

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Supplementary Budget Estimates

2016 - 2017

Division/Agency: Australian Bureau of Statistics

Question No: 29

Topic: 2016 Census - eCensus Application IP Rights

Reference: Written (19 October 2016)

Senator: Griff, Stirling

Question:

1. Can the ABS confirm that IBM have been granted Intellectual Property rights to use the eCensus application developed by IBM for the ABS?

a. If so, are these rights granted to IBM royalty-free?

b. If so, why was this decision made?

2. It is understood from testimony provided to the Economics References Committee that such a right may enable the ABS to 'benefit' from future enhancements to the eCensus application made in response to other countries that may decide to use the eCensus application and fund enhancements to it.

a. Is this 'benefit' a contracted right of the ABS?

b. Is this 'benefit' a royalty/cost free right of the ABS?"

Answer:

1. The ABS owns the Intellectual Property (IP) rights in the eCensus application. The ABS has provided a licence to IBM to use and exploit the eCensus application.

1a. Yes.

1b. The decision is consistent with the Commonwealth Intellectual Property Principles which require, in relation to Information and Communication Technology Contracts, that entities adopt a default position that the supplier owns the IP in software developed under the contract. The ABS already owned the IP in the eCensus application and retained ownership, providing a licence to IBM to use the application

2a and 2b. The contract does not include an automatic right to use future developments of the application made for other IBM clients.