



COUNCIL OF AUSTRALASIAN ARCHIVES
AND RECORDS AUTHORITIES

CAARA Policy 19

Intellectual Property Policy

Adopted: February 2009
Status: Current

CAARA acknowledges the traditional custodians of Country and their continuing connection to land, sea and community.

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Preamble & objectives

The objectives of CAARA are to promote a sense of understanding and consistency in the management of records of the Commonwealth, New Zealand, and the Australian States and Territories.

CAARA members may also agree to work cooperatively on an agreed program of projects of mutual interest to advance the interests of all government archives and public records authorities.

It is desirable that:

- a) CAARA materials can be shared between members and their constituencies and stakeholders;
- b) Members' contributions are explicitly recognised;
- c) The interests of owners of intellectual property are protected; and
- d) The taxpayer should not be required to pay for the development of such materials more than once.

At the same time, as CAARA is not itself an incorporated entity or other legal body separate from its constituent members, it is clear that CAARA cannot own intellectual or other property. The objective of this policy is to ensure that the intellectual property represented in materials that members may contribute to or develop within CAARA is appropriately recognised and protected.

Policy

1. Members of CAARA warrant that they either own or have appropriate licences covering the intellectual property embodied in materials that they contribute to CAARA.
2. Members of CAARA, as owners/licensees of contributed intellectual property, license each member institution of CAARA to make use of the material that they (the owners/licensees) have contributed to CAARA either:
 - a) Freely without restriction other than acknowledgement, or*
 - b) Under the rights and with restrictions both explicit and implicit in the original licences, or*
 - c) Under the General Public Licence, Creative Commons or other open licensing scheme.*

In making such assignment, the contributing members will make any licensing arrangements under **b)** or **c)** above explicit to other members of CAARA.

3. Where two or more members of CAARA collaborate to create materials in which intellectual property may be manifest, such as documents, guidelines, standards, or software, they will agree how to make explicit each member's share of the intellectual property embodied in the materials. Jointly created intellectual property contributed to CAARA will be subject to the policy set out in 1 and 2 above.