

INTELLECTUAL PROPERTY - GENERAL STATEMENT

What is Intellectual Property?

Intellectual Property Rights can be summarised as ownership of anything unique created by a person or an organisation which should not be used or exploited by others without permission. Intellectual Property Rights can include items such as patents, patent application, know how, trade mark or name, service mark, design right, registered design, copyright, moral right, rights in commercial or technical information, whether registered or unregistered.

Who Owns Intellectual Property Rights?

Contractors

All Intellectual Property Rights existing prior to the commencement of any agreement with the Council usually remain the property of the respective contractors. This is a position that is maintained in the Council's standard terms and conditions.

The Council requires however that any Intellectual Property Rights developed and produced by contractors in performance of any agreement vest in the Council save for any exceptions agreed by the Council and included as part of the specific terms and conditions.

Where any Intellectual Property Rights cannot vest in the Council because they are based upon Intellectual Property Rights owned by a third party at the commencement of or during a contract, contractors are required to ensure that the Council is granted licence(s) to use those Intellectual Property Rights at no further cost to the Council and without liability.

Employees

The Council retains Intellectual Property Rights for work undertaken by employees. Research, reports, designs, drawings, software developments or similar work, when created in the course of an employee's normal duties, remain the property of the Council. These should not be removed from Council premises or passed on to a third party by any employee acting in a private capacity without the express consent of the Council.