



## Intellectual Property

### Intellectual Property Policy

*Approved by and date:*

*Board of Trustees* 09/18/2017

*Executive Leadership Team* 09/11/2017

### Policy:

Kilgore College employees and students own all rights to copyrightable or patentable independent works created by that person without College support. Unless otherwise provided in a rights agreement, the College owns all rights to a copyrightable or patentable work created by the person with College support.

### Procedures:

*Approved by and date:*

*Executive Leadership Team* 01/08/2018

The ownership of a copyright or patent resulting from the development of intellectual property and any rewards or recognition attributed to the copyright or patent will be determined according to the following conditions:

Ownership resides with the employee or student under the following criteria:

- a. The work is the result of individual initiative, not requested by the College.
- b. The work is not the product of a specific contract or assignment made as a result of employment or enrollment at the College.
- c. The work is not prepared within the scope of the employee's job duties or the student's enrollment.
- d. The work involves insignificant use of College facilities, time, and/or other resources.

Ownership resides with the College if the above criteria are not met and/or if the following criteria apply:

- a. The work is prepared within the scope of the employee's job duties or the student's enrollment.
- b. The work is the product of a specific contract or assignment made in the course of the employee's employment with the College or the student's enrollment.
- c. The development of the work involved significant facilities, time, and/or other resources of the College including but not limited to released time, grant funds\*, college personnel, salary supplement, leave with pay, equipment, or other materials or financial assistance.
- d. The College and the employee or student may enter into an agreement for an equitable arrangement for joint ownership, sharing of royalties, or reimbursement to the College for its costs and support. When it can be foreseen that commercially valuable property will be created, the College and the employee or student will negotiate an agreement for ownership and the sharing of benefits prior to creation of the property. In all such cases, the agreement will provide that the College will have a perpetual license to use the work without compensation to the employee or student for such use.

- e. If an employee is granted full or partial leave with pay (e.g., release time or educational leave) to write, develop, produce, or invent intellectual property, the employee and the College will share in any financial gain; and the College's share will be negotiated prior to the time the leave is taken.

\*Notwithstanding the provisions of this policy, in the case of a work created under a grant accepted by the College the ownership provisions of the grant will prevail.

Revenue derived from the creation and production of all intellectual property will be deposited in the applicable department's "gifts and grants" (or comparable) budget line item for uses consistent with the College's mission.

Kilgore College expects its employees and students to abide by all U.S. copyright regulations. The College website contains specific details regarding applicable copyright information and prohibitions against unauthorized duplication and distribution of copyrighted materials, including copyrighted music and video. Violations of copyright laws, including unauthorized peer-to-peer sharing, are subject to college disciplinary sanctions as well as civil and criminal liabilities.

Issues or disputes between the College and its employees, including student workers, regarding intellectual property should be directed to the director of human resources.

Issues or disputes between the College and students regarding intellectual property should be directed to the vice president of student development.