



August 19, 2013

## MEMORANDUM

**TO:** District Board of Trustees  
**FROM:** Jim Murdaugh, President   
**SUBJECT:** Intellectual Property Rights

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### Item Description

This item updates and clarifies the relationship between the College and its employees regarding intellectual property rights, including copyrights, trademarks, and patents.

### Overview and Background

This item requests Board approval for updates and clarifications to College Policy 03-29 regarding intellectual property rights. The revision provides more detail regarding the rights to ownership and the conditions under which the College and the individual have rights to ownership and profits from an employee's work product.

### Past Actions by the Board

Revisions to this policy were last approved by the Board in 2003.

### Funding/Financial Implications

Current budget is not affected. The policy establishes conditions under which the College would recover expenses and under which the College would claim some monetary gain from work products.

### Staff Resource

Barbara Sloan

### Recommended Action

That the Board approve revisions to Policy 03-29.

**TALLAHASSEE COMMUNITY COLLEGE  
DISTRICT BOARD OF TRUSTEES  
P O L I C Y**

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| <p><b>TITLE:</b> Copyright, Trademark, and Patent Ownership<br/><u>(Intellectual Property Rights)</u></p>   | <p><b>NUMBER:</b> 03-29</p>  |
| <p><b>AUTHORITY:</b><br/>Florida Statute: <del>1001.64, 1001.65, 1004.726</del><u>120.569, 120.57, 120.573, 120.574</u><br/>Florida Administrative Code: 6A-14.0261</p> | <p><b>SEE ALSO:</b><br/><a href="#">Administrative Procedure 03-29: Copyright, Trademark, and Patent Ownership</a><br/><br/><a href="#">Board Policy 03-28</a> and <a href="#">Administrative Procedure 03-28AP</a>: Educational Work Products</p> |
| <p><b>DATE ADOPTED:</b> 12/1/97; revised 11/17/03; <u>08/19/13</u></p>  |  |

~~Employees and students have the right to trademark or copyright any literary materials and to patent any inventions unless their employment contract or program agreement includes producing material for the College to copyright, trademark, or patent.~~

~~The employee or student shall be entitled to all profits from copyrighted or trademarked materials or patented inventions developed exclusively on the employee's time and without the use of College funds, materials, or facilities.~~

~~Copyrighted or trademarked material or patented inventions developed totally or partially on College time with the use of College materials or facilities or with College funding shall be owned by the College with the profits shared on a fifty fifty (50-50) basis until the cost to the College is reimbursed, and thereafter the employee or student shall be entitled to ninety (90) percent of the profits and the College shall be entitled to ten (10) percent of the profits.~~

Tallahassee Community College recognizes that one of the hallmarks of an institution of higher education is the production and dissemination of ideas, inventions, works of authorship, or creative endeavors (Intellectual Property). The College encourages its employees and students to participate fully in the marketplace of ideas by the creation of such materials. At the same time, the College recognizes that intellectual property rights are complex, and, consequently, the College adopts the policies enumerated below:

- 1) The College makes no claim on any Intellectual Property produced by a College employee exclusively on the employee's personal time. Moreover, the College permits employees to

use the generally available resources of the College (office space, computers, networks, library resources, local telephone calls) in the creation of such works.

- 2) All Intellectual Property created by employees of the College during the performance of their regular duties shall be considered the property of the College. The College may choose, at its sole discretion, to waive its ownership rights in such Intellectual Property.
- 3) In the event the College is able to collect revenue from the licensing or sale of Intellectual Property produced by employees during the performance of their regular duties, the College retains 100% of the revenue until such time as the College has fully recouped the direct and indirect costs incurred by the College in the development or protection of that Intellectual Property. Thereafter, any revenues shall be split with 10% to the College and 90% to the employee. All revenues thus received by the College will be dedicated to improved student learning.
- 4) Students retain full ownership of all Intellectual Property created through the course of their studies. This includes all materials published or disseminated through college publications.
- 5) Employees of the College should inform their supervisory Vice President, or, in the case of a Vice President, the President directly, of any actual or intended development of a copyrightable work (such as, but not limited to, textbooks) that may involve the investment of both personal and professional time and resources. The supervisory Vice President or President will then provide an advisory opinion as to whether the College will assert any ownership right with respect to the copyright in any such work.
- 6) In the event of any dispute between an Employee and the College or a Student and the College concerning ownership of Intellectual Property, the supervisory Vice President is authorized to hear the dispute and offer an advisory ruling. This ruling is subject to appeal, first, to the President of the College. The President's determination may then be appealed to the District Board of Trustees. As an alternative to review and appeal to the Board, the employee or student may request a hearing per Chapter 120, Florida Statutes. If the employee or student chooses the Chapter 120 hearing, the other procedure will not be provided.

**TALLAHASSEE COMMUNITY COLLEGE  
DISTRICT BOARD OF TRUSTEES  
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| <p><b>AUTHORITY:</b><br/>Florida Statute: 120.569, 120.57, 120.573, 120.574<br/>Florida Administrative Code: 6A-14.0261</p> | <p><b>SEE ALSO:</b><br/><a href="#">Administrative Procedure 03-29: Copyright, Trademark, and Patent Ownership</a><br/><br/><a href="#">Board Policy 03-28</a> and <a href="#">Administrative Procedure 03-28AP</a>: Educational Work Products</p> |
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