



Frederick Community College Procedure

Section 4.00 Academic Procedures	Procedure Number	4.16
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Intellectual Property	Policy Number	4.16
	Assigned to	Affinity Groups
	Approved	11/09/10

- A. Definitions: Intellectual Property means the product of creative or scholarly efforts, whether or not protected by patent, copyright, trademark, or trade secret laws, including, but not limited to:
1. Inventions and improvements to Inventions.
 2. Discoveries.
 3. Works of authorship, including, but not limited to:
 - a. Works in traditional or technology-based media.
 - b. Software programs and related manuals and/or documentation.
 - c. Websites or web pages.
 - d. Course material.
 - e. Telecourses, both content and presentation.
 - f. Online courses, both content and presentation.
 - g. Lab manuals.
 - h. Documents.
 - i. Musical works, including any accompanying words.
 - j. Dramatic works, including any accompanying music.
 - k. Pantomimes and choreographic works.
 - l. Audiovisual works.
 - m. Pictorial, graphic, and sculptural works.

- n. Motion pictures and other audiovisual works.
 - o. Sound recordings.
 - p. Architectural works.
 - q. Mask works.
4. Trademarks, servicemarks, trade dress, and trade names.
- B. "Creator" means an employee, independent contractor, grant recipient, or student of the College who is the author, inventor, or originator of Intellectual Property.
- C. "College Resources" means College property or personnel, including, but not limited to:
- 1. College funds, such as grants, stipends, additional compensation, and/or release time.
 - 2. College equipment, such as audiovisual, computer resources, and computer-related tools, equipment, and software.
 - 3. College land or buildings.
 - 4. The College name and/or logo.
 - 5. College personnel, such as librarians, graphic artists, videographers, instructional and media designers, photographers, administrative staff, and/or information technology professionals.
- D. Ownership of and Rights to Intellectual Property
- 1. Intellectual property is owned by the creator (unless specified below).
- E. College Participation in Ownership of Intellectual Property
- 1. If College Resources are used in the creation of Intellectual Property, the creator and the College should enter into a negotiated written agreement as to the legal and financial rights to the Intellectual Property. Absent such agreement, by creator's use of College Resources and the College's provision of College Resources to creator, the creator and the College acknowledge and agree that their respective rights as to such Intellectual Property are determined by this Intellectual Property Procedure.
 - 2. Intellectual Property created or discovered by an employee or independent contractor of the College as part of his or her assigned responsibilities is the property of the College, regardless of where the work was performed.
 - 3. Intellectual Property created or discovered by an employee, independent contractor, grant recipient, or student of the College under a separate, project-related contract with the College is the property of the College, unless the contract explicitly provides otherwise. Without limitation of the foregoing this

Intellectual Property will be treated as a "work made for hire" to the maximum extent permitted by law. Upon request by the College, the creator will execute any document that the College deems necessary to confirm or protect the College's ownership or other rights with respect to this Intellectual Property. The creator may retain the right to use this Intellectual Property if permitted by the contract.

4. To assure educational continuity, if the creator of any course material that constitutes Intellectual Property under this Policy owns that Intellectual Property, the creator, upon leaving the employ of the College, shall grant the College a license to use and modify the Intellectual Property for teaching purposes. The College will appropriately acknowledge creator's role in creating the Intellectual Property.
5. If a College employee, independent contractor, or grant recipient, who is the creator of any course material that constitutes Intellectual Property owned by the College pursuant to this Policy, leaves the employ of the College, the College may, on request by the creator, grant the creator a license to use and modify the Intellectual Property for teaching purposes.
6. If the creator of Intellectual Property who owns the Intellectual Property pursuant to this Policy is allowed by written agreement with the College to use the College's name and/or logo, the creator shall secure written authorization to use any third-party copyrighted works incorporated in the creator's work. The creator shall also indemnify and hold harmless the College from any copyright infringement claims relating to the creator's Intellectual Property or the use of any third-party copyrighted works within the creator's work.
7. The owner of Intellectual Property pursuant to this Policy shall have the sole right to the use of and revenues from the Intellectual Property, unless otherwise provided in this Procedure or in a written agreement.
8. Exempted or Traditional Scholarly Work. The College continues to recognize ownership in the creator of works defined as "exempted or traditional scholarly work" without modification as a result of these procedures.
9. With respect to non-credit adjunct faculty, the College will retain rights to unlimited use of all course titles and descriptions, regardless of the non-credit adjunct's employment status with the College. Course materials (syllabi, lesson plans, test, quizzes, etc.) created outside the scope of the non-credit adjunct faculty's normal responsibilities and produced without the use of College resources remain the sole intellectual property of the adjunct faculty member. Regardless of ownership under this section, a copy of all course materials will be kept by the Program Manager area.