

DATED

April 2016

TUTAKI YOUTH INCORPORATED

**PROTECTION OF
INTELLECTUAL PROPERTY
POLICY**



Tūtaki Youth Inc. Trust

POLICY: PROTECTION OF INTELLECTUAL PROPERTY

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Responsibility:	General Manager and Tūtaki Youth Inc. Board
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1. Purpose

This policy provides guidance for the protection of intellectual property created and owned by Tūtaki Youth Inc.

2. Policy Scope

This policy covers the intellectual property of Tūtaki Youth Inc.

The policy applies to all persons employed by, representing or working on behalf of the organisation and prevents them from disclosing Tūtaki Youth Inc. information and knowledge.

The policy also ensures that Tūtaki Youth Inc. does not infringe of the rights of others.

3. Policy Definition

For the purposes of application to Tūtaki Youth Inc. Intellectual Property means any of the following:

3.1. Trademarks

A trademark (used in connection with a product) or a service mark (used in connection with a service) is any word, symbol or device (e.g., sounds, colours or even scents) used by the organisation to identify the source of its products and services, and to distinguish its products and services from those of others. Trademarks embody the organisations reputation and brand.

3.2. Copyright

Copyright protects works of authorship, including, for example, books, papers, reports, web sites, music, visual arts etc. from unauthorised copying and distribution. Copyright does not protect facts or ideas, only the expression of those facts or ideas.

An original work of authorship becomes protected by copyright as soon as it is fixed in any tangible medium of expression. However, an organisation may need to register the copyright in its important materials for additional protection.

3.3. Trade Secrets

Trade secrets may include almost anything used in an organisation that is maintained in secrecy and confers a competitive advantage.

Unlike other types of intellectual property, there is no registration process for trade secrets. In fact, public disclosure of the trade secret disqualifies the material from protection. For the trade secret to be protected, the organisation must take reasonable steps to maintain the confidentiality of the trade secret.

4. Policy Statements

4.1. Ownership of Intellectual Property

Normally the originator of an idea owns the Intellectual Property. But a different position applies for those who create IP in the course of their employment.

4.1.1. IP created by an employee is owned by Tūtaki as follows:

4.1.1.1. automatically, if the work leading to the creation of IP is carried out wholly in the course of employment, using Tūtaki resources

4.1.1.2. automatically, if Tūtaki has commissioned or contracted the related activity;

4.1.1.3. automatically, if the job specification makes it clear that a major part of the employee's remit is to generate work in a specific field;

4.1.1.4. by transfer (assignment), if the work leading to the creation of IP is carried out partly or wholly outside employment, but with more than incidental use of Tūtaki resources;

4.1.1.5. by prior agreement, if the work leading to the creation of IP is carried out within a programme or project sponsored by an outside body;

4.1.1.6. by any other mutual or negotiated agreement.

4.1.2. If the IP has been created solely in the unpaid time of the employee without more than incidental use of the organisation's resources, the IP rights remain with the employee unless otherwise agreed.

4.2. Non-Disclosure of Tūtaki Property

- 4.2.1. All intellectual property of Tūtaki Youth is confidential and must be protected from unauthorised disclosure. Information shall be disclosed for organisational purposes on a “need to know” basis.
- 4.2.2. Intellectual property that is disclosed by any employee or governor of Tūtaki Youth Inc. without the proper authorisation will result in the initiation of the disciplinary procedure.

4.3. Fair Use of Third Party Intellectual Property

Information in the public domain may be used by Tūtaki Youth Inc. in the following circumstances:

- 4.3.1. The owner of the information allows for the re-production of the information for defined purposes.
- 4.3.2. There is no control over the ownership of the information.
- 4.3.3. The owner of the information has given express permission for the information to be used and re-produced by Tūtaki Youth Inc.
- 4.3.4. The information owners are acknowledged and Tūtaki Youth Inc. makes no attempt to pass the information off as its own.

4.4. Intellectual Property Review

A periodic intellectual property review or “audit” shall be conducted to help the organisation identify its intellectual property assets, ensure that such assets are adequately protected, and identify any activities or practices that could place the organisation at risk from the inappropriate use of the intellectual property of another.

5. Further Information

Intellectual Property Office New Zealand - <http://www.iponz.govt.nz/cms>