



## CREATIVE COMMONS POLICY

**Rationale:** Spotswood College wishes to encourage the open and free exchange of information, knowledge and resources; and support the collaborative production of intellectual property that is freely available to all.

### Guidelines:

1. The school asserts its copyright over school employees' work created during the course of employment
2. The school applies by default a Creative Commons By Attribution License (BY) to all its teaching materials and policies and to its other work wherever possible.
3. The school intellectual property in relation to other work (other than teaching materials and policies) is protected by default and may only be waived or altered as detailed in clause 4 below and with the express agreement of the Principal.
4. The school may make exceptions to the sharing of Intellectual Property (IP) it owns on a case by case basis with detailed reasons for limiting the free access to material; any such restrictions should be time dependent and will include consideration of applying other Creative Commons licenses to the work including Attribution-Share Alike (BY-SA), Attribution-Noncommercial (BY-NC), Attribution-Noncommercial-Share Alike (BY-NC-SA), Attribution-No Derivative Works (BY-ND) and Attribution-Noncommercial-No Derivative Works (BY-NC-ND).
5. The school will transfer the copyright of created works to the original creator when a license which meets the free cultural works definition (i.e. Creative Commons By Attribution License (BY) or Creative Commons Attribution-Share Alike (BY-SA)) is applied to them.

Spotswood College encourages staff and students to support free and open access to Intellectual Property and also to apply the Creative Commons Attribution framework to work created in their capacity as an individual.

Spotswood College does not make any claim over the ownership of outputs or outcomes of students' work. These belong to the creator.

### Definitions of Intellectual Property

- In this policy "intellectual property" includes the rights to all created work.
- Outputs are the products that are created by an individual or group of individuals. This may include for example artworks.
- Outcomes are the consequences or results arising from the development of, or use of IP other than products that are created from IP. Examples may include a publication such as a book, web site or, an exhibition.

### Ownership of IP and outputs arising from intellectual activity

In general all IP and the outputs and outcomes arising from that IP are owned by the creator. While Spotswood College will derive benefits from the outcomes; there are exceptions to this, as follows:

1. Outputs and IP created by staff in the course of their employment are owned by the school unless otherwise expressly agreed by way of contractual obligations in an employment agreement.
2. Outputs and IP will be jointly owned by the school and a staff member only where such joint ownership is expressly agreed between ASHS and the staff member.

### **Clarity of Licensing**

All published works should be clearly labelled using the appropriate symbol from the Creative Commons icon set.

### **Disputes**

Where there is a dispute over ownership, including co-ownership of IP, and/or the commercialisation of any co-owned IP, the following process will apply:

1. In the first instance the dispute should be documented and presented to the school Principal.
2. If the dispute is still not resolved then the documentation should be presented to the chairman of the Board of Trustees.
3. Mediation with an appropriate authority will be undertaken if the dispute cannot be resolved by the Principal and / or the Chairman of the Board.

### **Approval:**

When the Board approved this Policy it agreed that no variations of this Policy or amendments to it could be made, except with the majority approval of the Board.

Approved by the Board of Trustees on 23 March, 2015

Signed on behalf of, and with the authority of the Board

\_\_\_\_\_ on \_\_\_\_\_ (Date)

Board Chairperson

Due for Review: March 2018