



**Australian Government**

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

# **BSBIPR301A Comply with organisational requirements for protection and use of intellectual property**

Release: 1

## BSBIPR301A Comply with organisational requirements for protection and use of intellectual property

### Modification History

Not applicable.

### Unit Descriptor

<b>Unit descriptor</b>	<p>This unit describes the performance outcomes, skills and knowledge required to assist with the protection and lawful use of an organisation's intellectual property and to avoid intellectual property infringement. It focuses on supporting the maintenance of an organisation's policies and procedures for the protection of intellectual property and avoidance of intellectual property infringement.</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 individuals who operate in a broad range of work roles and contexts. Their role may include assisting the organisation to comply with intellectual property requirements for the protection and use of intellectual property.</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
<p>1. Identify organisational expectations for complying with intellectual property requirements</p>	<p>1.1. Identify the various types of existing and potential <b>intellectual property</b> within the organisation</p> <p>1.2. Identify and access the organisation's intellectual property <b>policies, procedures and information</b></p> <p>1.3. Identify <b>own role</b> in protecting the organisation's intellectual property, using intellectual property and avoiding intellectual property <b>infringement</b></p> <p>1.4. Provide information and advice to relevant <b>internal and external stakeholders</b> about how the organisation's intellectual property policies and procedures operate, within limits of job role</p>
<p>2. Support policies and procedures for the protection and use of intellectual property</p>	<p>2.1. Assist with the development and/or implementation of policies and procedures for the <b>protection and use</b> of the organisation's intellectual property according to the type of protection required</p> <p>2.2. Assist with the development and/or implementation of policies and procedures to prevent infringement of others' intellectual property</p> <p>2.3. Assist in the maintenance of intellectual property policies and procedures</p> <p>2.4. Contribute to the identification of <b>potential problems</b> and opportunities for improvement in the operation of the intellectual property policies and procedures and make recommendations to <b>appropriate personnel</b> for action</p>
<p>3. Contribute to recommendations about non-compliance issues with intellectual property requirements</p>	<p>3.1. Contribute to the identification of any potential <b>non-compliance</b> or intellectual property infringement issues, either internally or externally</p> <p>3.2. Contribute to recommendations to appropriate personnel about <b>actions</b> to overcome non-compliance issues</p> <p>3.3. Alert appropriate personnel to areas of potential intellectual property infringement or risk</p>

## Required Skills and Knowledge

### REQUIRED SKILLS AND KNOWLEDGE

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

#### Required skills

- communication skills to provide information to relevant personnel about intellectual property
- problem solving skills to identify intellectual property compliance issues
- literacy skills to read and interpret procedures and other relevant documentation

#### Required knowledge

- basic knowledge of types of intellectual property and the key characteristics of each
- relevant organisational policies and procedures in relation to intellectual property
- the range of intellectual property residing with the organisation
- basic knowledge of relevant legislative requirements as they apply to the job role

## Evidence Guide

<b>EVIDENCE GUIDE</b>	
<p>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.</p>	
<b>Overview of assessment</b>	
<b>Critical aspects for assessment and evidence required to demonstrate competency in this unit</b>	<p>Evidence of the following is essential:</p> <ul style="list-style-type: none"> <li>• identification of the different types of intellectual property within the organisation</li> <li>• identification, use and/or maintenance of an organisation's intellectual property policies and procedures</li> <li>• identification of potential non-compliance issues in an organisation</li> </ul>
<b>Context of and specific resources for assessment</b>	<p>Assessment must ensure:</p> <ul style="list-style-type: none"> <li>• access to relevant information about an organisation's intellectual property policies and procedures if applicable, or opportunity to contribute to the development of the policies and procedures</li> </ul>
<b>Method of assessment</b>	<p>A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit:</p> <ul style="list-style-type: none"> <li>• direct questioning combined with review of a portfolio of evidence</li> <li>• oral or written presentation to stakeholders outlining the organisation's approach to intellectual property protection and infringement avoidance</li> <li>• analysis of case studies identifying potential intellectual property issues and proposed actions</li> </ul>
<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>• other administrative units from BSB07</li> </ul>

## Range Statement

<b>RANGE STATEMENT</b>	
<p>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>	
<p><b><i>Intellectual property</i></b> refers to:</p>	<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>
<p><b><i>Policies, procedures and information</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• intellectual property policy</li> <li>• licensing agreements</li> <li>• procedures for ensuring copyright protection</li> <li>• procedures for registering intellectual property rights</li> <li>• register of intellectual property assets</li> </ul>
<p><b><i>Own role</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• checking that other areas of the organisation are compliant</li> <li>• communicating policy and procedure changes to others</li> <li>• ensuring fees are paid</li> <li>• entering data as it arises</li> <li>• updating schedules and documents as requested e.g. register of intellectual property</li> <li>• keeping up to date with intellectual property issues through subscriptions to intellectual property services, e.g. IP Australia News Alert</li> </ul>
<p><b><i>Infringement</i></b> refers to:</p>	<ul style="list-style-type: none"> <li>• deliberate or inadvertent misuse or non-compliance with legislation, regulation, policy, codes of conduct etc. in relation to intellectual property</li> </ul>
<p><b><i>Internal and external stakeholders</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• internal stakeholders:                             <ul style="list-style-type: none"> <li>• other people within the organisation who may be affected by intellectual property,</li> </ul> </li> </ul>

<b>RANGE STATEMENT</b>	
	<p>e.g. designers, writers, trainers, marketing staff, researchers whose efforts may produce intellectual property</p> <ul style="list-style-type: none"><li>• all employees, who need to be aware of the importance of, and procedures for, intellectual property protection and avoidance of intellectual property infringement</li><li>• external stakeholders:<ul style="list-style-type: none"><li>• contractors</li><li>• service providers</li></ul></li></ul>



<b>RANGE STATEMENT</b>	
<b><i>Protection and use</i></b> may include:	<ul style="list-style-type: none"> <li>• copyright for original works under the Copyright Act 1968</li> <li>• patents for inventions and innovations under the Patents Act 1990</li> <li>• protection from misleading packaging, advertising, misuse of power in the marketplace etc. under the Trade Practices Act 1974</li> <li>• registration of business names under Business Names legislation</li> <li>• registration of trade marks under the Trade Marks Act 1995</li> <li>• registration of new or original designs under the Designs Act 2003</li> <li>• registration of domain names</li> <li>• licences, agreements or other instruments for the protection or use of intellectual property</li> </ul>
<b><i>Potential problems</i></b> may include:	<ul style="list-style-type: none"> <li>• changes to legislation or regulations</li> <li>• aspects of intellectual property not covered by existing procedures</li> <li>• fees not paid by own or external organisation</li> <li>• out of date communication about intellectual property within organisation</li> <li>• expiry of protection period</li> <li>• inappropriate or illegal use of someone else's intellectual property</li> </ul>
<b><i>Appropriate personnel</i></b> may include:	<ul style="list-style-type: none"> <li>• manager</li> <li>• supervisor</li> <li>• person in organisation designated as responsible for intellectual property</li> </ul>
<b><i>Non-compliance issues</i></b> may include:	<ul style="list-style-type: none"> <li>• required fees not being paid, both to or from another body, e.g. for a licence agreement or for renewal of registered rights</li> <li>• material being copied by other employees, e.g. from the internet or copying software, which could have potential copyright issues</li> <li>• evidence of unlawful access to computer files</li> <li>• marketing material being produced using images and other material which could breach copyright</li> <li>• unlawful use of music or sound recordings</li> </ul>

**RANGE STATEMENT**

*Actions* may include:

- reporting non-compliance issues to supervisor
- taking administrative action within job role, e.g. paying relevant fees
- ensuring a copyright notice is placed on all publications (e.g. the copyright symbol ©, name of the copyright owner, year of creation or first publication)

**Unit Sector(s)**

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

<b>Competency field</b>	Regulation, Licensing and Risk - Intellectual Property
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**Co-requisite units**

<b>Co-requisite units</b>	