Copyright and intellectual property

The Department relies on its intellectual property to deliver its services. All employees play an important role in ensuring the Department’s intellectual property is properly identified, protected, used and where appropriate shared so as to ensure its benefit to the organisation and stakeholders.

24.1 When creating material you need to ensure the intellectual property rights of others are not infringed and information is recorded about any third party copyright/other rights included in materials.

24.2 Advice relating to sharing or licensing the Department’s intellectual property should be sought from the unit/directorate that created the intellectual property and the Department’s Copyright Unit prior to any arrangement taking place.

24.3 The Department cannot give away or assign its intellectual property without the approval of the Attorney-General’s Department.

24.4 If you develop material that relates to your employment with the Department, the copyright in that material will belong to the Department. This may apply even if the material was developed in your own time or at home.

24.5 You should not use the Department’s intellectual property (including copyright) for private purposes without obtaining written permission from the directorate or unit that created the material.

The Department owns all intellectual property rights (including copyright) in material created by its employees, pursuant to their employment. Refer to the fact sheet Copyright Ownership when DEC Staff Create Material and to the TAFE NSW Intellectual Property Policy and Guidelines for more information.

Examples of appropriate conduct

A teacher is writing a textbook based upon teaching materials developed in the course of her work duties. The teaching materials are the intellectual property of the Department of Education and Communities. The teacher seeks the Department’s consent to include the materials in the textbook.

An organisation approaches the Department to use the TAFE NSW logo on its website. As the TAFE NSW logo is a valuable trademark, a probity check should be completed on the organisation and a copy of the Corporate Identity Guidelines and the Department’s Statement of Business Ethics provided.
