigned to CWI or CCL prior to the commencement of voluntary work.
3. CWI and CCL will use Intellectual Property Rights owned by others in accordance with Intellectual Property Law or contractual agreement and ensure that either
  - a. use does not require permission or
  - b. appropriate permission has been obtained, and/or follows standard industry practices.
4. For Creator Led Projects: CWI or CCL will provide financial and other support on the basis that the Creator shall own the Intellectual Property Rights in the works but that CWI or CCL will have a 'first right' or an exclusive option to acquire the rights in the developed material in order to produce (or co-produce) a production based on the Intellectual Property Rights in the work.
5. For Collaboratively Led Projects: Creators will grant relevant licences in Intellectual Property Rights to CWI or CCL for the purposes of:
  - a. granting and complying with licences required under grant agreements necessary for CWI or CCL's funding and operations;
  - b. allowing CWI and CCL to market and promote projects.
6. For Collaboratively Led Projects: all Intellectual Property Rights in works produced in connection with a Collaboratively Led Project (whether film, digital or theatre) will be assigned (via contract) to CWI or CCL.\*
7. Pro-Forma contracts developed for use for the activities of CWI or CCL will reflect and adopt these principles.



\* The purpose of this principle is to allow CWI or CCL to be able to exploit works derived from Collaboratively Led Projects for its purposes and aims. Participants in Collaboratively Led Projects who wish to continue to work on specific ideas or projects independently of CWI or CCL (or in other words, not a Creator Led Project) which may emerge from contributions to a Collaboratively Led Project are encouraged to discuss with CWI or CCL the nature of this use. Where appropriate and possible, these rights will be reverted to the original contributor, subject to appropriate terms and conditions. It is CWI and CCL's intention for these decisions to always be made in favour of reversion to the contributor.

### **Moral Rights**

CWI and CCL acknowledge the Moral Rights of creators and shall seek to reinforce these rights appropriately, keeping in mind that CWL and CCL need the ability to exploit materials created in the programs and projects that it supports and derive income from these rights.

#### **For Creator Led Projects**

Creators shall only be required to provide consents (and or waivers) in connection with any Moral Rights to the extent that CWL or CWI retains rights of use or promotion in completed materials. If CWL or CWI exercises its first right in connection with the materials then the Moral Rights position in respect of Collaboratively Led Projects (as set out below) shall apply.

#### **For Collaboratively Led Projects**

To the extent that people who contract with CWL and CWI in Collaboratively Led Projects have Moral Rights (or similar rights) in contributions made in connection with CWL or CWI projects, contributors shall be contractually required to consent to CCL or CWI using the materials in any way that CCL or CWI wishes, including making material alterations to the contribution and exploiting them with or without attribution. In addition, contracts will provide that, to the extent permitted under any jurisdiction excluding Australia, the contributor irrevocably waive each of your moral rights arising out of or in connection with any contributions.

### **Heritage Rights**

**Heritage** comprises all objects, sites and knowledge, the nature or use of which has been transmitted or continues to be transmitted from generation to generation, and



which is regarded as pertaining to a particular Indigenous group or its territory. The Heritage of an Indigenous people is a living one and includes objects, knowledge and literary and artistic works which may be created in the future based on that Heritage. Heritage includes:

- a) literary, performing and artistic works (including songs, music, dances, stories, ceremonies, symbols, languages and designs);
- b) scientific, agricultural, technical and ecological knowledge (including cultigens, medicines and the phenotypes of flora and fauna);
- c) all items of movable cultural property;
- d) human remains and tissues;
- e) immovable cultural property (including sacred and historically significant sites and burial grounds);
- f) documentation of the Indigenous peoples heritage in archives, film, photographs, videotape or audiotape and in all other forms of media.

CWI and CCL acknowledge the importance of Heritage Rights. Collection, provision of, access to, use and re-use of content that is owned by individuals or communities and comprise Heritage Rights will be undertaken in a culturally sensitive, inclusive and appropriate manner and subject to all industry guidelines and protocols.