



Intellectual Property Rights Policy

Version 1.1

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1 Policy

1.1 This Policy sets out the Institute for Education's (IfE) position regarding the ownership of Intellectual Property (IP) developed by staff, course participants and/or persons offering their services to the IfE on a contract for service. It encompasses all the activities, including research, academic work, and/or any other created material related to services of the IfE.

2 Definition

2.1 IP can be regarded as knowledge and its creative application. In practical terms all material generated by staff, course participants and persons offering their services to the IfE on a contract for service should be regarded as potentially having IP. Examples of IP include patents, copyright, performance rights, design rights, educational material, technical data, formulae, specifications, designs, drawings, processes, methods and all other research results.

3 Ownership of IP

3.1 Employees and contractees of the IfE

3.1.1 The IfE claims ownership, unless agreed otherwise, of all IP arising from:

- Work undertaken by employees and contractees of the IfE in the course of their normal duties of employment;
- Work undertaken by employees and contractees of the IfE outside of their normal duties that makes more than incidental use of the IfE's resources;
- Work developed under a contract between employees together with contractees and the IfE;
- Work developed in the course of research or other activities sponsored by the IfE;
- Work developed in the course of research or other activities sponsored by an external body, subject to any agreement with that external body.

3.1.2 The IfE acknowledges the ensuing exceptions to its ownership of IP which apply unless otherwise agreed:

- Conference and seminar papers
- Publications such as books, book chapters, journal articles

3.1.3 The rights related to 3.1.2 shall be non-exclusive.

3.2 Course Participants

- 3.2.1 The IfE claims the right to use IP that is generated by course participants during the course of their studies or using the IfE's facilities for the further research.
- 3.2.2 The IfE will work closely with course participants to safeguard and exploit IP and where appropriate will share any benefits arising with the course participant in the same way as a member of staff.

4 The Use of IP

- 4.1 The IfE has an obligation to secure the effective exploitation of knowledge generated with the support of public funds. The IfE is committed to the development of an innovative culture within the IfE, and effective management of IP as an important tool is achieving this.
- 4.2 An objective of the IfE is to ensure that the knowledge created is used to benefit society and enhance economic prosperity. In many cases, open publication and making research results freely available will be the most effective form of knowledge exchange.

5 The Protection of IP

- 5.1 Employees and contractees are obliged to disclose to the IfE any IP that they create of which the IfE is the owner. In the first instance, employees and contractees should contact the Chief Executive Officer.
- 5.2 Employees and contractees must maintain confidentiality at all times and must not publish or divulge any such IP, except as specifically permitted by the IfE under this Policy or otherwise in writing.
- 5.3 It is the duty of the employees or contractees to ensure that this IP is suitably protected. In case of any difficulties, they should contact the Chief Executive Officer for advice and guidance in establishing this protection.
- 5.4 Some Intellectual Property Rights (IPR) arise automatically such as copyright. Other forms of IPR such as designs, patents, trademarks including non-traditional trademarks, must be applied for. It is the responsibility of employees and contractees:
 - To apply for and obtain a design, patent, trademark, or other protection of any nature whatsoever, as appropriate to the IP, and, when so obtained or vested, to renew and maintain this protection. Further information and application forms may be obtained through the Malta Commerce Department (<https://bit.ly/2THYa8H>);

- To resist any objection or opposition to obtaining, and any petitions or applications for revocation of, any such design, patent, trademark, or other protection;
- To bring any proceedings for infringement of any such design, patent, trademark, or other protection;

6 Relevant documents

- [Commercial Code](#) (Chapter 13 of the Laws of Malta);
- [Copyright Act](#) (Chapter 415 of the Laws of Malta);
- [Enforcement of Intellectual Property Rights \(Regulation\) Act](#) (Chapter 488 of the Laws of Malta);
- [Intellectual Property Rights \(Cross-Border Measures\) Act](#) (Chapter 414 of the Laws of Malta);
- [Patents and Designs Act](#) (Chapter 417 of the Laws of Malta);
- [Trademarks Act](#) (Chapter 597 of the Laws of Malta);
- [Trade Secrets Act](#) (Chapter 589 of the Laws of Malta).

7 Version history

Originator	Version	Date	Changes Done
QA Dept.	1.0	14/10/2020	Initial Release
QA Dept.	1.1	01/04/2023	Gender Mainstreamed Policy