

C.1.8.1 (Procedure) Intellectual Property

Responsible Department: Vice Chancellor for Academic Success, Vice Chancellor for
Finance and Administration

Based on Board Policy: [C.1.8 - Intellectual Property](#)

Approved: 8-18-09

Last Amended:

Rights Agreement

Any College District employee who creates copyrightable or patentable work with College District support shall enter into an agreement with the College District providing either:

1. That the employee assigns ownership rights to the College District; or
2. For a fair and equitable arrangement for joint ownership, sharing of royalties, or reimbursement to the College District of its costs and support.

In all cases where copyrightable or patentable work is created with College District support, the agreement shall provide that the College District will have a perpetual license to use the work without further compensation.

Disclosure of Potentially Copyrightable or Patentable Work

All College District employees shall disclose potentially copyrightable or patentable work to the college President or Vice Chancellor for Administration as appropriate. In the case of copyrightable work, an employee shall make such disclosure not later than the completion of the work. An employee shall disclose patentable work within 60 days after disclosure to the third-party contractor, if any, or promptly after discovery.

Institutional Review

Copyrightable or patentable work created by a College District employee with College District support shall be reviewed by a review board chaired by the Vice Chancellor for Academic Success.

For the purpose of this procedure:

1. The review shall be exclusively for the purpose of reviewing copyrightable or patentable work;
2. The review board shall determine the extent to which the College District and employee should share ownership and royalties of the copyrightable or patentable work based upon the significant benefit of the work to the College District, and the Chancellor or designee shall exercise final approval.

If the College District's ownership and share in royalties of the work is 50 percent or more, the College District shall pay the costs of copyright or patent filing; otherwise the employee shall pay such costs.

Equity and Management

A College District employee who creates a copyrightable or patentable work with College District support may have an equitable interest in the work or a business entity involved with the work if the interest is promptly disclosed to the college President or

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Vice Chancellor for Administration, as appropriate; however, the College District employee is prohibited from holding an executive position in the business entity.

Project Funding

In the case of works created under grants from governmental or foundation sources prescribing ownership rights, this policy shall govern negotiations of the conditions of such grants.

Third Party Works

Rights to copyrightable or patentable works created by a third party (not a College District employee), shall reside in the author/creator except as otherwise agreed.

License or Lease of Third-Party Works

All employees and students of the College District shall comply with copyright laws, and any licenses or lease agreements which are entered into between the College District and third parties. The College District prohibits the unauthorized sale, transfer, or duplication of third-party works (see [E.1.7](#)).

Legal Reference - TACC Policy Reference Manual

DBD(LEGAL) - Employment Requirements and Restrictions: Conflict of Interest

EDD(LEGAL) - Instructional Resources: Copyrighted Materials