

PURPOSE AND SCOPE	To conform to legislative requirements, the following statements and policies pertain to present and future Intellectual Property at Brazosport College. It is the purpose of these statements and policies to clarify the ownership, management, and royalty rights of the college employees, students and of the College itself.
GENERAL POLICY STATEMENT	The Intellectual Property Policy for Brazosport College sets forth guidelines and rules which apply to ownership, distribution, and commercial rights to Intellectual Property including Patentable Products, Trade Secrets, and Copyrightable Works including but not limited to inventions, software, audio/video media, and academic material as developed by Brazosport College administrators, faculty, staff, or students.
DEFINITIONS	<p><u>Copyrightable Works</u>. All original works and authorship that are subject to copyright law, to include literary, musical, artistic works, films, sound recordings, and broadcasts, including software and multimedia.</p> <p><u>Patentable Products</u>. Any product, process idea, invention, or discovery that is subject to patent law.</p> <p><u>Trade Secrets</u>. Any product formula, pattern, or other device subject to patent law.</p> <p><u>Intellectual Property</u>. Any legal or equitable rights in any Copyrightable Work, Patentable Invention, Trade Secret, or license of any Copyrightable Work, Patentable Invention, or Trade Secret.</p> <p><u>Creator</u>. An individual or group of individuals who make, conceive, reduce to practice, author, or otherwise make a substantive intellectual contribution to the creation of intellectual property. "Creator" shall include, but not be limited to, college employees and students. "Creator" shall also include the definition of "inventor" as used in the U.S. patent law and the definition of "author" as used in the U.S. Copyright Act.</p> <p><u>Created</u>. "Created" as used herein shall be construed to be development, conception, reduction to practice, authoring, or any other substantive intellectual contribution to the creation of Intellectual Property.</p>

College. Brazosport College or any other successor institution or entity.

College Employees. Individuals hired by College, who under the terms of employment qualify as faculty, professional staff, administrative staff, or support staff, including persons employed on a part-time basis.

GUIDELINES

All Intellectual Property created by a Creator(s), during the term of employment or while a student of College, is the sole property of the College, except as limited in the College Intellectual Property Policy.

This policy does not apply to students of the College except where: (a) the student(s) has contributed to the creation of Intellectual Property with one or more non-student Creators covered by this Policy; (b) the student(s) created Intellectual Property as a result or consequence of a requirement of College course work; or (c) the student(s) created Intellectual Property with the help of the College, College Employees, or any College facilities, equipment, materials, or support. Students who qualify under the above exceptions shall be treated as Creator(s).

DISCLOSURE

It is the responsibility of the Creator(s) to report to the College president or designee all Intellectual Property that was created by the Creator(s), including Intellectual Property not created in the performance of assigned College duties or activities, for review by College of ownership rights in the Intellectual Property.

The College president or designee does not have to be informed when the Intellectual Property was created ninety (90) days prior to the Creator(s) being hired or enrolled by the College, or when such work was produced on the Creator's(s') own time, without the use of any College facilities, equipment, materials, or support.

The disclosure should be made in writing to the College president or designee within ninety (90) days of creation, and shall be made no later than thirty (30) days prior to applying for a patent, registering a copyright, or entering into any contract related to the Intellectual Property.

Any Creator(s) desiring to create materials unrelated to their assigned responsibilities, but utilizing any College resource, should draft a proposal outlining the Creator(s) intent and submit it to the College president or designee for approval in order to conform with the requirements of Section DBF (Local), of the Policies, Rules, and Regulations of the Board of Regents.

**INSTITUTIONAL
REVIEW**

The College president or designee will periodically review all reported Intellectual Property disclosures. The review will include an updated evaluation as to the appropriate legal protections and ownership claims of the Intellectual Property. Final approval for creation of Intellectual Property will be the responsibility of the College president or designee.

**IDENTIFICATION OF
OWNERSHIP**

All Intellectual Property must be clearly identified as to ownership and licensing responsibilities:

1. Intellectual Property that has been developed by Creator(s) in the performance of assigned college duties are owned by the College, unless the College president or designee makes a written statement of Creator's(s') partial or full ownership.
2. Intellectual Property that has been developed by Creator(s) in the performance of assigned college duties are owned by the individual and the College when the College president or designee makes a written statement to partial ownership by Creator(s).
3. Intellectual Property that has been developed by the Creator(s) in the performance of their assigned College duties are owned solely by the individual provided:
 - a. the College maintains free and unrestricted use of such Intellectual Property;
 - b. the Creator(s) is responsible for all expenses for licensing the Intellectual Property;
 - c. the Creator(s) reimburses the College for the use of any College materials, supplies or equipment used in the creation of the Intellectual Property;
 - d. and, the College president or designee provides a written release from any claim of ownership of the Intellectual Property by the College after a full, complete, and timely written disclosure of the Intellectual Property by Creator(s).

4. The College shall have no claim to Intellectual Property created by Creator(s) if such creation was (a) fully, completely and timely disclosed to the College; and (b) all work was completed on the Creator's(s') own time and expense, without the use of any College facilities, equipment, materials or support.
5. The right to revise a Copyrightable Work solely or partially owned by the College shall remain with the Creator(s) provided that the College has the same ownership rights in the revised Copyrightable Work as the original Copyrightable Work.

ROYALTY
PARTICIPATION

The Creator(s) will have no claim to royalties of Intellectual Property unless those properties were designated in writing by the College president on behalf of the Board of Regents as "equally owned," or "Creator(s) owned." In "equally owned" cases, the College and the Creator(s) will share equally all royalties and expenses associated with the development of the Intellectual Property.

EQUITY AND
MANAGEMENT
PARTICIPATION

The management of Intellectual Property that has been claimed in writing by the College president on behalf of the Board of Regents as "equally owned" will be directed by the president of the College. Any Creator involved in the development of Intellectual Property will only have monetary equity.