



Intellectual Property Rights policy

Version 1 | March 2019

Background and Purpose

The QWA purpose is to organise, control and develop the sport of weightlifting in Queensland as the Queensland State Member of the Australian Weightlifting Federation.

- ii. To develop and intensify friendship and co-operation amongst competitors and officials in weightlifting both in Queensland and other states.
- iii. To authorise and supervise all weightlifting activities of members in Queensland.
- iv. To maintain all affiliations with the Australian Weightlifting Federation and other Sporting organisations as may be required for the proper advancement and recognition of weightlifting.
- v. To render aid either financial or by other means to clubs or associations in the State of Queensland or elsewhere, where clubs or associations are conducting the sport of weightlifting in accordance with the sport technical rules laid down by the Australian Weightlifting Federation.
- vi. To present weightlifting in its' proper form to the public.
- vii. To do all such things as are conducive or incidental to the attainment of the above objects.

IP Rights are an important part of the QWA's strategy to fulfil that purpose.

All committee members are required to assist **QWA** to use third party IP, and deal with third party IP Rights in a way which does not expose **QWA** to liability. Third party IP could include our business partners' IP, the government's IP, as well as IP owned by other organisations.

This policy provides guidance on the actions required to protect **QWA's** interests in relation to IP issues.

IP Rights are a group of rights that represent a person's or an organisation's intellectual or creative effort. The most obvious example is a company's brand, but other examples include scientific discoveries, research findings, software applications developed by staff, among other matters. Types of IP Rights with potential relevance to **QWA's** business are set out in Annexure A.

IP Rights may be valuable and capable of commercialisation by **QWA**. Conversely, the unauthorised use of third party IP Rights may expose **QWA** to significant legal liabilities or in some cases allow a third party to restrain **QWA's** activities.

Scope

This policy applies to all directors, officers, employees (including contractors) of **QWA** or its subsidiaries (including but not limited to Affiliated Clubs and Members).

Part 1 – Creating and using IP and Confidential Information – focuses on how all **QWA members** can spot common IP issues to do with content, brands and confidential information, and what to do about them.

Part 2 - Innovation Process – provides guidance on the use and protection of new, inventive or innovative products, processes, industrial designs, software or other technology (**Innovations**) created by or for **QWA** or in collaboration with third parties. You must not disclose details of an Innovation to anyone outside of **QWA**, except as advised by Legal and subject to a confidentiality agreement.

Policy

Part 1 – Creating and using IP and Confidential Information

What do I need to do to protect the QWA's IP rights or use third party IP rights?

The committee should ensure that the IP Rights of third parties are not exploited by **QWA** in an unauthorised manner and that they comply with all licensing terms and conditions applicable to the use of such materials. In case of doubt as to the scope of **QWA's** authority to exploit third party IP Rights, contact CEO to discuss. The table below provides some guidelines to follow so that the **QWA's** IP Rights are preserved and third party IP Rights are treated appropriately.

Note that Innovations are dealt with in Part 2 of this Policy below - Innovation Process.

Working with...	Activity	Action
Content - includes documents, designs, drawings, copy, artwork and other copyright material produced and owned by QWA , including in network designs, product papers, internal and external papers, slide packs and presentations, on our website and in marketing and advertising collateral	Creating content	Apply the following notice to all Content (other than routine correspondence such as emails): <i>© [year of publication or update] QWA Inc. All rights reserved.</i>
	Using QWA's content	Apply the above notice to all Content, with the same exceptions.
	Using third party content	Ensure the third party has given permission for use of the content as proposed. Ask your CEO. Note the Procurement Guidelines below.
Brands and names - includes names for the company, business units and products and services	Creating brands and names	Consult with/notify the CEO/ QWA Management Committee member before a new brand is created or for approval to use a brand. The CEO/ QWA CEO or a QWA Management Committee will decide and approve the use of QWA brand use, infringement or registration issues

		as necessary. Relevant factors include the value of the brand and how long QWA intends to use the brand.
	Using QWA's brands and names	QWA Brand items including but not limited to the QWA logo will require prior written permission before use from the QWA CEO or the QWA Management Committee
	Using third party brands and names	Ensure you have permission from the third party and follow any brand use terms required by the third party. Speak to the CEO and note the Procurement Guidelines below.
<p>Confidential information - commercially sensitive information that is not in the public domain and could relate to any subject matter. Information relating to Innovations must also be kept confidential - see Part 2 of this Policy, below.</p>	Creating confidential information	Do not disclose such information to any person outside QWA without the consent of your manager. The person you intend to disclose to must first sign a confidentiality agreement (NDA) agreeing to keep that information confidential. Store QWA's confidential information (including records of valuable IP Rights) securely and only disclose them to other QWA staff (employed and volunteer) who need to know that information for the purposes of their employment/activities. Mark documents containing confidential information 'CONFIDENTIAL'.
	Using QWA's confidential information	Take all reasonable steps necessary to maintain the confidentiality of the information, including limiting disclosure of the information to a "need to know" basis and informing anyone to whom the information is disclosed of its confidential nature. Do not disclose such information to any person outside QWA without the consent of your manager (and on the terms set out above). Mark documents containing confidential information 'CONFIDENTIAL'.
	Using third party confidential information	Check that QWA has permission to use the information. Ask the CEO. Take all reasonable steps necessary to maintain the confidentiality of the information (on the terms set out above). Do not disclose such information to any person outside QWA without the consent of your manager (and on the terms set out above). Mark documents containing confidential information 'CONFIDENTIAL' and note the Procurement Guidelines below.

If in doubt, or if a third party asks to use **QWA's** IP Rights, speak with the QWA CEO who can help you consider the request and, if necessary, put together the appropriate documentation, such as a licence to use the IP Rights. Do not apply to register, assert ownership of, attempt to license or assign or otherwise deal with **QWA's** IP Rights

in your own name. Consult with the QWA CEO in relation to the steps needed to protect **QWA's** IP Rights, including by signing documents to confirm **QWA's** IP Rights.

What do I need to do if I think someone is misusing QWA's IP rights?

If you suspect any unauthorised use of **QWA's** IP Rights or confidential information by a third party, or any unauthorised use of a third party's IP Rights or confidential information by **QWA**, report the matter to the QWA CEO promptly for further investigation.

How do I check whether a third party might own IP?

If you are developing new Content, products, processes, designs or software or starting a new technology project, you should consider whether use of that material or the conduct of the project might infringe existing third party IP Rights. This process is more important when the use is likely to be public / high profile or high value.

The CEO can assist in determining if and what third party IP searches are required and can discuss the results with you. See also the Innovation Process set out in Part 2 of this IP Policy in relation to the development and protection of new products, processes, designs, software and other technology.

Dealing with IP in a procurement context

When acquiring any goods or services from a third party, it is likely that the supply involves the creation or use of IP Rights. It is therefore important to consider the ownership and licensing of IP Rights in those goods and services. Staff should bring specific IP issues to the CEO's attention, so provisions can be included in the relevant contract to set out:

- What IP Rights exist in products or services supplied to **QWA**;
- The basis on which any IP Rights are being made available to **QWA**; and
- How new IP Rights resulting from the performance of the relevant services will be dealt with.

General guidelines for these purposes are set out in Annexure B.

Part 2 - Innovation Process

What are Innovations?

Innovations might include new products, processes (e.g. technical or migration processes), industrial designs (e.g. product designs or equipment covers), software or other technology. Innovations may be protectable by patents or industrial designs registrations, as confidential information or 'trade secrets', or even as copyright in the case of software applications.

Innovations can help **QWA** achieve its goals and provide a return on investment.

Innovation Management

It is **QWA's** policy to assess whether a potential Innovation is a new idea ("**innovative**") and useful to the business, determine whether and what kind of protection should be sought and whether commercialisation is possible. It is also important to consider whether the use of an Innovation could infringe third party IP Rights – see Part 1.

The QWA CEO will be your first point of contact for any questions or proposals in relation to Innovations. The QWA CEO will work with you to collect information about the potential Innovation and provide that information and their recommendations to the QWA Management Committee. The CEO/QWA Management Committee is responsible for assessing potential Innovations and determining:

1. Whether it is innovative and could be **useful** to **QWA**
2. Whether the Innovation is capable of **protection**, and how.
3. Whether **QWA** should **commercialise** the Innovation, and how.

What do I need to do if I think an Innovation is being created or used?

Identifying Innovations, and keeping those Innovations confidential, is the responsibility of all QWA staff (employed and volunteer).

Further guidance is given below, but the most important thing to remember is to keep the Innovation secret, only disclose it to your CEO or a committee member and never discuss an Innovation with anyone outside **QWA** without obtaining approval.

Identify Innovations	Identify potential Innovations being developed by or for QWA in your area of the business, including in collaboration with our suppliers.
Tell the QWA CEO or a QWA Management Committee member	Once you have identified a potential Innovation discuss it with the QWA CEO or a QWA Management Committee member You will also need to: <ol style="list-style-type: none"> 1. Provide information - provide the QWA CEO or a QWA Management Committee member with information including who created the Innovation, its value and possible use and who it has been disclosed to. 2. Notify of any deadlines - let the QWA CEO or a QWA Management Committee member know whether there are any deadlines (e.g. if the Innovation is about to be publicly disclosed); and 3. Provide assistance as required - assist the QWA CEO or a QWA Management Committee member to obtain more information about the potential Innovation if required.
Keep Innovations confidential	Keep Innovations confidential while they are being assessed by QWA and do not disclose them outside of QWA without the prior approval of the QWA CEO or a QWA Management Committee member. Disclosure can occur verbally, in writing, by trialling the Innovation or, where software is involved, providing software to QWA's suppliers or customers. See information on the use of Confidential Information in Part 1 of this Policy
Keep records of who did what	Keep accurate records of potential Innovations and particularly QWA's involvement in creating those materials (including who was involved, what they did and when).

Using new QWA products, processes, designs or software

Check with your CEO or committee if the new product, process, design or software is available to use and any restrictions on use. You will need to provide details of where and how you intend to use it, including who would see or learn of the use.

Roles and responsibilities

All QWA Committee members are responsible for ensuring that they take reasonable measures to maintain and preserve **QWA's** IP Rights, and to respect the IP Rights of third parties. Staff also have a crucial role to play in identifying new Innovations and taking them to the CEO/Management Committee for assessment – more detail on this important process is set out in Part 2 of this IP Policy.

Where there is any doubt as to whether IP Rights may arise in relation to a particular product, process or activity, staff should seek guidance from the CEO. When dealing with new products and processes which might be protectable by IP rights, staff should consult with the CEO/Management Committee.

More information

If you require additional information in relation to this policy or if you have any suggestions for improvement to this policy, please contact the QWA.

Related Policies

- [The Constitution of Queensland Weightlifting](#)
- [QWA Governance Policy and Procedure Manual](#)
- [Member Protection Policy](#)

Annexure A-Types of IP Rights

This IP right...	... protects
Trade marks	Letters, words, phrases, shapes, logos, aspects of packaging or a combination of these, to distinguish the goods and services of one business from those of another. Registered under the Trade Marks Act 1995 (Cth). Unregistered trade marks can also be protected under general laws relating to misleading conduct and passing off
Copyright	The form or expression of original material in literary, artistic, dramatic or musical works, films, broadcasts, multimedia and computer programs. Examples are documents (such as discussion papers, specifications, plans, designs, drawings and marketing materials), drawings, photographs and computer software. Arises automatically under the Copyright Act 1968 (Cth).
Patents	New or improved products or processes which are inventive or innovative as compared to the current state of knowledge in the relevant field. Registered under the Patents Act 1990 (Cth).

Moral Rights	Natural persons obtain Moral Rights in copyright works. Moral Rights include the right of attribution as an author of a work and the right not to have authorship falsely attributed to someone else. Granted under the Copyright Act and cannot be assigned, however they can be waived.
Designs	A novel shape or appearance of manufactured goods. Registered under the Designs Act 2003 (Cth).
Confidentiality/ Trade Secrets	Information (including know-how) of a confidential nature. Protected under general law principles and, in some cases, Confidentiality
Domain Names	Registrations to use particular domain names for a limited period.

Document Control

Policy Owner	Deb Keelan
Revision	
Date	29/03/2019
Review Date	
Status	Approved
Policy Author	Rawena Tairi
Policy Approver	QWA Committee
Email	qwa@qwa.org

Revision	Description	Policy Author