INTELLECTUAL PROPERTY

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other facilities to create the work will not change its basic nature if it is related to the employeeôs job as described above. Works that have nothing to do with job duties shall remain the property of an employee, so long as the employee makes no more than incidental use of College District facilities.

For example, if an employeeôs job with the College District is related to safety, a software program that the employee creates on the employeeôs own initiative to run on each employeeôs computer to show a graphic of the nearest fire exits is related to job duties and will belong to the College District, although no one asked the employee to create it and some of the programming was completed at home on a personally owned computer. A program that the employee creates that does not relate to his or her job, that is not used at work by the employee or others, and that was created on personal time shall belong to the employee.

An employee will know if he or she has been specifically hired or required to create a work in part by considering the employeeôs job description. For example, faculty members are required by the College District to create certain materials for use by their departments. In other cases a faculty member may be hired to create specific materials, such as online course materials for a specific class or department. In such a case, the College District shall own the copyright in the materials and any other resulting intellectual property.

There are several ways to clarify circumstances that are confusing or are exceptions to the more general rules.

Professionals, faculty members, or students employed to create specific intellectual property or hired to create intellectual property generally shall review and sign q e D

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A College District-supported work results when the EDCM contains any underlying College District-supported work, regardless of the manner of creation of the EDCM.

If an employee receives a stipend or release time, the College District-supported work is owned by the College District.

Joint ownership of intellectual property between an employee and the College District is likely to be the case for works protected by copyright, such as multimedia courseware products and distance learning materials. Anyone who contributes the kind of expression protected by the law is a joint author if the contribution is intended to be part of the integrated whole. The College District's employees who work as programmers, graphic artists, video technicians, script writers, and the like create this expression. When added to a faculty member's contribution, the result is a jointly authored work, owned by the College District and the faculty member. There can be other author-owners as well.

In the majority of cases, the owner, whether the College District or an employee, shall retain all royalties or other benefits from any commercialization of the intellectual property with the following are exceptions:

1. An employee owner shall share benefits with the College District from commercializing a College District invention released to the employee or if the work embodying the intellectual property required significant resource contributions from the College District to create or develop the intellectual property. In this case, the parties shall execute an agreement regarding the sharing arrangement before starting the project