BP 1-8: Intellectual Property

BOARD POLICY BP 1-8

APPROVED: October 27, 2014

EFFECTIVE: October 27, 2014

REVIEWED: August 9, 2022

Next Review Date: August 2025

REFERENCES: Master Agreement between DCC Board of Trustees and GFT

RESPONSIBLE DEPARTMENT: Dean of Academics; Director of Human Resources

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To the extent not in conflict with policies of the Montana Board of Regents of Higher Education, works made in the course of a faculty member's normal duties and responsibilities are the sole property of the faculty member, who has the right to determine the use, disposition of, and distribution of revenue derived from such work. This includes all works originally prepared and used by the faculty member in the preparation of and delivery of classes, short courses, seminars and presentations, either by traditional classroom lecture, video, teleconference, webcast, telecast, radio broadcast, DVD, or other archival storage and replay technology. Access to faculty owned intellectual property will be limited by the originating faculty member to enrolled students, but will be made available for review by administration and accrediting agencies. The originating faculty member will be the final arbiter of the extra-curricular use and dissemination of such property beyond the originating faculty member's teaching load.

Works which are produced by an employee in connection with an approved and sponsored research project are treated in accordance with the agreement negotiated with the sponsor. In the absence of such an agreement or the extent that such an agreement does not fully address ownership of works produced, such works shall be treated in accordance with the remaining sections of this policy.

Copyright

When an employee is assigned work or responsibilities for the specific purpose of developing computer programs, visual aids, manuals, public relations material, or other copyrightable works, the works produced pursuant thereto and all royalties therefrom shall be property of Dawson Community College. Assignment of the copyright shall be indicated either on the individual employment contract or in a separate document countersigned by the employee. Should the campus and the employee agree to a division of royalties, such division must be included in the contract or in a separate document countersigned by the employee. If Dawson Community College does not wish to copyright the work, the employee may obtain a written release from the President of Dawson Community College and the employee may then copyright the work in his or her own name.

When an employee develops copyrightable works other than those defined above, he or she shall have the sole right of ownership and disposition of such works. When such works are produced, developed or authored through the use of, or with the aid of campus facilities, personnel, or other resources, the campus must be reimbursed the fair market value of the use of any such facilities, personnel or resources, except those considered part of the normal academic environment including library facilities.

Ownership of commercially valuable, copyrightable software (specifically, source code data manipulation) developed by a Dawson Community College employee as part of his/her work at Dawson Community College will be treated as if this intellectual property were patentable. Activities and materials covered by this policy thereby are excluded from the preceding copyright policy and included in the patentable works section below.

Patentable Works

Dawson Community College recognizes the policy of the Montana Board of Regents relative to patentable works and applies the same policy to copyrightable software discussed above.

All patentable inventions made by employees of Dawson Community College when the employee is specifically assigned duties and/or when significant use of Dawson Community College facilities, personnel, and equipment has been used to develop the patentable item are the joint property of Dawson Community College and that employee. Revenue generated from such patentable or copyrighted computer data manipulation software will be allocated. These allocations are intended to be in agreement and compliance with Montana Board of Regents Policy regarding patents and computer software program copyright.

First, all actual cash costs associated with production, patent, and copyright will be reimbursed to the college and the inventor.

Fifty percent (50%) of net revenues or royalties attributable to the licensing, lease or sale of the patented or copyrighted material will be directly paid to the employee(s) who developed the patent or copyrighted software. The employee(s) will be responsible for all individual income taxes on their earnings.

Fifty percent (50%) of net revenues will be direct revenue to Dawson Community College. Of this 50%, one-half (25% of total net revenue) will be used in any manner deemed appropriate by the Trustees of Dawson Community College. The remaining portion (25% of net revenue) will be available for the use of the employee(s) in furthering their academic and development efforts as employee(s) of Dawson Community College.

SCOPE This policy applies to Dawson Community College.

PROCEDURES The College President shall promulgate such procedures as may be needed to implement this policy.

HISTORY: 10/24/2022