



LEARNER GUIDE

ICTICT451

**Comply with IP, ethics and privacy policies in
ICT environments**

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Introduction

This unit describes the skills and knowledge required to comply with the protection and lawful use of intellectual property (IP) and to implement relevant organisational ethics and privacy policies.

It applies to individuals who are required to use IP owned by other persons and organisations, and to support organisations and stakeholders with the compliance of organisational ethics, and privacy policies.

No licensing, legislative or certification requirements apply to this unit at the time of publication.



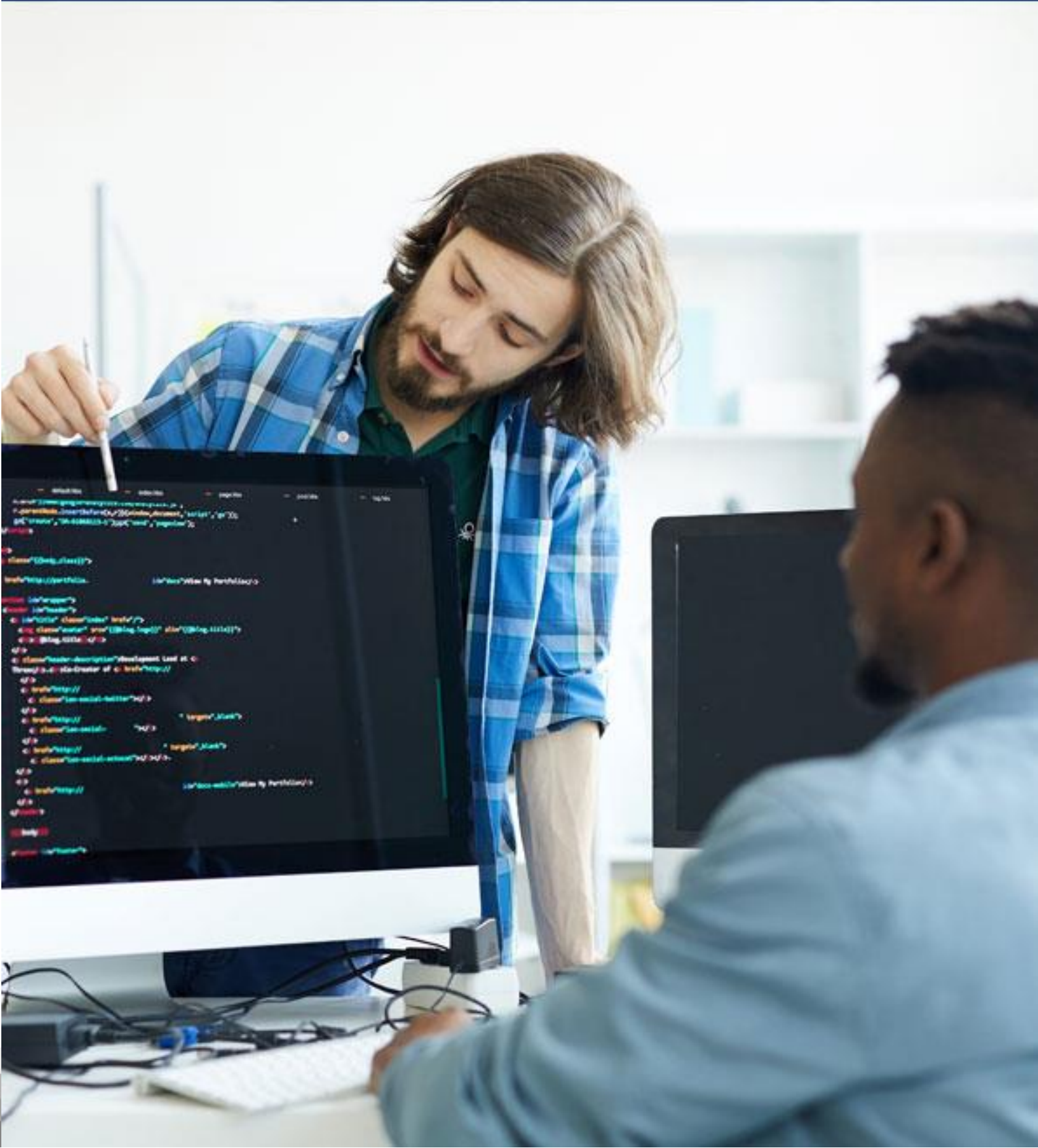
What will I learn?

This learning guide will provide you the skills and knowledge required to:

1. Establish organisational requirements to comply with IP, ethics and privacy policy procedures
2. Evaluate and implement organisational IP, ethics and privacy policy procedures
3. Contribute to non-compliance incident identification and recommendations



CHAPTER 1: ESTABLISH ORGANISATIONAL REQUIREMENTS TO COMPLY WITH IP, ETHICS AND PRIVACY POLICY PROCEDURES





Establishing organisational requirements to comply with intellectual property, ethics and privacy policy procedures

It is critical to establish organisational requirements to comply with intellectual property, ethics and privacy policy procedures. The organisations are required to identify the current legislation and standards and adhere to the currency good practices in the industry.

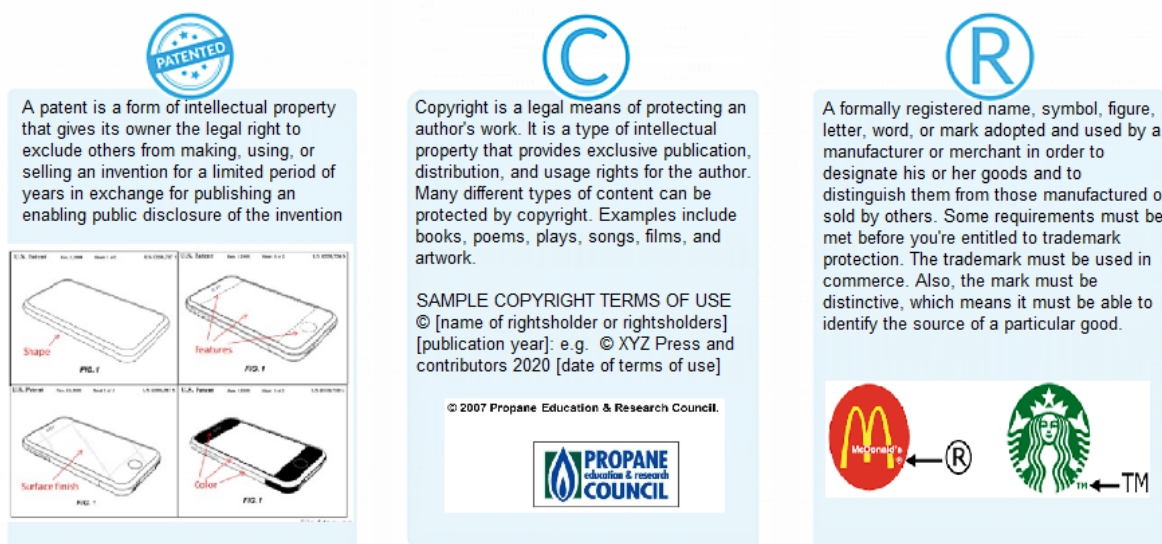
Considering the universality and hierarchy of the constitution, the concepts of Intellectual Property Rights (IPR), can be classified into the following two categories.

One is the fundamental principles applicable one what, why and how a legal system or framework shall be constructed, such as principles of sovereignty, values of autonomy, equality, equity and mutual benefit, joint development, and international cooperation and growth, which also can be expressed as the principles of sovereignty, international coordination and cooperation, fairness and justice.

The other type includes those existing in the legal system and capable of being applied directly, such as the principle of national treatment, principle of minimum standard, principle of independence (for industrial property right), principle of independent protection and exclusive rights (for copyright), principle of mandatory and compulsory patent compliance (for patent laws and patent right) and doctrine of priority (for industrial property rights), and so on.

Intellectual property (IP)

Intellectual property (IP) relates to creations of the mind, including inventions; literature and creative expression, such as, designs, prototypes, symbols, names and images. It focuses on who is the rightful and legally valid owner of literary and artistic work. Intellectual property is therefore related to something that someone creates. The work is then protected by a patent, a copyright or a trademark. Trade secrets are also included in the term Intellectual property (IP) in a number of countries.



Note: R sign refers to the "registered trademark"

Intellectual property is not just copyright, patent rights and trademarks. Commercial secrets and advertising rights are also covered. Trade and commercial secrets are usually regulated by the state and protect any invention, formula, process or collection of knowledge which may be beneficial to a corporation over its competitors. The right to advertise is essentially a person's right to regulate the commercial use of the name, voice or likeness of the entity. For example, you probably had to sign a release that would authorise the business to use your face whenever you have ever been photographed or filmed for a commercial project, such as an advertisement or film. Intellectual property is not just copyright, patent rights and trademarks. Commercial secrets and advertising rights are also covered. Trade and commercial secrets are usually regulated by the state and protect any invention, formula, process or collection of knowledge which may be beneficial to a corporation over its competitors. The right to advertise is essentially a person's right to regulate the commercial use of the name, voice or likeness of the entity. For example, you probably had to sign a release that would authorise the business to use your face whenever you have ever been photographed or filmed for a commercial project, such as an advertisement or film.

Copyright

Copyright is a blanket term covering a variety of exclusive rights given to the author of an original work, e.g. writing, illustration, painting, photographing, software or audio recording. One important point to bear in mind is that copyright does not protect ideas – only their concrete expression. Therefore, if you have an idea for a novel or computer program, and you believe someone has "stolen" it, copyright won't help you much! However, if you personally wrote the novel or software and found someone else has taken an exact (or nearly accurate) copy and used or released it, you are entitled to invoke the copyright law against it. (It is another matter if you can enforce it.)

Most countries in the world have signed the Berne Convention which automatically grants copyright once a work has been created. Even when we write these words, we are the copyright owner who owns them. The same goes for all the 'literary or creative works' that you make – so you don't need to register your copyright. Originally, the copyright was limited only to books, but has now been expanded to include a wide variety of works, including maps, charts, prints, music, theater, photos, paintings, sketches and sculptures, videos, computer programmes, choreography, audio and architectural works.

Although copyright is automatically granted, when you publish a copyright notice (e.g., 'IBN Copyright 2020'), it is a good practice. It signals that your work is safeguarded. The naive will then be less likely to copy it out of ignorance, and the unscrupulous will think twice

before they use the copyrighted material. (Unfortunately that is not always the case.) And while this is not a statutory necessity, you will see that we have given a copyright notice if you look at the beginning of this learner guide.

Exceptions to copyright restrictions, especially the fair use or equal use (in many commonwealth countries), permit the replication of part (or sometimes the whole) of the work for such purposes as critique, analysis and satire. Bear in mind that this is historically a gray area - many cases are based on whether a specific use of a job is fair use or a breach. The Copyright Authority and Agency offers advice on this matter, which will give you an indication of how likely your proposed use of Australian copyright law will be deemed fair.

Patent

A patent is a document that provides sole rights to an invention. A patent therefore grants a right or privilege to the rightful owners of an invention. The patents are issued and managed by government bodies. The Constitution makes sure that only the rightful owner should be able to create, produce, use or sell the patented content or materials.

The patent legislation offers a broad overview of the subject-matter to be patented and provides relevant information.

The invention must be a novelty. In other words, it has to be very distinct from other inventions that have already obtained a patent or are already pending their patent application.

The invention must be useful and valuable. It should have a useful purpose to serve.

The invention must be non-obvious, which means that the invention is not apparent to those with ordinary professional skills relevant to the invention.

Trademark

You can identify a unique product or service with distinctive characteristics or attributes by formally registering the symbol. The trademark is therefore in the process of formally registering the symbol to identify the manufacturer or distributor of a product.

It is a form of brand protection that differentiates between your products and services and those of your competitors.

A brand is not just a logo.

It may be attributed to letters, numbers, words, phrases, sounds, smells, forms, logos, images, movements, packaging aspects or combinations of these.

Rightful owners have exclusive rights to use, license and sell their mark as a registered trademark. It is also a valuable marketing tool because with the company's success the value of the brand also increases.

Your brand, often referred to as a brand, is your identity. This is how you show your clients who you are.

This could be your company logo, a jingle you use in an advertisement, your company name painted on the side of your vehicle or on your billboards or packaging.

Trademarks can also be a:

- Word
- Phrase
- Letter
- Numbers
- Logo
- Photo
- Packaging component
- Or the above mix ...

Organisational ethics

The ethics of an organisation are the principles of how an organisation conducts its business in an honest, fair, respectable, transparent, and appropriate manner. Organisational ethics are interdependent with organisational culture. The ethical atmosphere of an organisation is critical because it can enhance employee beliefs, promote organisational involvement and participation and retain the workforce.

Examples of organisational ethics

Standardized care for all workers

The standardized care of all workers is an example of organizational ethics. All workers should be treated with equal respect by business owners irrespective of race, ethnicity, culture or lifestyle. All should have fair opportunities for promotions as well. One way of encouraging standardized care is by sensitivity training in organizations.

Several organisations conduct one-day seminars on different topics of discrimination. They invite external experts to discuss these subjects. Likewise, small business administrators must also prevent one employee from exploiting others. Such procedures can also contribute to lawsuits by dissatisfied workers. It's detrimental, too.

The social responsibilities of the organisation

Small businesses do have a responsibility to protect their workplace environment. Of example, when accidents or other disasters occur, the owner of a small chemical business must disclose these risks to the community. The owner must also follow other health requirements to protect the local residents from leakage affecting the quality of water or air.

State and federal regulations protect citizens from unethical activities in the workplace. Business owners who breach these laws could face serious penalties. They can be shut down, too.

Organizational ethics related to financial and business aspects

Business owners must perform clean financial operations, spend and grow their businesses in an ethical and transparent manner. For example, organizations should not bribe tax credits or special benefits to state legislators. Trading insiders are also forbidden. Insider trading happens when the Securities and Exchange Commission reports that managers or executives secretly notify investors or third parties of confidential information concerning publicly traded securities.

Many investors get higher returns on their investments at the expense of others. Managers in small businesses must work to support all shareholders to make better returns on their capital. Companies should also prevent collusion with other firms in order to intentionally hurt other competitors.

Taking care of the employees

The organizational ethics and standards of a small company should also require the treatment of workers with mental disorders or issues with substance addiction, such as opioid and alcohol dependency. Ethical businesses help their workers to solve these problems whenever possible. We also use workplace therapy services to get the care we need.

Employees can also have issues that contribute to these issues. They also deserve an opportunity to clarify their circumstances and get the support they need.

The principles of ethics

- **Honesty:** The organisational executives should be honest and truthful in their dealings and they should not mislead or deceive others deliberately by misrepresentation, overstatements, partial truths, selective omissions or any other means.
- **Integrity:** The organisational executives should have moral soundness. They should know the difference between right and wrong. They should fight for their beliefs.
- **Promise-keeping and trustworthiness:** The organisational executives should be trustworthy, candid and forthcoming in providing relevant information and correcting misappropriation of fact, and they ensure they make every reasonable effort to fulfill the letter and spirit of their promises and commitments.
- **Loyalty:** The organisational executives should be worthy of trust and confidence. They should be loyal to organisational stakeholders at all times.
- **Fairness:** The organisational executives should be fair and just in all their dealings.
- **Concern for others:** The organisational executives should be concerned for the health and wellbeing of all stakeholders, not only for themselves.
- **Respectful:** The organisational executives should be respectful to all stakeholders at all times.
- **Law abiding:** The organisational executives should obey all regulations, legislative instruments and organisational standards and procedures at all times.
- **Committed:** The organisational executives should be committed to excellence in performing their job role and responsibilities, well informed and prepared and constantly endeavour to increase their proficiency in all areas of responsibility.
- **Leadership:** The organisational executives should be conscious of the responsibilities and opportunities available to the organisation and how best they can utilise the resources available.
- **Reputation and morale:** The organisational executives should maintain a good private and public image. They must not engage in any inappropriate or unethical behaviour or conduct.
- **Accountability:** The organisational executives should be accountable for all their actions, decisions and omissions.

Ethical culture

The term ethical culture refers to the workplace culture of an organisation that is formed and operates fairly, ethically, and transparently. The organisation uses a number of written and formal structures to comply with ethical cultural requirements:

- Code of ethics
- Organisational policies and procedures
- Client charter
- Organisational rules
- Compliance and regulatory requirements
- Reward and incentive programs

Legal and ethical considerations

Legal and ethical considerations are called actions, procedures and strategies to ensure conformity with legal requirements within an organisation. In order to comply with all statutory directives, laws, corporate policies and procedures, all standards and specifications must be followed. Let us look at some of the main legal and ethical principles.

Privacy, confidentiality and Disclosure

Usually, these terms are interchangeably used. Both definitions are closely related, but they are not the same.

Privacy requires the right to shield information from certain parties' presence or views and ensures that they do not provide or release any private or confidential information to any third party or unauthorized recipient. Privacy may also be correlated with an individual's personal details and information. Privacy is regulated by the Privacy laws and regulations. Standards of enforceable privacy control the handling and use of personal data.

The right to keep information privately and safely refers to confidentiality. The ethical and legal requirements relate to the security of the information. For example, the legal duty to maintain confidentiality enables Information Communications and Technology (ICT) officers to not release any confidential information to third parties.

The Privacy Act contains 13 Australian Privacy Principles that govern minimum privacy standards for handling and managing personal information, including:

- the need to gain consent for the collection of information
- what to tell individuals when information is collected
- what to consider before passing any information to others
- the details that should be included in an organisation's Privacy Policy
- securing and storing information
- providing individuals with the right to access their records.

Disclosure refers to the disclosing or sharing of private information previously kept confidential. This requirement is applicable to all ICT workers.

Identifying intellectual property

Identifying intellectual property refers to:

- Identify all potential sources of your IP (brands, products and services).
- Segment and categorize all elements of your IP.
- Protect your IP.
- Recognise steps to take with IP that is not your own.

Establishing the compliance with the requirements

The organisation should have a policy manual developed to comply with legislative and regulatory requirements and guidelines. The policy document must also determine the integrity, confidentiality, security and availability of information needed by the organisation to establish the compliance with the requirements.

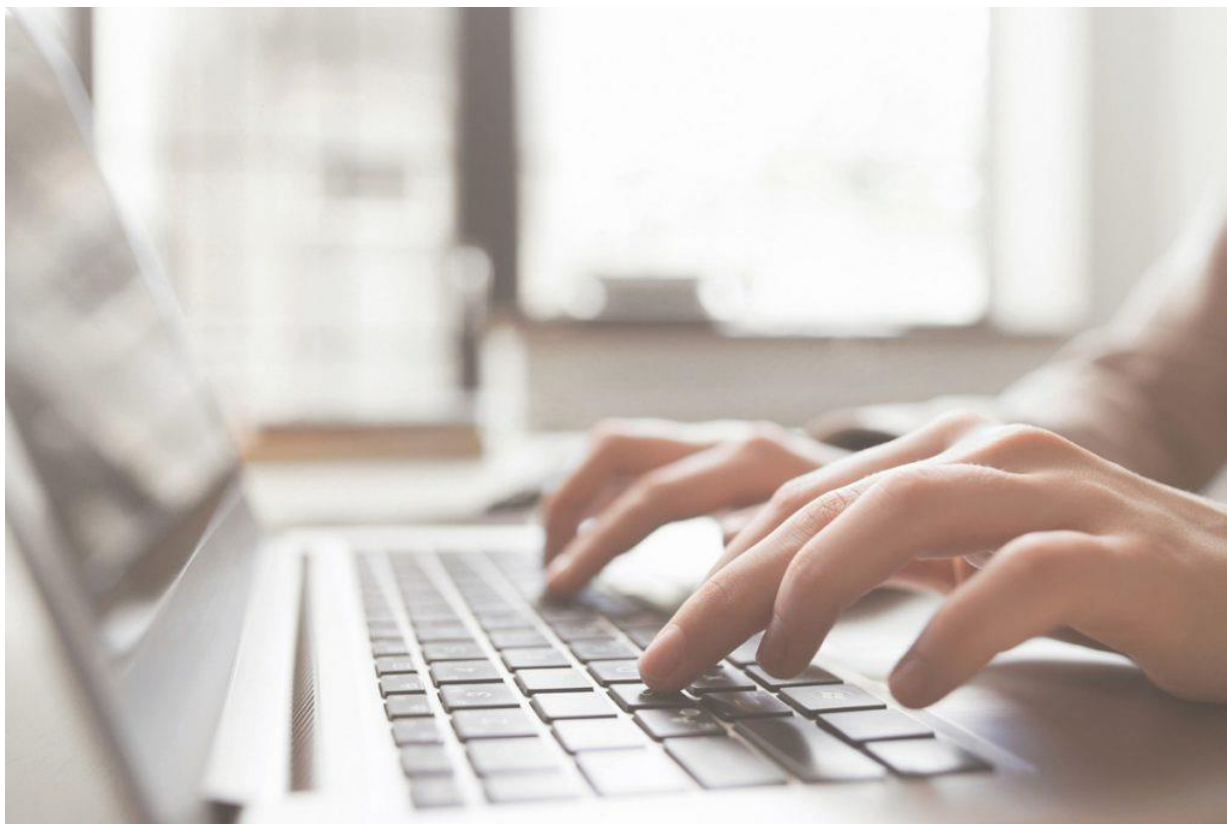


What will I learn?

In this chapter, you will learn about the following:

1. Locate types of existing and potential IP, ethics and privacy policy and procedures within the organisation
2. Determine and access the organisation's IP, ethics and privacy policy and procedures
3. Identify own role in protecting and fulfilling the requirements of the organisations IP, ethics and privacy policy and procedures to avoid infringement of IP and privacy requirements
4. Provide support and advice to relevant personnel about the operations of the organisation's IP, ethics and privacy policy and procedures.

1.1 Locate types of existing and potential IP, ethics and privacy policy and procedures within the organisation



Locating and accessing the policies and procedures

You should be aware of how to locate and access the organisation's intellectual property, ethics and privacy policy and procedures.

The policies and procedures may include but not limited to:

- intellectual property policy, processes and procedure
- licensing agreements
- Information related to IP infringement
- procedures for ensuring copyright protection
- procedures for registering intellectual property rights
- register of intellectual property assets

Information sources

Website or intranet

The website of the organisation or an intranet site are your first steps to explore regarding locating and accessing the organisational policy and procedures.

Organisational policy manual

The policy manual of an organisation also provides you required information related to locating and accessing any policy or procedure.

Manager and supervisor

You may approach your manager or supervisor if you are not sure where to locate and access the organisational policies and procedures.

Reception desk

The reception desk is one of the main locations to locate and access the organisational policies and procedures.

Legislation and standards may include:

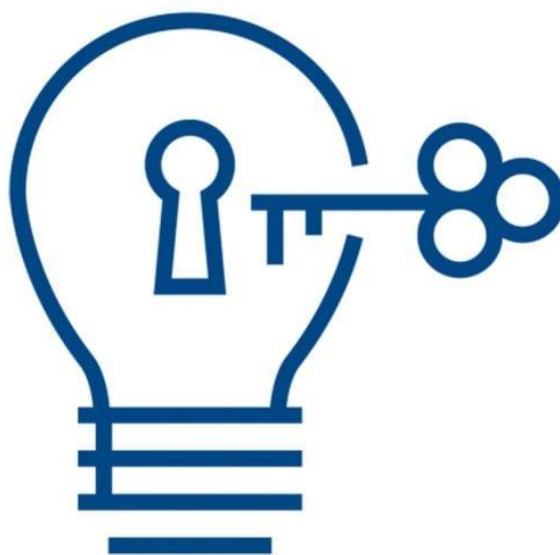
- access and equity
- confidentiality requirements
- copyright laws
- defamation laws
- industry codes of practice, such as Australian Computer Society Code of Ethics
- industry standards
- intellectual property
- international standards
- International Organization for Standardization (ISO), International Electrotechnical Commission (IEC) and Australian Standards (AS)
- legal and regulatory policies affecting business
- OECD Guidelines for Consumer Protection in the Context of Electronic Commerce
- OHS
- organisational standards
- privacy legislation
- project standards.

Privacy policy may include:

- access of personal information
- disclosure of personal information
- gathering of personal information
- organisation standards and practices
- quality of personal information

- security of personal information
- sensitivity of personal information
- storage of personal information
- use of personal information

1.2 Determine and access the organisation's IP, ethics and privacy policy and procedures



Determining and accessing the policy and procedures

Your job role and responsibilities may require you to Identify different forms of intellectual property, ethics and privacy policy and procedures. These policies and procedures can be current or potential within the organisation.

Determining and accessing the policies and procedures require you to Identify, update and manage the relevant policies, procedures and details of the organisation.

You must focus on:

- Identifying your position to protect intellectual property, use intellectual property and prevent infringements related to intellectual property, ethical business practices and meeting privacy and confidentiality requirements.
- Providing information and guidance to internal and external stakeholders on the implementation of IP policies and procedures within the boundaries of the job role and responsibilities.

1.3 Identify own role in protecting and fulfilling the requirements of the organisations IP, ethics and privacy policy and procedures to avoid infringement of IP and privacy requirements



Infringement conduct can vary according to the type of IP right affected. Every IP right shall be subject to its own laws and regulations.

The Intellectual Property (IP) law and regulations sets out the proceedings which can be taken against an unauthorised party and the legal remedies and penalties that a court can impose.

Identify your own role

You must identify your own role according to your job role and requirements. Policies and procedures, job description, information from human resource development can also provide you information about your job scope and responsibilities.

Your role may include but not limited to:

- Verification that other organisational areas are compliant
- Communicating changes in policies and procedures to others
- Ensure that fees are paid
- Enter data as it happens
- Update schedules and documents as requested e.g. Intellectual Property Register
- To keep the issues of intellectual property up-to - date through intellectual property subscriptions, e.g. IP Australia News Alerts

Observing and adhering to Intellectual property rights

You must observe and adhere to the intellectual property rights at all times.

The scope of protection provided by the IP right is easy to assess for rights subject to registration. For example, patents exhaustively define the exact scope of the invention.

For rights not subject to registration, such as copyright, the property being covered must be objectively defined. Of example, in the case of a sound recording, this is often achieved by supplying the court with a copy of the actual master recording.

Only a part of a product can be covered in certain cases.

For example, patent requirements often cover only a small part of a product. The patentable invention may be an improvement on an existing product and the patent issued for that innovation only. It means that if a person copies the product without the proprietary modification, it would not be an infringement.

However, other causes of action can arise. If, for example, consumers are fooled by assuming that the change in the copy of the product is the same as their product, they may sue you for deceptive and disappointing behaviour under the Trade Practices Act 1974.

Procedures to avoid intellectual property and privacy infringement

You must follow organisational policies and procedures at all times to avoid intellectual property and privacy infringement.

IP protections are most effective when they are enforced as part of an infringement strategy.

A remedy for a violation is not merely an attempt to launch court action if you think your IP rights are breached. This includes a strategic assessment of the IP rights and the establishment of conditions for the initiation and termination of infringement acts.

For example, the IP rights may have been infringed but your lawyer might advise you not to take action against the infringer. This may be because of:

- Difficulties in proving the presence or right to own the IP
- Problems with demonstrating infringement
- Costs of litigation which outweigh the success value of infringement action.
- Your infringement plan should be customized to the needs and resources of your organisation.

The following components should be included in strategy:

- Identification: the history of the IP you own and permits or licenses to use IP belonging to another person should be maintained.
- Proactive action: Take steps to minimize the occurrence of infringement where possible. Types include physical safety, watermarks or defense of passwords.
- Detection methods: you can scan products and ads of rivals on a regular basis to find any signs of abuse. When you operate in an online environment, seeding data will help to detect any abuse of your IP.
- Selective enforcement: determine a mechanism for determining to whom you can bring charges and an acceptable level of charges for the infringement.

For example, it might be unfair to prosecute people taping a sound recording for personal use. Nonetheless, you may consider taking action if a company uses a recording for a public event.

- **Budget:** Legal proceedings can be expensive. Consider the worth of your IP and compare it to the benefits you will gain by taking legal action. You can also determine what level of action you will take. Another way to plan for expenses is to take out IP policies. It policies.
- **Fix simple objectives:** The type of action you take will depend on the extent of the breach. Types include seeking injunctions, damage rehabilitation or commercial disturbance. You will decide how far you can go to protect your IP and the possible consequences for action.

1.4 Provide support and advice to relevant personnel about the operations of the organisation's IP, ethics and privacy policy and procedures



Protection of intellectual property (IP) is a significant prerequisite for creative ICT companies to continue to finance their large research and development (R&D) investments related to their products and services.

Australia has one of the world's most powerful IP security mechanisms. It is ranked 15th in the world and second in the region for implementation (The 2013-14 Global Competitiveness Survey, World Economic Forum).

Providing support and advice to relevant personnel

You will be required to provide support and advice to relevant stakeholders related to the operations of the organisation's intellectual property, ethics and privacy policy and procedures.

The support may include following a course or action approach chosen from alternatives to direct and decide current and future decisions and positions on matters of organisational interest or concern. The focus of providing support and advice is to have a comprehensive internal management and organisation policy to manage all organisational operations and processes. All operations and processes of the organisation should be reviewed and monitored systematically using the appropriate policy manual.



Self-check assessment

QUESTION 1

Explain the meaning of intellectual property (IP)

QUESTION 2

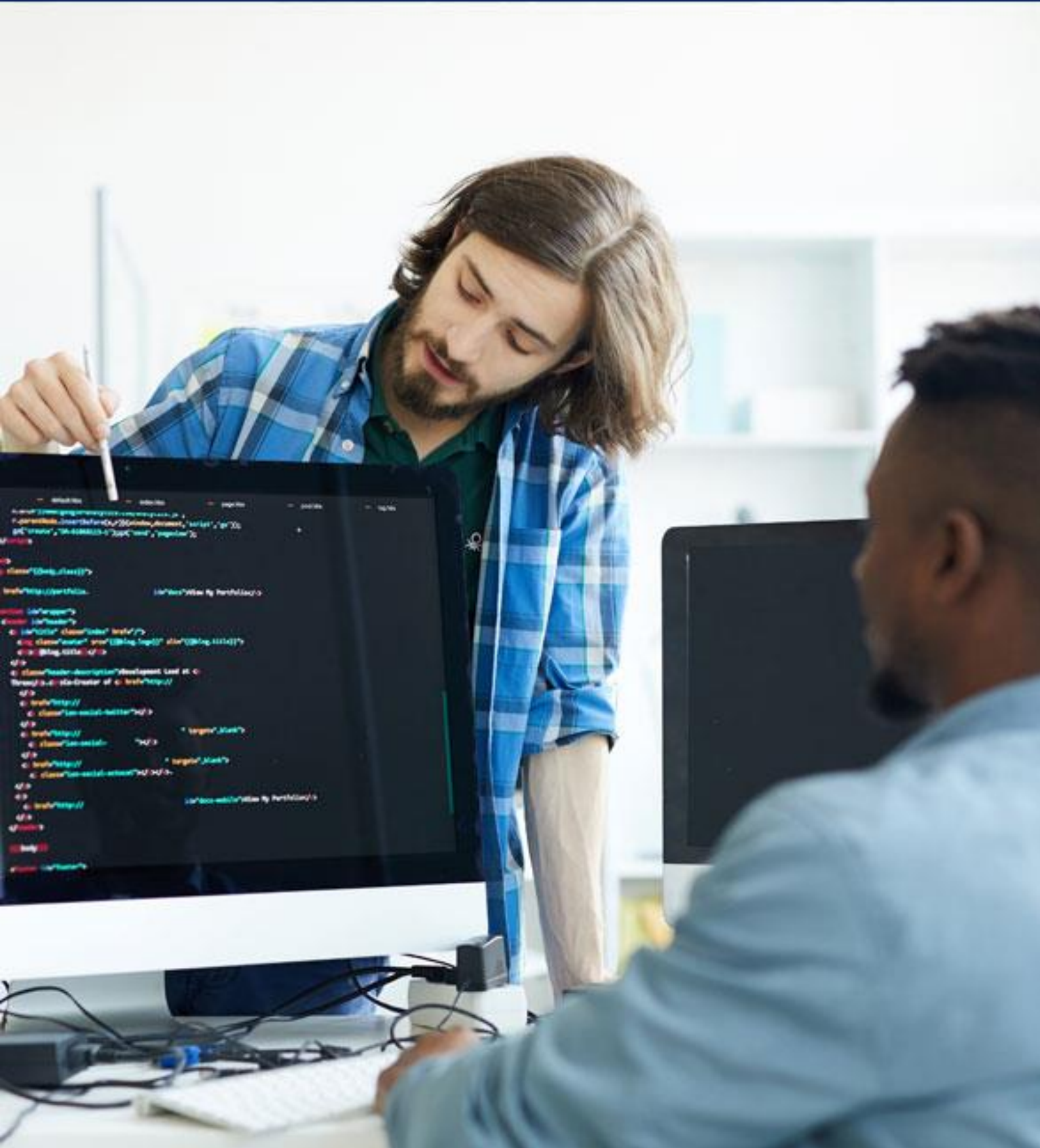
Explain the meaning of copyright.

QUESTION 3

What are the procedures to avoid intellectual property and privacy infringement?



CHAPTER 2: EVALUATE AND IMPLEMENT ORGANISATIONAL IP, ETHICS AND PRIVACY POLICY PROCEDURES





Evaluating and implementing the policy and procedures

Policies are written documents, created in view of goals and values of the organization, which convey and record the strategies, guidelines, objectives and processes related to the organisation. Policies will direct the management, workers and volunteers, explain the ideals of your organisation and shape the culture of your organisation.

Ideally, policies should be presented as structured written documents so that the goals and constraints of the company are transparent to all stakeholders within the company. Good governance depends on clear policies that are versatile and sensitive to external influences and changes relevant to the organisation's objectives. Clearly written policies allow the workers to have clear guidance and an action structure that allows them to carry out their work, but new for the company.

It is important that you have a way to assess your policies' suitability and effectiveness. Policies should also be closely related to processes of preparation, assessment and analysis. Your organisation will be managed through an ongoing cycle of goals and policies; activity planning and implementation; success evaluation; development of modifications or entirely new activities; implementation and assessment of the changes.

There are several different policies that apply to your particular company.

For example:

- Proprietary privacy.
- Access and money
- Codes of conduct
- Events of vital significance
- Management of risk
- Grievances
- Human resource management
- Safety and wellbeing

As standards and accreditation processes are evolving, and litigation and risk management are growing, many organisations now have legal criteria for their policies.

While you do not have to follow the standards of a government agency, it is always best practice to have the correct policies to better guide the company. Policies will safeguard the company from legal challenges, ensure equal compensation for workers and set job standards, rules and regulations that are consistent.



What will I learn?

In this chapter, you will learn about the following:

1. Monitor whether required personnel are abiding by organisational IP, ethics and privacy policy and procedures
2. Evaluate whether implemented IP, ethics and privacy policy and procedures help prevent IP and privacy infringement
3. Assist with the maintenance, development and implementation of IP, ethics and privacy policy and procedures
4. Communicate potential risks and opportunities for improvement of IP, ethics and privacy policy and procedures to relevant personnel.

2.1 Monitor whether required personnel are abiding by organisational IP, ethics and privacy policy and procedures



If you have management responsibilities, you are required to monitor and manage all required personnel at the workplace to ensure compliance with all regulatory and legislative standards and policies, collaborate effectively with stakeholders – important individuals involved with the organisation who have a direct or indirect effect on your organisation, any project you are working on and its outcomes. A staggering 30 percent of projects fail due to poor communication and improper management.

Monitoring the required personnel

The required personnel should always be monitored. The monitoring criteria may include:

- Providing necessary information to comply with the requirements
- Guidelines to follow for compliance
- What is constituted as breach?
- The consequences of not following the set standards and requirements

Establishing ground rules

Establishing ground rules for an efficient dialogue between stakeholders would save time, reduce barriers and eventually complete the project on schedule and according to the budget. There are many ways to interact with stakeholders in your business that you choose to use. The upsides and downsides of all communication methods listed below are there, so make sure that you choose one according to the message you are trying to deliver to your stakeholders.

Arrange a meeting

Stakeholder meetings are the most common form of communication for companies, especially because they can save time transmitting the message to a large number of people. PowerPoint, Prezi, or any of the automated tools available online will be the perfect way to convey the message. Stakeholders in the same room should prevent problems of misinterpretation.

However, be aware that scheduled meetings are a thing of the past with that dispersed team. With that online channel ensuring accountability in real time, customers are no longer passive information users. Periodic reports are no longer withheld without constant contact.

Meetings can be arranged after a certain period to discuss the progress and how things are moving related to a project.

Discussion through emails or newsletters

You should proactively decide to design and send an email or newsletter that you can deliver to stakeholders at certain times through the intranet or communication network. It can be nice to have even stakeholders who do not participate directly in your project contributing to how the project should be monitored, how can you make the project better.

Bear in mind that email is a one-way contact medium and thus avoid it for problems needing immediate input. Following it up with a meeting is probably the best way to discuss and manage project requirements.

Separate video meetings "face to face"

The most time intensive way to get the message to stakeholders is to conduct face-to-face meetings separately. Not everyone reacts to your presentation in the same way, so you can discuss your issues in depth and with greater control by meeting stakeholders separately. Naturally, the latest "face to face" has again been established as a result of the graphically distributed teams and the increase of "screen to screen" projects involving independent contractors as many of the meetings are held through online communication and collaboration platforms. It is unnecessary to have a presentation; you must concentrate on the dialogue.

Overview Project Study

Summary project reports are typically submitted within predefined (weekly, monthly) intervals. The protocol should be decided, so you do not have any problems if the project runs on schedule and in budget. Data and statistics backed up will emphasise the best parts of the project and convince stakeholders that you are in charge.

Plan a conference call

Conference calls are used most frequently in circumstances where a meeting is too urgent. If you believe like there is an obstacle to be met immediately, you can schedule a conference call in minutes / hours. Please note that one-way contact through conference calls is best, so it would be a good idea to plan an agenda before the conference calls start.

Meetings for lunch

Lunch meetings will be part of the informal stakeholder contact group. It would be a wonderful idea to seek truthful input or to get stakeholders to sing about a specific concept. Keep in mind that informal meetings can be as successful as official meetings.

2.2 Evaluate whether implemented IP, ethics and privacy policy and procedures help prevent IP and privacy infringement



It is critical that your management team evaluates and monitors all policies and procedures related to intellectual property, ethics and privacy. This helps your organisation learn through experience and, with your service increasing and evolving, the needs of all personnel comply with the requirements if the policy and procedures change. As policies and procedures are used every day, you have to evaluate them on a regular basis.

Items which you may need to evaluate in your policies and procedures are:

- Regulatory and legislative guidelines
- legislative and administrative changes
- Threats and challenges
- The policy structure does not represent the reality in the business
- Adjustments in the individual and/or department responsible

Why to evaluate your policies and procedures

In the end, the strategy and procedures are evaluated to:

- Ensure they meet regulatory and legislative requirements
- They are meaningful and have purpose to implement

- Ensure they are incorporated as expected
- Determine how much they are used and how accessible / practical they are to answer
- To decide whether changed circumstances (legislation, etc.) make them less relevant

Systematic evaluation of your policies and procedures

Make sure the practices of the organisation should remain current, compliant and relevant by evaluating an on-going review process. The evaluation process should be recorded and properly documented according to the organisational guidelines and requirements.

The evaluation period may vary from one organisation to another, but it is usually performed every 1 to 3 years. It may be appropriate to revisit procedures more regularly. Review dates should be defined to provide time for reviews and approvals.

You will find that designing a management strategy for managing the evaluation process would be very helpful! The evaluation process must focus on:

- Who is responsible for conducting reviews?
- How often will the policy be reviewed?
- The method you are going to pursue
- How do you record changes made?
- Who will accept the modifications?

The main questions for analysis are the following:

- Is the policy still valid, compliant and current?
- Does the strategy still comply with recommendations for best practice?
- Have any legislation or regulations changed since the policy was established? If so, what are the consequences?
- Have technical advances influenced the policy 's impact?
- Are there new threats to be resolved by the policy?
- Is it easy to grasp the policy?
- Does this strategy still effectively communicate the company's mission and goals?
- What is the effect of policy change?

You should ask while evaluating the procedures:

- Do you still have enough resources and personnel for the operation or will you reassess how this is done?
- How does the process feel about your volunteers? You may have interesting ideas about how to streamline or upgrade it. This can feed into a continuous process of change.

2.3 Assist with the maintenance, development and implementation of IP, ethics and privacy policy and procedures



The process of development, maintenance and implementation of policies and procedures

Step 1: The needs, requirements and opportunities

The process of developing a policy depends on identifying the basic needs and requirements to develop a policy or procedure. This stage also includes identifying and defining the problem, opportunity, need, requirement or issue that requires the development of the policy or procedure.

The organisation should also know and appreciate the intent of policy and acknowledge that a policy development or improvement will effectively resolve the issue or the problem.

In order to recognise the need for policies and procedures, the organisation must continually review its operations, obligations and the external environment.

Step 2: Appointing a person or persons to coordinate the policy development process

This step involves using appropriate personnel to coordinate for the policy development. The process of policy development could actually occur across several months. There has to be someone or maybe a committee or group that "drives" the process.

Step 3: Establishing the policy development process

The process includes analysis, consultation and policy-writing activities. The supervisor must create a strategy for how and when to do the relevant tasks.

Step 4: Conducting the research

The research should be conducted before developing policy, process or procedure. The research may include but not limited to:

- Read other organisations' policy statements on the same issue
- Online research of regulations, standards and legislation
- Host a meeting with employees and other knowledgeable people
- Survey participants or a common participant category such as instructors
- Read Minutes of meetings of the executive committee (if permitted)
- Read supplementary records including annual reports or incident reports
- Read magazines and journals related to your industry
- Look for legal advice

Step 5: Preparing for a discussion paper

The purpose of the discussion paper is to clarify the complexity of the issue, summarize research information and propose a set of policy options. The paper would be an important resource in the consultation process.

Step 6: Consultation (Stage 1)

It is a first step in the consultation process to distribute the discussion paper to all interested parties. Stakeholders will also need to call and email reminders to remind them to read the discussion paper. It is then crucial that stakeholders provide as much input and feedback as possible. This can be accomplished by conferences, open forums, the website and informal and formal meetings. This process of consultation can take several months to ensure that it is comprehensive.

Step 7: Prepare a draft policy

After spending a sufficient time on consultation and analysis of feedback, a draft policy can be prepared as the next step.

Step 8: Consultation (Stage 2)

After the draft policy is completed, it should be communicated to key stakeholders and published in the newsletter and website of the organisation, debated in further meetings and discussion forums. At this point, stakeholders must seek support to finalise the wording, explain its importance and make changes to the policy before it is finalised.

Step 9: Adopting the policy and procedure

If the policy development supervisor is sufficiently confident that all policy problems and concerns are discussed and resolved, then it is time to finalise the policy and procedures. The final policy statement must be officially implemented with a clear record in the minutes by the management of the company (management committee).

Step 10: Communicating the policy

Following the formal strategy formulation, the policy and procedures should be shared with the whole organisation and stakeholders . Training sessions may be required to ensure that the organisation's employees are fully trained and prepared to enforce the policy. The policy may fail its purpose if not well communicated.

Step 11: Evaluating and monitoring the policy and procedures

The policy implementation should be evaluated, controlled and managed. The policy may still require further changes and the reasons for the nature of the policies may also shift. A common practise is to create a date for the revision of the policy, which may be one year or once every three years. It simply depends just on the nature and essence of the policy.

2.4 Communicate potential risks and opportunities for improvement of IP, ethics and privacy policy and procedures to relevant personnel



The organisational risk assessment and identification process

A comprehensive risk assessment should be conducted to identify and eliminate any risks present in the workplace.

The organisation should ensure the compliance with the following policies and procedures as a minimum at all times:

- copyright for original works under the Copyright Act 1968
- guidelines available through IP Australia
- patents for inventions and innovations under the Patents Act 1990
- organisational policies and procedures
- protection from misleading packaging, advertising, misuse of power in the marketplace etc. under the Trade Practices Act 1974
- code of ethics
- registration of business names under Business Names legislation
- Individual's role and responsibilities charter
- registration of trademarks under the Trade Marks Act 1995
- best industry practices

- registration of new or original designs under the Designs Act 2003
- organisational risk assessment
- registration of domain names
- state and federal standards for maintaining compliance
- licences, agreements or other instruments for the protection or use of intellectual property

Communicating potential risks and opportunities for improvement of IP, ethics and privacy policy and procedures to relevant personnel

The communication can be conducted through face-to-face meetings, over phone or using the electronic mediums.

The communication process should follow the following principles:

1. Have accountability

To convey policy changes, you must formally discuss the changes with all personnel. The policies should be posted to all general spaces-such as break rooms-where workers can quickly see new policies and procedures. It is a great idea to offer copies of new policies in the form of reminders or revised manuals for employees. E-mail, intranet or a password-protected intranet of the organisation website notify the employees of any changes. They must be notified about potential risks, their responsibilities, consequences of not following the protocols and other necessary information related to the policies and procedures.

2. Providing training and education, if needed

The personnel must understand the risks present at the workplace and how the policies or administrative changes would assist them mitigating or overcoming them. Therefore, the appropriate training and education should be provided to personnel to understand how the changes relate and affect. The training and education should be planned considering the risks and requirements associated with a project or organisation as whole.

3. Gather feedback and obtain reviews

Keeping the open consultation sessions and, where possible, integrating employee views on risk management and mitigation are necessary. Enable private or confidential discussions for all workers to express their honest opinion in a safe and secure way.

4. Two-way communication is important

Make sure the employees not only share concerns, but also discuss them freely and honestly.

5. Let personnel sign a new or revised policy and procedure

Particularly with changes in information communication and technology industry (ICT) – and more rigorous implementation expected by the ICT – it is important to have documents showing that workplace policy has been communicated. Place a copy of the sign-out in the personal files of your employees. Individuals must understand the concepts, requirements and details related to all the different aspects of legislative and regulatory guidelines.



Self-check assessment

QUESTION 1

How can you perform systematic evaluation of your policies and procedures?

QUESTION 2

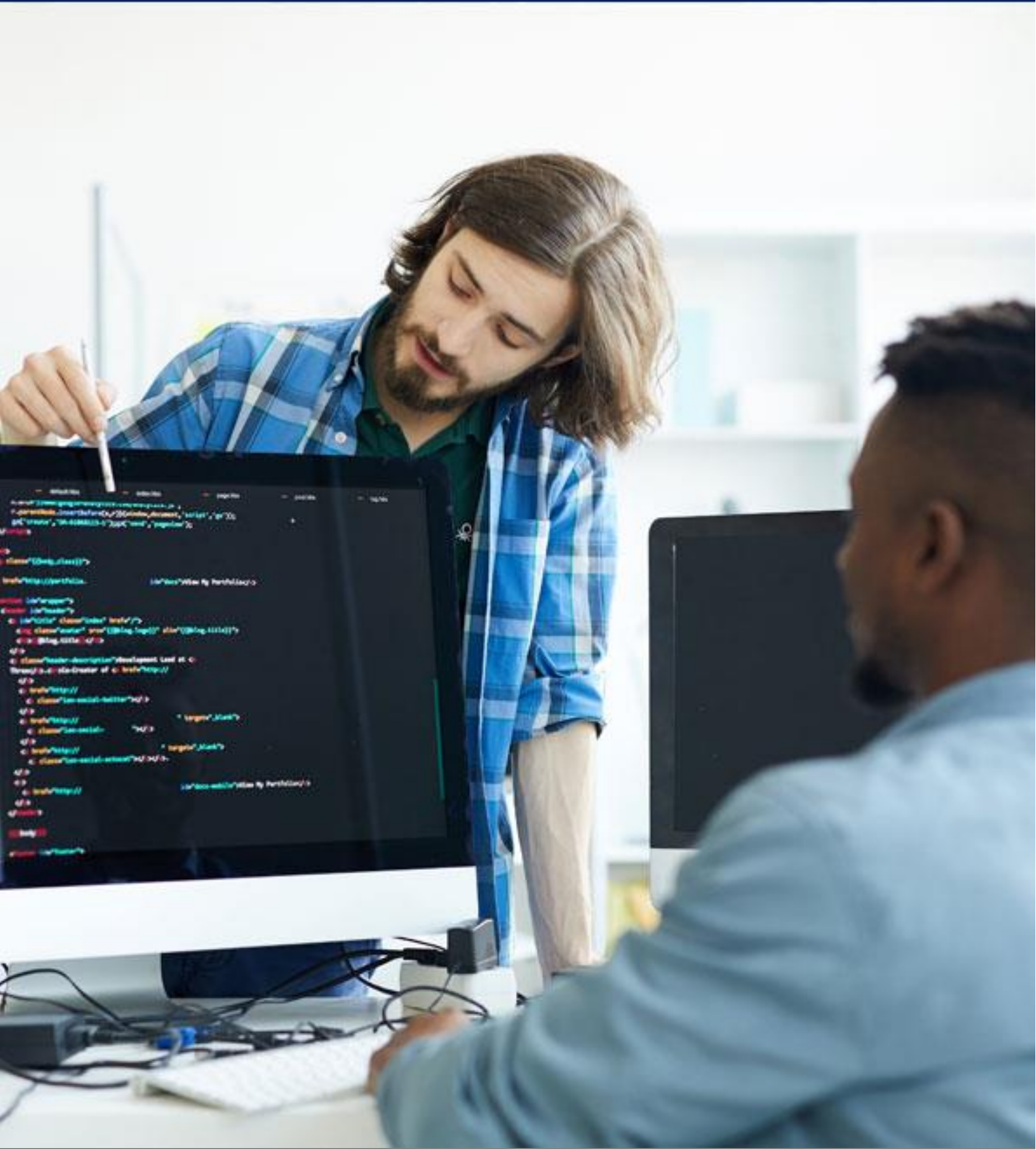
Why is it necessary to evaluate your policies and procedures?

QUESTION 3

Why a comprehensive risk assessment is necessary for a workplace?



CHAPTER 3: CONTRIBUTE TO NON-COMPLIANCE INCIDENT IDENTIFICATION AND RECOMMENDATIONS





The organisation must have clear guidelines and policies to help recognise possible violations of legislation or intellectual property, internally or externally, contributing to recommendations for required personnel on measures to resolve non-compliance issues and warning relevant staff to areas of possible infringement or theft to intellectual property. Intellectual property breaches should be treated sensitively and seriously.

The non-compliance with complying with intellectual property, ethics and privacy policy and procedures may include but not limited to:

- necessary charges not paid, for example, for a licencing agreement or extension of registered rights, either to or from another entity.
- copying content by personnel e.g. from the internet or copying software that may have legal issues related to copyright
- Proof of unauthorised access to computer files
- Marketing material created using photographs and other content that could violate copyright
- Usage of music or sound recordings unlawfully



What will I learn?

In this chapter, you will learn about the following:

1. Contribute to organisational risk assessment and identification process
2. Review internal and external non-compliance and intellectual property infringement incidents
3. Recommend actions to overcome non-compliance incidents to relevant personnel
4. Determine and report areas of potential risk and non-compliance to relevant personnel.

3.1 Contribute to organisational risk assessment and identification process



All workplace personnel are required to contribute to organisational risk assessment and risk identification processes.

Individuals can contribute to risk assessment by:

- Providing information of changes to legislation or regulations
- Comprehensive review of existing policies, protocols and procedures and identifying the areas of improvement
- Identifying the aspects of legislation and regulations not covered by existing policies and procedures
- Appropriate charges and fees not paid by own or external organisation
- Out of date communication related to intellectual property within organisation
- Providing information about expiry of protection period
- Understanding and ensuring the organisation does not use any inappropriate or illegal use of someone else's intellectual property
- Understanding the typical hazards present in the workplace environment
- Following the procedures for the management of risks linked to these hazards
- Following the risk assessment / management principles and stating the intent of each.
- Complying with the work health and safety threat management steps according to the hierarchy of WHS.

- Developing, managing and reviewing the required risk assessment reports.
- Following the commonly used warning signs in the workplace.
- Assisting in the workplace emergencies which pose a health and safety threat and developing, managing and reviewing the appropriate procedures to meet the organisational standards and guidelines.
- Ensuring the reasonable risk management protocols in place.

3.2 Review internal and external non-compliance and intellectual property infringement incidents



Reviewing internal and external non-compliance infringements

The organisation should have stepwise processes to review any deliberate or inadvertent misuse or non-compliance in relation to intellectual property law, regulations, policies, codes of conduct, etc.

Internal and external noncompliance

The internal and external noncompliance refers to the nonconformities by internal or external stakeholders of the organisation.

Internal stakeholders:

- Internal stakeholders refer to others within the organisation, such as designers, writers, trainers, marketing staff, researchers who are directly or indirectly related to the intellectual property. All employees who should be aware of the significance of and rules and regulations for enforcement of intellectual property rights and distraction of infringements related to intellectual property.

External stakeholders:

- External stakeholders refers to the contractors or service providers outside the organisation.

The non-compliance issues

The non-compliance issues may include but not limited to:

- Fees required not to be paid, to or from another body, e.g. to a license agreement or to renew registered rights
- copying material by other employees, for example from the Internet or software that might have potential problems with copyright.
- Proof of illegal access to computer files
- Produced marketing content with photographs and other information that may breach the copyright requirements
- Using the asset or resources in an illegal manner

3.3 Recommend actions to overcome non-compliance incidents to relevant personnel



The principles to overcome non-compliance incidents

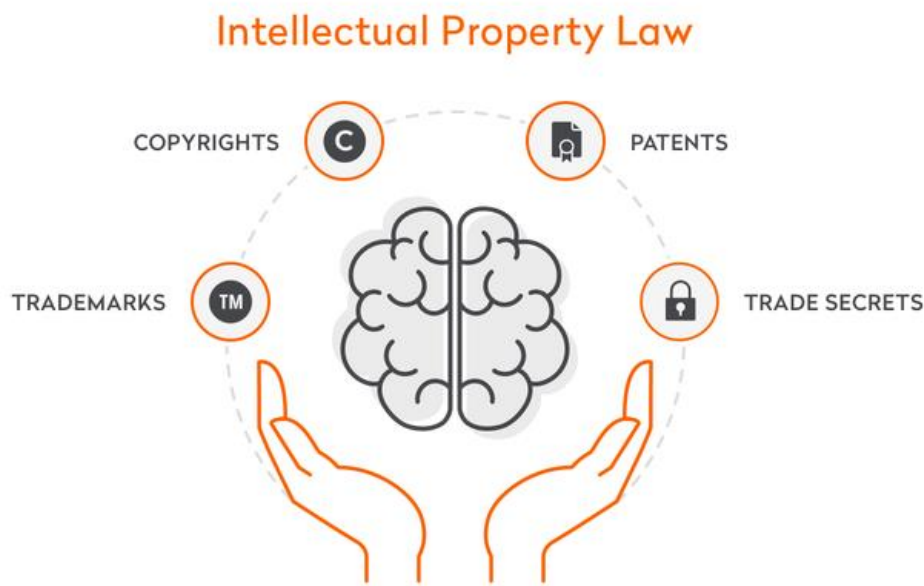
Appropriate personnel such as manager, supervisor or a designated person should be consulted related to noncompliance incidents and preparing and following an action plan to rectify the identified non-compliance.

Actions to rectify non-compliance

The actions may include but are not limited to:

- reporting problems with non-compliance to the supervisor
- Administrative action within the workplace, e.g. fees payable
- Ensuring all publications are notified by a copyright notice (e.g. copyright ©, copyright owner 's name, year of creation or first publication)

3.4 Determine and report areas of potential risk and non-compliance to relevant personnel



All the potential risks and non-compliance associated with intellectual property legislation and regulations should be determined and reported to the relevant authorities.

The relevant authorities may include:

- Supervisor
- Mentor
- Coach
- Trainer
- Manager
- Designated person in the organisation



Self-check assessment

QUESTION 1

Define risk management.

QUESTION 2

How can you review internal and external non-compliance infringements?

QUESTION 3

What are the principles to overcome non-compliance incidents?



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