

INTELLECTUAL PROPERTY MANAGEMENT

Approved: Paul Blewonski
Acting Chief Executive Officer

Date: 18 / 01 / 2005

PURPOSE:

To ensure PCQ's interests are best protected in the management of its intellectual property.

POLICY FRAMEWORK:

The Corporation will abide by intellectual property laws including ensuring its rights and those of other parties are recognised and protected. It is the duty of the officer assigning work to ensure that the law has not been or will not be breached.

All intellectual property funded by PCQ in the course of an officer's employment, any contract or consultancy paid for by Ports Corporation, shall be and remain the property of the Corporation. Intellectual property belonging to other parties will be obtained/used by the Corporation through appropriate arrangements with that party.

APPLICATION:

This policy applies to all PCQ staff and other officers acting on behalf of the Corporation.

POLICY:

Capturing PCQ's Intellectual Property

The Corporation will, unless specifically authorised by the CEO:

- determine if copyright subsists in any of its or its agent works (being an original literary, dramatic, musical or artistic works)
- ensure appropriate design protection (registration) has been obtained in relation to any original designs developed by the Corporation, its employees or agents
- determine which methods or procedures represent a patentable subject matter and obtain patent protection (registration) and maintain renewal
- determine what signs or symbols of PCQ are registrable Trade Marks and obtain trademark protection (registration) and maintain renewal.

Primary responsibility to capture the intellectual property value will rest with the manager in whose area the Corporation's intellectual property is being generated. For example, the

Engineering Manager will ensure the intellectual property generated by contractors on behalf of the Corporation becomes vested in PCQ.

The Manager Corporate Strategy will ensure standard employment conditions relating to intellectual property are available for inclusion in appointment letters.

Infringement by Third Parties

Where an employee suspects a third party is illegally using the intellectual property of the Corporation, the matter should be raised with their manager. The manager will investigate the situation, confirm the potential of breach and recommend action in appropriate circumstances.

Preserving Intellectual Property Rights of Others

The Corporation:

- must, where PCQ does not have copyright, ensure appropriate agreements are put in place with the copyright owner authorising the doing by the Corporation of acts within the copyright of the owner, such as reproduction. PCQ will comply with the terms and conditions of any such agreement.
- must ensure it does not infringe the monopoly rights of the owner of a registered design
- must ensure it does not infringe any registered patents
- must ensure it does not infringe any registered Trade Mark.

The manager in whose section the activity is being generated is responsible to ensure compliance. Any employee suspecting a breach should bring it to the attention of their manager or the responsible manager. The responsible manager must ensure any infringement does not occur and steps are taken to cease the infringement and prevent re-occurrence.

Transfer/Licensing

In all transactions involving the transfer or licensing of copyright, registered designs, registered patents or registered Trade Marks, PCQ is to confirm the ownership and registration as part of due diligence.

PROCEDURAL IMPLICATIONS:

The following are the primary legislation applicable to intellectual property in Australia.

Copyright Act 1968 (Cwlth)
Designs Act 1906 (Cwlth)
Patents Act 1990 (Cwlth)
Trade Marks Act 1995 (Cwlth)

Breach of this policy may trigger the Code of Conduct policy, disciplinary or legal procedures.

REVIEW DATE:

This policy will be reviewed by June 2009.