



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **BSBIPR501A Manage intellectual property to protect and grow business**

**Revision Number: 1**

## BSBIPR501A Manage intellectual property to protect and grow business

### Modification History

Not applicable.

### Unit Descriptor

<b>Unit descriptor</b>	<p>This unit describes the performance outcomes, skills and knowledge required to protect, secure and effectively use intangible assets of value to an organisation. It focuses on establishing and maintaining systems to protect and exploit an organisation's intellectual property to ensure business growth.</p> <p>No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.</p>
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### Application of the Unit

<b>Application of the unit</b>	<p>This unit applies to managers or coordinators who take an active role in recognising, securing and commercialising intangible assets which contribute to the organisation's profitability, productivity, product or service delivery, and market leadership. These managers and coordinators may work in a range of industry or other contexts and may have responsibility for managing people, systems or processes.</p>
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### Licensing/Regulatory Information

Not applicable.

## Pre-Requisites

<b>Prerequisite units</b>		

## Employability Skills Information

<b>Employability skills</b>	This unit contains employability skills.
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## Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.	Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the required skills and knowledge section and the range statement. Assessment of performance is to be consistent with the evidence guide.
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## Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Identify the organisation's intellectual property assets and rights	<p>1.1. Identify the <i>intangible assets</i> residing within the organisation and how they can be protected</p> <p>1.2. Identify the <i>sections of the organisation</i> in which <i>intellectual property</i> is created, procured or transferred and for which management is required</p> <p>1.3. Research <i>intellectual property rights</i> appropriate to the organisation according to <i>legislative requirements</i></p> <p>1.4. Identify and access <i>sources of information and advice</i> for protection of the organisation's intellectual property</p> <p>1.5. Conduct a cost-benefit analysis of protecting intellectual property and determine risks</p> <p>1.6. Identify and use appropriate intellectual property professionals to initiate processes to protect intellectual property, according to the type of intellectual property protection required</p>
2. Create a strategy to manage the organisation's intellectual property	<p>2.1. Review or create an organisational strategy, and review or develop policies and procedures for protection, management and use of intellectual property as part of the organisation's business strategy</p> <p>2.2. Plan and implement an <i>intellectual property audit</i> and establish or review the value and use of the organisation's <i>intangible assets</i> inventory</p> <p>2.3. Plan and make recommendations for implementation of a strategy for business growth through use of organisation's intellectual property</p> <p>2.4. Plan and implement <i>strategies</i> to ensure employees, partners and contractors protect the organisation's and others' intangible assets</p> <p>2.5. Establish or review procedures to securely record and store <i>documentation</i> related to the organisation's intangible assets</p>
3. Monitor and maintain organisational strategies for the protection and use of intellectual property	<p>3.1. Monitor and review strategies, policies and procedures for the identification, protection and use of intellectual property regularly to ensure they are working effectively, and make changes if required</p> <p>3.2. Manage the identification of potential <i>infringement</i> of organisation's intellectual property rights, and ensure appropriate action is taken</p>

ELEMENT	PERFORMANCE CRITERIA
	3.3.Promote a culture of <b><i>compliance</i></b> and respect for other organisations' and individuals' intellectual property rights
4. Manage the commercialisation of the organisation's intellectual property to ensure business growth	<ul style="list-style-type: none"><li>4.1.Research the role intellectual property will play in the strategic plans of the organisation</li><li>4.2.Contribute to the implementation of the <b><i>commercialisation</i></b> of the organisation's intellectual property</li><li>4.3.Manage the review of the activities of existing or potential competitors and assess their impact on the organisation's intangible assets</li><li>4.4.Access and effectively use others' intellectual property within legal guidelines for business advantage</li></ul>

## Required Skills and Knowledge

### REQUIRED SKILLS AND KNOWLEDGE

This section describes the skills and knowledge required for this unit.

#### Required skills

- communication and analytical skills to conduct audits and make recommendations for compliance and commercialisation of intellectual property
- interpersonal skills to foster a positive culture of compliance within the organisation
- marketing skills to contribute to the commercialisation of the organisation's intellectual property
- problem solving skills to address intellectual property compliance issues
- research skills to find and interpret relevant legislation in relation to the particular types of intellectual property

#### Required knowledge

- types of intellectual property protection and time restraints on protection
- relevant legislation and regulations relating to intellectual property rights
- potential sources of information and advice about intellectual property
- business and marketing advantages of intellectual property protection
- strategic and business planning
- options for commercialisation

## Evidence Guide

### EVIDENCE GUIDE

The Evidence Guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.

#### Overview of assessment

#### Critical aspects for assessment and evidence required to demonstrate competency in this unit

Evidence of the following is essential:

- identification of the types of intellectual property within the organisation and the relevant legislation protecting them
- establishment or review of strategies, policies and procedures for the management and use of own and others' intellectual property
- identification of commercialisation potential of an organisation's intellectual property

#### Context of and specific resources for assessment

Assessment must ensure:

- access to relevant organisational strategies, policies and procedures; or access to information to allow for the design of these policies and procedures
- access to relevant legislation and regulations as they relate to intellectual property
- access to appropriate computer resources for online search and report preparation

#### Method of assessment

A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit:

- analysis of data collected on intangible assets and their compliance requirements within an organisation
- direct questioning combined with review of portfolio of evidence and third party workplace reports of on-the-job performance by the candidate, to demonstrate the establishment of strategies, policies and procedures to manage an organisation's intellectual property
- third party reports to demonstrate how the candidate promoted a culture of respect for the intellectual property of others
- presentation to appropriate personnel on the commercialisation of a range of intellectual property within the organisation
- oral or written questioning about relevant legislation

<b>EVIDENCE GUIDE</b>	
	as it relates to the organisation's intellectual property
<b>Guidance information for assessment</b>	<p>Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended, for example:</p> <ul style="list-style-type: none"><li>• BSBRSK501A Manage risk</li><li>• other management units from BSB07</li></ul>



## Range Statement

### RANGE STATEMENT

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Bold italicised wording, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.

<p><b><i>Intangible assets</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• brand</li> <li>• business name</li> <li>• customer/client list</li> <li>• computer systems software</li> <li>• confidential information</li> <li>• copyrights</li> <li>• core technology</li> <li>• database/customer list</li> <li>• design</li> <li>• distribution agreements</li> <li>• domain name</li> <li>• employees' specialist knowledge</li> <li>• goodwill</li> <li>• ideas</li> <li>• innovation</li> <li>• invention</li> <li>• logo</li> <li>• packaging</li> <li>• patent</li> <li>• practical application of a good idea</li> <li>• process</li> <li>• product</li> <li>• promotional materials</li> <li>• secret recipe, process, formula</li> <li>• standard of service/unique service technique</li> <li>• trade mark</li> <li>• trade secret</li> <li>• training manuals</li> </ul>
<p><b><i>Sections of the organisation</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• any section of the organisation that creates products or services that may be protected by intellectual property rights, or that is responsible for the management of intellectual property, including:</li> </ul>

<b>RANGE STATEMENT</b>	
	<ul style="list-style-type: none"> <li>• design department</li> <li>• marketing department</li> <li>• research and development department</li> <li>• product development group</li> <li>• human resource department</li> <li>• production, administration or service delivery</li> <li>• legal services unit</li> </ul>
<b><i>Intellectual property</i></b> refers to:	<ul style="list-style-type: none"> <li>• the output of the mind or intellect rather than tangible objects. It includes: <ul style="list-style-type: none"> <li>• copyright</li> <li>• trade marks</li> <li>• patents</li> <li>• designs</li> <li>• plant breeder's rights</li> <li>• circuit layout rights</li> <li>• confidential information/trade secrets</li> </ul> </li> </ul>
<b><i>Intellectual property rights</i></b> may refer to:	<ul style="list-style-type: none"> <li>• the exclusive rights associated with the relevant intangible asset</li> <li>• the right to prevent use by others of the intangible asset</li> </ul>
<b><i>Legislative requirements</i></b> may include:	<ul style="list-style-type: none"> <li>• Business Names legislation</li> <li>• Copyright Act 1968</li> <li>• Designs Act 2003</li> <li>• Patents Act 1990</li> <li>• Trade Marks Act 1995</li> <li>• Trade Practices Act 1974 and State/Territory fair trading legislation</li> </ul>
<b><i>Sources of information and advice</i></b> may include:	<ul style="list-style-type: none"> <li>• IP Australia</li> <li>• Attorney-General's Department</li> <li>• Australian Copyright Council</li> <li>• State and Commonwealth government agencies</li> <li>• lawyers specialising in intellectual property</li> <li>• trade mark attorneys and patent attorneys</li> <li>• accountants</li> <li>• business advisors</li> <li>• marketing consultants</li> <li>• branding consultants</li> </ul>

<b>RANGE STATEMENT</b>	
	<ul style="list-style-type: none"> <li>• copyright collecting societies, e.g. CAL, PPCA, MIPI, APRA, AMCOS</li> <li>• publications</li> <li>• websites, Internet</li> <li>• databases, e.g. local and international trade mark databases</li> </ul>
<i>Intellectual property audit</i> may involve:	<ul style="list-style-type: none"> <li>• a systematic review of the intellectual property owned, used or acquired by a person or organisation, including: <ul style="list-style-type: none"> <li>• products or services that are key to the organisation</li> <li>• intangible assets and the legal rights that constitute them in relation to the goods or services</li> <li>• what market advantage these rights give the organisation</li> <li>• rights under which the organisation uses intellectual property</li> <li>• gaps or weaknesses in the organisation's intellectual property and rights</li> </ul> </li> <li>• the valuation and recording of such intangible assets in accordance with accepted accounting standards</li> </ul>
<i>Intangible assets</i> refer to:	<ul style="list-style-type: none"> <li>• registered forms of intellectual property, such as patents and trade marks</li> <li>• unregistrable forms of intellectual property, such as copyright, client lists, know how, staff and training programs</li> </ul>
<i>Strategies</i> may include:	<ul style="list-style-type: none"> <li>• preparation of employer, contractor and supplier contracts which protect the organisation's intellectual property, so that: <ul style="list-style-type: none"> <li>• the organisation's intellectual property is not introduced into other organisations</li> <li>• ownership of the intellectual property is established, e.g. external contractors designing training materials for an organisation</li> </ul> </li> <li>• licensing, assignment or transfer of the organisation's intellectual property to other parties for the benefit of the organisation or its stakeholders</li> <li>• conducting appropriate clearance searches and</li> </ul>

<b>RANGE STATEMENT</b>	
	investigations
<b>Documentation</b> may include:	<ul style="list-style-type: none"> <li>• deeds</li> <li>• registration certificates</li> <li>• licence agreements</li> <li>• contract and end user licence agreements</li> <li>• employment contracts</li> </ul>
<b>Infringement</b> occurs when:	<ul style="list-style-type: none"> <li>• someone consciously or inadvertently uses another party's intellectual property without their permission</li> </ul>
<b>Compliance</b> is important to:	<ul style="list-style-type: none"> <li>• identify and where necessary take action to prevent breaches of laws and regulations in relation to intellectual property, to:               <ul style="list-style-type: none"> <li>• avoid costly legal decisions</li> <li>• be a good corporate citizen</li> </ul> </li> </ul>
<b>Commercialisation</b> may include:	<ul style="list-style-type: none"> <li>• utilising intellectual property with the aim of producing financial or other commercial gain, and/or public benefit, including:               <ul style="list-style-type: none"> <li>• adapting</li> <li>• applying</li> <li>• assigning</li> <li>• copying</li> <li>• developing</li> <li>• licensing</li> <li>• making</li> <li>• publishing</li> <li>• selling</li> <li>• using</li> </ul> </li> </ul>

## Unit Sector(s)

<b>Unit sector</b>	
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## Competency field

Competency field	Regulation, Licensing and Risk - Intellectual Property
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## Co-requisite units

Co-requisite units		