

A-20 POLICY Intellectual Property

Definitions

- **Intellectual property.** Intellectual property includes anything that is patentable, copyrightable, or otherwise marketable. This includes, but is not limited to, inventions, books, articles, study guides, syllabi, workbooks or manuals, bibliographies, instructional packages, tests, video or audio recordings, films, slides, transparencies, PowerPoint presentations, charts, other graphic materials, photographic or similar visual materials, film strips, multimedia materials, online course work, three-dimensional materials, exhibits, and computer software. Intellectual property is intended to apply to all creative works regardless of the media in which they are distributed or the nature of their technological manifestation, now known or later developed.
- **Work for hire.** A work for hire is a work prepared by an employee within the scope of their employment. If, for example, an employee is specifically assigned to write, create or otherwise develop the intellectual property, or the property is produced by a college employee as the result of a direct work assignment to meet specific objectives or as an assigned college job function, then it is a work for hire.

Ownership of Intellectual Property

When intellectual property is developed on the employee's own initiative, outside the scope of their College responsibilities, and without any reliance on College support, the College will not claim ownership rights for that intellectual property. Where the intellectual property bears a reasonable relationship to the person's employment responsibilities at the College, it will be the employee's responsibility to show that the intellectual property was developed according to these criteria.

When intellectual property is developed as a work for hire, the employee and the College shall jointly own the intellectual property rights.

If the intellectual property is to be copyrighted or patented, the employee and the College shall enter into a contract specifying topics including but not limited to sharing ownership, royalty payments, costs, marketing, etc. The employee shall disclose in writing as early as possible, to the appropriate Vice President, the intent to develop or the development of any intellectual property that is work for hire and that has commercial applications and there is intent to copyright or patent the material.

If the author of the intellectual property departs employment with the College, they will provide the College with copies of the intellectual property and shall grant the College a non-exclusive, royalty free license thereto, when it is determined by the College that such intellectual property is necessary to carry out the educational programs of the College. Since the employee owns the intellectual property, they may take a copy with them for their use.

BOARD OF GOVERNORS

Adopted: 07/01/04

Reviewed: 2/05/18, 02/01/20, 12/12/23

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Web link:

Tags: intellectual property, work for hire