**Ākonga Intellectual Property Guideline**

TO BE READ IN CONJUNCTION WITH the

[Academic Integrity](https://online.op.ac.nz/about-us/governance-and-management/policy-library/academic-integrity-policy) policy and procedures.

[Intellectual Property - Mātauranga Māori](https://online.op.ac.nz/about-us/governance-and-management/policy-library/intellectual-property-matauranga-maori/) Policy

[Intellectual Property Policy](https://online.op.ac.nz/about-us/governance-and-management/policy-library/intellectual-property) (“the Policy”) provides:

* Otago Polytechnic does not wish to make any claim over the ownership of outputs or outcomes of ākonga work. These belong to the creator.
* Otago Polytechnic will act in the role of a guardian of ākonga activity to protect ākonga rights to intellectual property.
* For kaimahi or any other party to claim any interest in ākonga work this must be agreed and specified prior to the engagement in the activity.

This guideline is to help kaimahi comply with their obligation to guard ākonga intellectual property while also providing ākonga with benefits to their learning from engaging in real-world projects.

**The circumstances in which real-world project work is undertaken as part of ākonga learning include but are not limited to:**

1. Ākonga working individually or collectively on ākonga-only projects, for example, Fashion, Art, and self-employed ākonga enrolled in the Master of Professional Practice programme.

 2. Ākonga working on projects with a third-party community partner such as a not-for-profit organisation or a business, for example, Business, Communication Design, Occupational Therapy, Nursing, Engineering Technologies, and externally employed ākonga enrolled in the Master of Professional Practice programme.

3. Ākonga working collectively on larger projects which may include kaimahi research, for example, Information Technology and Communication Design ākonga involved in game development for Forth Street Studio, Information Technology ākonga working on open-source accessibility software, and Engineering Technologies ākonga working on designing interactive biomedical test equipment.

4. Ākonga working on projects with Otago Polytechnic as a partner, for example, Business, Graduate Diploma in Tertiary Education (GDTE), and kaimahi ākonga enrolled in the Master of Professional Practice programme.

Authority to negotiate intellectual property ownership for ākonga who are kaimahi of Otago Polytechnic.

**Process**

1. In accordance with clause 2.1 of the Policy, ākonga own the intellectual property they create (for example reports, resources, designs, and software) unless otherwise agreed.
2. Kaimahi engaged in each programme of study must consider clause 2.2 of the policy and include appropriate intellectual property provisions in the project documentation.
3. The suggested default position is that a partner organisation, including Otago Polytechnic, has the right to use ākonga work for the agreed purpose(s) under an irrevocable non-exclusive licence.
4. In accordance with clause 2.2 of the policy, ākonga are required to assign their intellectual property as a condition of completing any course/programme of study. Therefore, where the conditions of any project require ākonga involved to assign in their work, ākonga must be given the option of working on another equivalent project without that requirement.
5. For ākonga who are also kaimahi of Otago Polytechnic and seek support from Otago Polytechnic (for example time allowance) for their study, Otago Polytechnic may impose conditions on that support for example co-ownership of intellectual property.  Approval and negotiations of the conditions for Otago Polytechnic kaimahi ākonga shall be the Formal Leader of said ākonga with the area Deputy Executive Director signing off.
6. In accordance with clause 2.3 of the Policy, kaimahi engaged in each programme of study must ensure that the intellectual property provisions for each project, whether a default position or any negotiated variation, and all parties’ agreement to those provisions are documented and preserved.
7. If Otago Polytechnic wishes to use ākonga work, for example for promotional purposes, ākonga consent must be obtained beforehand.