



Open Government Partnership Submission | 31 March 2016

Intellectual Property (IP) & Crown Copyright + Open Source & Creative Commons

Addresses : Fostering Innovation, Access to Information, Public Participation, Improve Public Service Improvement and Delivery

Commitment : Review the Australian Intellectual Property Rules with public and private sector participation. Create and publish useful, open and educational information for government staff, and service providers and citizens about where rules apply and where there are exceptions, particularly in relation to procurement.

Context :

The Australian Government position on IP can be confusing, is at times contradictory and can be easily misunderstood by internal government staff as well as external service providers.

Across agencies and all levels of government across the nation different rules apply. There is a lack of consistency, transparency and explanation as to why there are different stances with regard to IP and copyright.

For example - the default position for the Australian Government and NSW Government is that ICT providers and SMEs to retain their IP in order to benefit from their ideas and foster innovation. However, this seems to change between agencies and jurisdictions. It would be enormously helpful to provide clarity around IP and copyright to make it easier to do business with and collaborate with government.

Suggestion:

It is the opportune time review this, provide frameworks and scenarios of best practices to complement the launch of the National Innovation and Science Agenda.

This will help drive government and private sector innovation, encourage collaboration with government, researchers and universities.

To help foster content innovation, a review of how Crown copyright is used and applicable, and a move to a creative commons licensing frameworks is required. Content should be able to be openly shared and reused, and where appropriate distributed through multiple channels to reach the broadest possible audience.

This will encourage the uptake of creative commons, as well as provide opportunities to create an ecosystem of content innovators and the creation of original local content in collaboration with agencies and other organisations such as museums.

Open source technologies and practices are now frequently used by service providers and government agencies. It would be good to provide best practices for the use of open source technologies, such as where agencies have used open frameworks and which licences are

most appropriate. It will also provide the opportunity for a national discussion on how those inside and outside of government can create open source products and services, build sustainable businesses using open source technologies and creative commons licensed content.

Implementation

- Conduct a review of existing IP rules
- Gather information from each agency on their IP policy and framework
- Conduct a national forum to discuss and agree on contemporary standards and create educational tools
- Create a central place for each agency to publish their IP policy and frameworks
- Create a place where details of open source technologies used and project case studies can be easily accessible and shared internally and externally.

Agencies : PMC, Department of Communications and the Arts, Attorney General's Department.

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