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|  |  |
| IT Team Learning Notes |  |
|  | IT, Intellectual Property and other ethical matters |

### Contents

[Asking questions from different perspectives 4](#_Toc65333611)

[Practical steps to asking questions 4](#_Toc65333612)

[1. Practice being mindful 4](#_Toc65333613)

[2. Default to a state of curiosity 4](#_Toc65333614)

[3. Develop some premeditated questions 5](#_Toc65333615)

[Great reasons to ask questions 6](#_Toc65333616)

[Exploring a variety of information sources 7](#_Toc65333617)

[What is critical thinking? 7](#_Toc65333618)

[Critical thinking and logic 8](#_Toc65333619)

[What is logic? 8](#_Toc65333620)

[Information sources 8](#_Toc65333621)

[How to Evaluate Information Sources 9](#_Toc65333622)

[Sifting the information 10](#_Toc65333623)

[Key ideas 12](#_Toc65333624)

[Problem-Solving with Critical Thinking 12](#_Toc65333625)

[Evaluating information with critical thinking 13](#_Toc65333626)

[Challenge preconceptions and assumptions 14](#_Toc65333627)

[Assumptions exist in all communications 14](#_Toc65333628)

[Challenging assumptions everyday trains the mind 14](#_Toc65333629)

[Beware of how you define problems 15](#_Toc65333630)

[Activity 1 15](#_Toc65333631)

[Generating ideas and responses 15](#_Toc65333632)

[Using creative thinking techniques 15](#_Toc65333633)

[1. Mind mapping 15](#_Toc65333634)

[2. The checklist 16](#_Toc65333635)

[3. Six thinking hats 17](#_Toc65333636)

[4. Lateral thinking 18](#_Toc65333637)

[5. Random word generation 19](#_Toc65333638)

[6. Picture association 19](#_Toc65333639)

[7. Analogy Thinking 19](#_Toc65333640)

[7. Change perspective 19](#_Toc65333641)

[8. Get up and go out 20](#_Toc65333642)

[Innovative thought 20](#_Toc65333643)

[Here are ten tried and tested activities to increase your creativity: 20](#_Toc65333644)

[1. Continue to learn 20](#_Toc65333645)

[2. Keep a journal 20](#_Toc65333646)

[3. Use your commute 20](#_Toc65333647)

[4. Challenge your body 20](#_Toc65333648)

[5. Meditate 21](#_Toc65333649)

[6. Go to sleep 21](#_Toc65333650)

[7. Track your moods 21](#_Toc65333651)

[8. Meet someone new 21](#_Toc65333652)

[9. Research what the icons do 21](#_Toc65333653)

[‘Blockers’ to creative thinking 22](#_Toc65333654)

[1. The mental block 22](#_Toc65333655)

[2. The emotional barrier 22](#_Toc65333656)

[3. Work habits that don’t work 22](#_Toc65333657)

[4. Personal problems 23](#_Toc65333658)

[5. Overwhelm 23](#_Toc65333659)

[6. Communication breakdown 23](#_Toc65333660)

[Personal characteristics and habits 23](#_Toc65333661)

[1. Believing you are not creative 24](#_Toc65333662)

[2. Making assumptions 24](#_Toc65333663)

[3. Following the rules too strictly 24](#_Toc65333664)

[4. Being too serious 24](#_Toc65333665)

[5. Avoiding risks 24](#_Toc65333666)

[6. Always staying with your routines/habits 25](#_Toc65333667)

[7. Thinking there is only one solution 25](#_Toc65333668)

[8. Making judgments too quickly 25](#_Toc65333669)

[Explore realities beyond the current situation 25](#_Toc65333670)

[Ways to promote creative thinking and innovation 25](#_Toc65333671)

[The Five Focusing Steps 28](#_Toc65333672)

[Identify 28](#_Toc65333673)

[Exploit 28](#_Toc65333674)

[Subordinate 28](#_Toc65333675)

[Elevate 28](#_Toc65333676)

[Repeat 28](#_Toc65333677)

[The thinking processes 29](#_Toc65333678)

[Risks with ideas and thoughts 29](#_Toc65333679)

[What is the worst that can happen? 29](#_Toc65333680)

[Rewards matter more than risks 29](#_Toc65333681)

[Risk-taking takes practice 30](#_Toc65333682)

[The value of failure 30](#_Toc65333683)

[It’s not the end of the world 30](#_Toc65333684)

[Innovation and Risk-taking 30](#_Toc65333685)

[Look for inspiration 31](#_Toc65333686)

[What is reflective practice? 31](#_Toc65333687)

[Observation and experiences for idea generation 32](#_Toc65333688)

[How can I generate ideas? 32](#_Toc65333689)

[Acknowledge and accept opportunity 33](#_Toc65333690)

[Why your best ideas come when you least expect it! 33](#_Toc65333691)

[Identify connections and associations 34](#_Toc65333692)

[What is Associative thinking? 34](#_Toc65333693)

[1. Practice meta-awareness 34](#_Toc65333694)

[2. Forget order, appreciate harmony, and increase your tolerance for ambiguity 34](#_Toc65333695)

[3. Make connections; not choices 35](#_Toc65333696)

[Steps to associative thinking skills 35](#_Toc65333697)

[1. Connect outside your network 35](#_Toc65333698)

[2. Observe new environments with fresh eyes 35](#_Toc65333699)

[3. Question the unquestionable 35](#_Toc65333700)

[4. Experiment to see differently 36](#_Toc65333701)

[5. Have the courage to act 36](#_Toc65333702)

[6. Repeat 36](#_Toc65333703)

[Heuristics 36](#_Toc65333704)

[Activity 2 37](#_Toc65333705)

[Challenge, test and re-invent ideas 38](#_Toc65333706)

[Assumptions exist in all communications 38](#_Toc65333707)

[Challenging assumptions everyday trains the mind 38](#_Toc65333708)

[Solving problems by challenging ‘all things equal assumption’ 38](#_Toc65333709)

[Beware of how you define problems 39](#_Toc65333710)

[Challenging your assumptions 39](#_Toc65333711)

[Explore and challenge different solutions and ideas 41](#_Toc65333712)

[Problem-centric vs. Solution-centric 42](#_Toc65333713)

[Different parameters 43](#_Toc65333714)

[Change perspectives, and evaluate ideas and situations in new ways 44](#_Toc65333715)

[How to evaluate ideas 44](#_Toc65333716)

[Methods 45](#_Toc65333717)

[Pass-fail evaluation 45](#_Toc65333718)

[Evaluation matrix 45](#_Toc65333719)

[SWOT analysis 46](#_Toc65333720)

[Idea development 46](#_Toc65333721)

[Evaluation teams 46](#_Toc65333722)

[Strategies to refine ideas 46](#_Toc65333723)

[SCAMPER Technique 46](#_Toc65333724)

[Opposite Thinking 48](#_Toc65333725)

[Brainstorm Cards 48](#_Toc65333726)

[Getting others involved 48](#_Toc65333727)

[Activity 3 50](#_Toc65333728)

[Enhance creative thinking skills  50](#_Toc65333729)

[Where do negative thoughts come from? 50](#_Toc65333730)

[Types of negative thinking 51](#_Toc65333731)

[Ways to deal with negative thoughts 52](#_Toc65333732)

[Self-assessment 53](#_Toc65333733)

[New ideas - strategies and techniques 53](#_Toc65333734)

[Breaking old thinking patterns 54](#_Toc65333735)

[Ways to encourage creative thinking 54](#_Toc65333736)

[Opportunities to practise and experiment 55](#_Toc65333737)

[What does it mean to think creatively? 56](#_Toc65333738)

[Activity 4 57](#_Toc65333739)

## Introduction

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

It applies to individuals who are required to use intellectual property held by other people or organisations, to assist with the maintenance of organisational ethics and privacy policies and procedures.

## Core principles



Source:

### Underpinning legal framework

### Understanding the terms

It is important the various terms related to this topic are clearly understood by persons who are working in the IT industry as it is this industry that is at the forefront of developing and sharing creative content.

Below are the broad terms that are regularly used in this industry and an explanation of each.

#### Intellectual property (IP)

Develop a habit of being mindful of your surroundings. The art of answering questions is focused on the fact that you are truly available to ask questions that are important to your problems. You can't dream about yourself or think about yourself if you talk to someone. If your mind is not there, you will lose the chance to ask a reasonable or even innovative question. Practise being focused on what is happening around you; daydreaming is great when the week-end is around or you are relaxing at home, but it does not achieve anything when you are wrestling with a problem in the world of IT.

#### Copyright

All

#### Patent

### A patent is a legal standard that awards sole commercial rights to an invention. A patent grants a right or privilege to the legal 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, needs to be distinct from any other inventions that have already been granted a patent or are awaiting a decision on 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.

Patents exhaustively define the exact scope of 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 the organisation conducts its business. For example, the ethics of a store selling electronic goods may be that they strive to operate in a manner that is honest, fair, respectable, transparent and provide value for money. Organisational ethics are interdependent with organisational culture. The ethical atmosphere of an organisation is critical as it sets the context and work environment in which employees gather; it will influence employee beliefs, the organisation’s involvement and participation in a range of non-profit areas while explicitly stating how they will interact and deal with the employees and customers of the business.

#### The principles of ethics

The ethical frame commonly found in ‘western’ cultures have the common stances:

**Honesty:** All employees 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:** All employees should have a strong alignment to the rule of law. They should know the difference between right and wrong. They should fight for their beliefs.

**Promise-keeping and trustworthiness:** All employees 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:** All employees should be worthy of trust and confidence. They should be loyal to the organisation and fellow stakeholders.

**Fairness:** All employees should be fair and just in all their dealings.

**Concern for others:** All employees should be concerned for the health and wellbeing of all stakeholders, not only for themselves.

**Respectful:** All employees should be respectful to others.

**Law abiding:** All employees should always obey all regulations, legislative instruments and organisational standards and procedures.

**Committed:** All employees 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:** All employees should be conscious of the responsibilities and opportunities available to the organisation and how best they can utilise the resources available.

**Reputation and morale:** All employees should maintain a good private and public image. They must not engage in any inappropriate or unethical behaviour or conduct.

**Accountability:** All employees should be accountable for all their actions, decisions and omissions.

#### Ethical culture

The term **ethical culture** refers to the workplace culture that is formed and operates within the organisation. An organisation may use written and formal documents to record and transmit these cultural norms to its workforce and stakeholders. Examples of these documents may include:

* Code of ethics
* Organisational policies and procedures
* Client charter
* 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.

#### Locating and accessing IP and policies and procedures records

### You should be aware of how to locate and access your 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 your organisation or its Intranet site may be the first areas for you to explore for the organisation’s policy and procedures.

#### Record/digital repository

Your organisation will have a digital record system probably connected to the company’s Local Area Network (LAN) or if a larger company with multiple sites, a Wide Area Network (WAN).

Information, if you are authorized to access it, will be held there.

#### Organisational policy manual

The policy manual of an organisation may also provide you with information related to locating and accessing company records, policies or procedures.

#### Supervisor

You may approach your supervisor if you are not sure where to locate and access the organisation’s records, policies and procedures.

#### Reception desk

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

## Your role in compliance

Infringing the IP and copyright standards will impact on both yourself, the individual, and the company you work for. The level of consequence for an infringement will depend upon the circumstances of each event and may range simply from an apology to a financial penalty with accompanying legal litigation.

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| [Shape  Description automatically generated with low confidence](https://www.modernanalyst.com/Careers/InterviewQuestions/tabid/128/ID/3197/What-is-the-Six-Thinking-Hats-model.aspx) | Six Thinking Hats *(https://www.modernanalyst.com/Careers/InterviewQuestions/tabid/128/ID/3197/What-is-the-Six-Thinking-Hats-model.aspx)* |

### Identify your role

You must identify your own role and responsibilities with respect to the Intellectual Property, Copyright and broad ethical issues. Your actual responsibilities will depend on your job role and requirements.

The broad scope of the responsibilities and roles you have in your workplace may be found by examining the Position Description of your job, the company’s policies and procedures and the person responsibilities for staff within your employing company.

Your role may include, but not limited to:

* Checking that other parts of the worksite/company are compliant with the legislative requirements.
* Communicating changes in policies and procedures to others within the company.
* Ensuring that the IP or resources being used are done so in accordance with any licensing requirements. This may require source statements where the resource (e.g. images) are used and that the necessary fees are paid.
* Recording usage data in appropriate registers as it occurs.
* Maintain the necessary legislated records and schedules, e.g. Intellectual Property Register.
* To maintain your current knowledge of these areas. Example: You may subscribe to organisations that will keep you informed on current standards and expectations of IP and Copyright.

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

Where the Intellectual Property rights are registered with an authority, it is easy to assess the scope of protection and how it may be used (i.e. scope of use, fees to be paid, etc.).

For intellectual rights not subject to registration, such as Copyright, the resource being used must be objectively defined if proceedings against fraudulent use are to undertaken. Example: You have made a digital video clip and used an audio track from a rock band – the band sees it on YouTube and starts proceedings against you by stating their copyright privileges through providing the Court with a copy of the actual master recording along with information on when and where it was recorded.

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

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 only for the part that was added or improved, i.e. the innovation only. This 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 behavior under the Trade Practices Act 1974.

### Procedures to avoid intellectual property and privacy infringement

Always follow organisational policies and procedures to avoid intellectual property and privacy infringement. Your company does not want legal proceedings and the potential financial loss because you used images, videos and audio recordings you downloaded from the Internet to construct a website for the local music store!

There is of course the alternative perspective: What happens if you believe that your copyrighted work is being used by others without your approval or appropriate payment?

The protection of your Intellectual Property rights (through the copyright process) is most effective when the rights are enforced as part of an Infringement Strategy. While it sounds so easy to commence litigation, this needs to be considered carefully. You need to assess, in a strategic way, what rights you wish to enforce and what conditions for the initiation and termination of infringement acts you wish to apply on those who have used your work without permission.

**Not every violation ends up in court**

If your IP or copyright rights 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 your 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. This action could include physical safety, watermarks or defense of passwords.

**Detection methods:** You can scan products and advertisements of rival businesses on a regular basis to find any signs of infringement. When you operate in an online environment, seeding data will help to detect any abuse of your IP.

**Selective enforcement:** Determine a mechanism for making charges against persons carrying on an infringement and an acceptable level of charges for the infringement. Example 1: It might be unfair to prosecute people taping a sound recording for personal use, but you may consider action if a company uses a recording for a public event. Example 2: You find some text which appears to be plagiarised from one of your documents on a not-for-profit website. You simply inform the webmaster asking for it to be referenced or removed.

**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.

**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 after considering these factors and the previous judgements in similar cases.

### Purpose and intention of the organisation

The purpose and intention of your employer’s policies and procedures related to Intellectual property, ethics and privacy should be determined and outlined in its policy manual.

If you are working in a smaller business or even working for yourself, it is important to defend any innovative goods or services that you possess. In a competitive business world you do not wish for competitors to intrude into your market share away resulting in either loss of sales or loss of customers.

It is important to remember that no one else searches for the misuse of your IP; it is your responsibility to make sure that nobody exploits the assets and resources owned by your employer or yourself.

Policies and procedures play a vital role in many parts of a business. The broad purposes of a company’s policies and procedures are:

* Protecting protection of ideas and rightful owners.
* Protecting the assets against unauthorised access and infringement by others and ultimately defending in the courts of sole rights to use, make, sell or import the assets .
* Monitoring the access of who is using or accessing the resources and assets.
* Stopping others using, making, selling or importing the assets without the permission of rightful owner of the asset.
* Setting the business and product separate from other competitors.
* Earning the royalties by licensing the assets.
* Having the exclusive rights to innovation and assets developed by the company.
* Providing clear guidelines on what is considered as infringements.
* Forming an essential part of the marketing or branding strategy.

## Different ethical theories and approaches

### Ethical theories and approaches

It is important for you to identify and understand the different ethical theories and approaches that may exist within an organisation. Ethical theories offer a basis for making right or wrong decisions.

Ethical theories may be grouped into one of two categories:

**Consequentialist**

**Non consequentialist**

#### Consequentialist theories

The moral rightness of an action depends solely on the outcomes according to consequentialist philosophers and theorists. These theories are, therefore, based on the concept of, *“If the consequences are good, the action is right; if consequences are negative, the action is wrong.”*

Based on whether the view is that of ‘consequences for oneself’ or the ‘consequences for everyone affected’, two theories fall under this category:

**Egoism**

**Utilitarianism**

##### Egoism as an ethical theory

Egoism as an ethical theory focuses on how individuals and businesses take advantage of opportunities without regard for the consequences for others in a self-centred and egocentric way. The theory also explores the paradigm of the belief that morality is equivalent to self-interest. An egoist argues that an action is morally right if, and only if, it serves their interests and welfare.

Within this broad egoism theory there is a differentiation: the Personal and the Impersonal.

**Personal egoist**s believe that they ought to follow their own best interests, but do not dictate what anyone else will do. The **Impersonal egoists** argue that everybody should be able to manage and make decisions based on their self-interest and welfare.

##### Utilitarianism as an ethical theory

Utilitarianism on the other hand focuses on the happiness of everyone affected by our actions. Early utilitarians were Jeremy Bentham and John Stuart Mill.

The utilitarianism ethical frame has six points:

1. Each person must determine what behavior will lead to greater satisfaction, while also considering unhappiness or pain.
2. Our actions may have different degrees of affect on other individuals.
3. Since utilitarians judge action according to their consequences and because acts yield different outcomes in different conditions, under this theory almost anything can be morally right under some conditions.
4. Utilitarians try to optimise the satisfaction not only in the immediate term, but in the long term also.
5. Utilitarians understand that we still struggle to know for sure the potential consequences of our behavior.
6. The personal satisfaction and sufferings should be treated the same way as that experienced by others. They must also ensure that the desired or probable satisfaction is as high as possible.

##### Use of utilitarianism in organisational context

Utilitarianism is used to formulate policies, procedures and processes in the organisation. Utilitarianism offers an objective and appealing method of addressing conflicts related to self-interest. It also offers a versatile, results-oriented approach to moral decision-making.

#### Non consequentialist theories

The non-consequentialist philosophers and theorists determined that right and wrong depend upon a range of factors and not only the consequences of an action.

These theories are, therefore, based on the concept of, *“consequences are morally significant, but other factors are also equally important to the moral assessment of an action.”*

A number of non-consequentialist theories are mentioned below:

##### Kantian Ethics

The ethics of Kantian belongs to a deontological philosophy developed by the German philosopher, Immanuel Kant, based on the principle that: *"It is impossible to think of anything at all in the world, or indeed even beyond it, that could be considered good without limitation except a good will."*

Kant's ethics are organised around the principle of a “categorical imperative,” which is a universal ethical principle stating that one should always respect the humanity in others, and that one should only act in accordance with rules that could hold for everyone.

##### Theory of virtue ethics

Virtue ethics are normative ethical theories which emphasize virtues of mind, character and sense of honesty. Virtue ethicists discuss the nature and definition of virtues and other related problems that focus on the consequences of action.

##### Divine command theory

Divine command theory is a meta-ethical theory which proposes that an action's status as morally good is equivalent to whether it is commanded by God. The theory asserts that what is moral is determined by God's commands and that for a person to be moral he is to follow God's commands.

##### The natural law theory of ethics

Natural law is a theory in ethics and philosophy that says that human beings possess intrinsic values that govern our reasoning and behavior. Natural law maintains that these rules of right and wrong are inherent in people and are not created by society or court judges.

The natural law view of ethical behaviour holds that

* the natural law is given by God;
* it is naturally authoritative over all human beings; and
* it is naturally knowable by all human beings.

### Activity 1

Record your responses to these questions in your notebook. Your responses need to be two to three sentences in length.

1. How can you locate and access your organisation’s intellectual property, ethics and privacy policy and procedures?
2. Explain the meaning of the utilitarianism theory of ethics?
3. What is the purpose and intention of the organisation’s IP, ethics and privacy policy and procedures?

## Understanding and applying principles

In recent years, company mergers, acquisitions and litigation have contributed to concern and often confusion over intellectual property (IP) in the international economy. Some countries openly flaunt their infringements of IP leding to international tensions and uncertainty in the economic relationships between countries and often at a lower level of businesses.

With limited capital and low pressure from stakeholders, businesses need a high rate of return and sufficient security on investments in intellectual property (IP). No action could pose a serious threat to the business performance, culture and success of products and services.

### Compliance with IP, ethics and privacy policy and procedures

Most organisations should have very stringent policies, procedures and processes in place to ensure compliance with all legal requirements associated with intellectual property, ethics and privacy.

All individuals in the workplace must know how and where to locate and access the relevant policies and procedures of their employers.

### Securing intellectual property

It can initially seem non-productive and time-consuming to carry out these processes but securing the IP of a business is an important action to protect the business’ assets and resources. It is not possible to protect an idea or concept, but you can protect the means of bringing that idea into reality or action. This is what you do when recording Intellectual Property (IP).

### The purpose of developing and implementing policy and procedures

You should always endeavour to develop and implement organisational IP, ethics and privacy policy procedures to prevent IP infringement

Patents, trademarks, designs, and secret processes and formulae are protected by intellectual property (IP). IP also protects other intangible assets related to organisation.

The IP, ethics and privacy policy and procedures aims at fostering innovation and protecting companies which create original IP to have a competitive advantage. Australia is also a signatory in many countries to a number of international agreements defending and protecting IPs.

IP Australia is the Australian government agency administering IP rights and law.

The purpose of developing and implementing organisational IP, ethics and privacy policy procedures to prevent IP infringement

The purpose of developing and implementing the policies and procedures should be clearly outlined.

Intellectual property is a general concept for the non consensual use of intangible assets owned and legally protected by organisations. The object of identifying IP as an asset is to provide a business with the same security rights as a physical property because of its ability to provide competitive advantages. The protection of these security rights is important as it avoids reproduction by potential competitors — for example , a significant challenge in the web or mobile technology market.

An IP business can make its own difference by actively using it — for its own processes or the delivery of products and services to consumers — or distributing it externally. The above can be done by means of legal frameworks like royalty rights.

An extensive international system to define, protect and enforce intellectual property rights, including international and multilateral treaty schemes, exists. Examples of these treaties and bodies include Trade-related Aspects of IPRs (TRIPs), the World IPO, the World Customs Organization (WCO), United Nations Commission on International Trade Law ( UNCITRAL), the World Trade Organisation ( WTO), and the European Union ( EU). Nevertheless, the respect and enforcement of rights at local level varies.

Your organisation can clearly state but not limited to:

• The legislative and regulatory guidelines all individuals must follow

• Compliance with international and national intellectual property rights

• The measures to protect the intellectual property

• Defining IP infringement

• Processes to manage IP infringement

### Determine the principles being applied

The principles applied in the organisational intellectual property, ethics and privacy are to

• promote the development and dissemination of information

• ensure that individual and institutional rights in connection with ownership and distribution of benefits arising from the production of intellectual property are guaranteed.

The code of ethics for ICT professionals

The purpose of the code is to encourage ethical conduct and to help IT professionals deal with moral complications resulting from their work. The code is intended to reinforce and encourage the ethical dimension of IT ethics by increasing conversations with IT professionals.

The ethical work processes and procedures assist the organisation:

• Act according to legislation and regulatory requirements and guidelines

• Being aware of code of conduct and code of ethics

• Compliance with the organisational policies and procedures

Privacy guidelines

Privacy is the right of a person or organization to withdraw or communicate knowledge about itself in a secure and protected manner. When a person has something personal and confidential, it often means that something is inherently special or sensitive to them.

The privacy issues can be selected from the list below or similar:

• Spying and snooping.

• Information mishandling.

• Location tracking.

• Use of a VPN.

• Conduct safe browsing.

• Keep your system up-to-date.

• Use of anti-virus

• Adjust your settings on social media.

### Activity 2

Record your responses to these questions in your notebook. Your responses need to be two to three sentences in length.

1. What is the purpose of developing and implementing organisational IP, ethics and privacy policy procedures to prevent IP infringement?
2. What is meant by privacy guidelines?
3. Explain the code of ethics for ICT professionals. What is its purpose?

## Assist with non-compliance incident identification and recommendations

The organisation should have clear guidelines to assist with non-compliance incident identification and recommendations. It is, therefore, the responsibility of the organisation to:

• Identify organisational standards to satisfy the criteria of intellectual property.

• Identify the different types of existing and potential IP within the organisation

• Identify and access IP policies , procedures and information of the organisation

• Identify your role in protecting intellectual property, making use of intellectual property and preventing infringement of intellectual property

• Provide information and advice to internal and external stakeholders concerned on how IP policies and procedures operate within the limits of the role of the organisation.

• Support policies and procedures for intellectual property protection and use

• Assist with the development and/or implementation of policies and procedures to protect and use intellectual property of the organisation as required by type of protection

• Help establish and/or enforce policies and procedures to avoid abuse of intellectual property by others;

• Assist in maintaining policies and procedures on intellectual property

• Contribute to identifying possible issues and opportunities to improve the functioning of IP policies and procedures, and make recommendations to the required action staff

• Contribute to recommendations on intellectual property rights non-compliance

• Contribute to identifying possible problems of non-compliance or infringements of intellectual property, whether internally or externally

• Contribute to recommendations on steps to resolve non-compliance problems to relevant staff

• Warn appropriate staff to possible infringement or theft to intellectual property

### Organisational risk assessment and identification process

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

### Internal and external non-compliance infringements

Identifying and observing internal and external non-compliance infringements

The organisation should have stepwise processes to manage 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

principles that could assist with overcoming non-compliance incidents with 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 p[reparing 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)

### Activity 3

Record your responses to these questions in your notebook. Your responses need to be two to three sentences in length.

1. Explain internal and external non-compliance.
2. How can you identify and observe internal and external non-compliance infringements?
3. What are the principles to overcome non-compliance incidents?

### References

Australia, I.P. (2016). Understand infringement. [online] www.ipaustralia.gov.au. Available at: https://www.ipaustralia.gov.au/ip-infringement/enforcing-your-ip.

Behr, A. (2019). Intellectual property protection: 10 tips to keep IP safe. [online] CSO Online. Available at: https://www.csoonline.com/article/2138380/intellectual-property-protection-10-tips-to-keep-ip-safe.html.

Burnett, A.T.-C. (n.d.). The Importance of Intellectual Property | Lexology. [online] www.lexology.com. Available at: https://www.lexology.com/library/detail.aspx?g=0b676aa6-7a3b-4bcb-8570-ccb90699eeef

Corporate Compliance Insights. (2018). IP Audits: What are they? Why are they important? What do they cost? [online] Available at: https://www.corporatecomplianceinsights.com/ip-audits-what-are-they-why-are-they-important-what-do-they-cost/.

Marsh.com. (2019). The Importance of Intellectual Property Valuation and Protection. [online] Available at: https://www.marsh.com/us/insights/research/importance-of-intellectual-property.html.