

INSTITUTIONAL DIRECTIVE 8-38

May 1, 2006

Title: Intellectual Property Rights

I. Purpose

The purpose of this directive is to establish guidelines governing the creation and ownership of intellectual property by all employees of the college.

II. Policy

It is the policy of Piedmont Technical College to encourage the creation of intellectual property by all employees and in limited circumstances and by prior written agreement only, provide for a portion of the net proceeds from the commercial exploitation of specifically designated intellectual property to be awarded to the employee who created the work on the institution's behalf. The intent of this policy is to protect the college's resources and assure that they are used consistently with the college's mission.

III. General

Recognizing that intellectual stimulation is essential to any learning environment, and that parameters must be established regarding the rights and responsibilities of those involved, Piedmont Technical College has established this policy regarding the ownership of intellectual property. Except as specifically and expressly exempted herein or in the procedures developed under this policy, it is the policy of the College that copyrights, patents and all other forms of intellectual property developed by any employee(s) of the College within the scope of his or her employment or using College resources is exclusive property of the College. As "work for hire," no transfer of ownership rights in copyrights, patents or other forms of intellectual property from the institution to the employee shall occur unless the College expressly and specifically grants the ownership rights, in whole or in part, to the employee or other party or parties by means of a written and signed agreement.

Intellectual property developed by a non-employee third-party consultant pursuant to the terms of a written and signed contract will generally be considered "work for hire," and to be owned by the college, unless otherwise provided in the consulting contract.

Office of Responsibility: Vice President for Academic Affairs

IV. Definitions

A. Employee

Any individual employed by the college to perform assigned tasks. Third-party consultants are not employees within the meaning of this policy.

B. Intellectual Property

Any product of intellectual activity that is unique, novel, unobvious and/or original, or otherwise subject to copyright or patent protections pursuant to Title 17 or Title 35 of the U.S. Code of Laws.

V. Procedures

A. Piedmont Technical College waives its copyright ownership to no more than class lectures, notes, or course syllabi, or to scholarly works which are not created within the scope of employment, or to scholarly works which are not created using agency resources;

B. The college under no circumstance will provide for a portion of the net proceeds from the commercial exploitation of intellectual property to be awarded to an employee(s) who created the work on the college's behalf if the material was created within the scope of his or her employment, or if the material was created by using any agency resources;

C. The college and its employees shall be fully compliant with the provisions of the State Ethics Act, Policy 8-0-102: Personal Benefit from Projects Written Materials, and Policy 8-0-105: Ethics Requirements for Employees;

D. The college and its employees will adhere to the provisions of the Federal Copyright Act and any other federal law or regulation.

<u>Original on File</u>	<u>5/1/06</u>
Approved for Publication	Date