

**Rancho Santiago Community College District**  
**BOARD POLICY**  
Chapter 3  
General Institution

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## **BP 3715 Intellectual Property**

### **Reference(s):**

- 17 U.S. Code Sections 101 et seq.
- 35 U.S. Code Sections 101 et seq.
- 37 Code of Federal Regulations Sections 1.1 et seq.

RSCCD recognizes the need to maintain an Intellectual Property Rights policy which encourages faculty and staff to engage in the production and development of scholarly works, creative publications, technology-based materials, grant proposals, and programs and services that enhance the educational and economic well being of the community. This policy assumes that:

The rights of faculty, staff, and the District need to be fairly balanced through mutual agreement.

The District retains full rights to and ownership of any and all programs that are developed, implemented, and administered by individuals who are acting within the course and scope of their employment with the District. This includes programs and activities supported by the District General Fund as well as categorically funded programs.

The District is not interested in entering into agreements regarding intellectual property rights for the express purpose of achieving a financial gain. The District is interested in receiving fair compensation for use of public resources employed in the creation of such works.

The following guidelines regarding copyright, royalties, patents, and utilization of all materials will be consistent with the promotion of academic freedom and “fair use” principles.

### **Copyright Ownership, Royalties, and Distribution**

1. A faculty or staff member may claim the right to patents or to copyright any material created outside of the faculty or staff member’s employment with the District. If this creation involves the use of district supplies or staff resources, the faculty and staff member shall retain the right to copyright the material, but shall reimburse the District for the cost of production. Faculty and staff members with full copyright or patents ownership retain full royalty distribution rights.
2. The District may claim the right to patents, to trademark names associated with programs and services, or to copyright material if the District specifically commissioned it, or the work is identified as an institutional effort. Otherwise, the right to patents and to copyright material will belong to the faculty or staff member responsible for its creation, according to the terms stated above. The District with full copyright or patent ownership retains full royalty distribution rights.

3. The District and the faculty or staff member may agree to share the rights to copyright materials, to trademarks, or patents if the work is created by the faculty or staff member, and the District contributes services, staff, or financial resources necessary for completion. This will be accomplished through a separate agreement created at the time the project is initiated. If the District and the faculty and staff member share copyright or patent ownership, royalty distribution rights will be distributed to reimburse the copyright or patent owners for documented expenses related to the creation and production of the materials. Any remaining royalties or profits will be distributed according to the terms of the separate agreement.

#### Copyright Registration

Responsibility for the official registration of the copyright, trademark, or patent will lie with the owner of the copyright. In those cases where there is shared ownership, the District will be responsible for filing for both parties for registration of copyright, trademark, or patent.

**Revised: August 19, 2013 (Previously BP7002)**