

SECTION: Copyright

NUMBER: I/1.1

SUBJECT: Copyright, Trademark, and Patent Ownership / Guidelines for Policy

SOURCE REFERENCE: Board of Trustees Policy 321.01

Copyright

Copyright, Trademark, and Patent Ownership

An employee has the right to trademark or copyright any literary material and to patent any inventions unless duties of the employment contract or program agreement charges the employee with, or includes, the duty of producing material for the institution to copyright or trademark, or to develop an invention for the institution to patent.

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

Copyrighted or trademarked material or patented inventions developed totally or partially on institution time with the use of institution materials or facilities or with institution funding shall be owned by the institution.

Guidelines for Policy

The development by an instructor of an instructional text or other instructional resources or technology partially on his/her own time and expense and partially on institution time using institution resources results in the complete and exclusive ownership by the institution of all resulting copyrights and/or patents. Under certain circumstances, however, the institution may distribute a portion of the royalties received from the publication and/or sale and/or use of the instructional text or other instructional resources or technology in a manner that is reasonable and that will not conflict with applicable state or federal laws or other Alabama Community College System policies. The following conditions must be met:

- A. The institution must have or must implement a policy by which all instructors who develop a marketable instructional text or other instructional resources or technology are treated on an equal and fair basis with regard to any compensation supplemental to the instructors' pay.
- B. Any such payment of additional compensation made to the instructor must be made solely from the proceeds derived from the publication, sale, or distribution of the instructional text or other instructional resources or technology, and not from any other state or federal funds.
- C. The portion of any royalties to be received by an instructor must have a direct relationship to the verifiable amount of an instructor's personal time, resources, and funds which will be reasonably and necessarily used in the development of the instructional text or other instructional resources or technology, as compared to the verifiable total amount of all time, resources, and funds to be devoted to the development of the instructional text or other instructional resources or technology.
- D. Any agreement between the institution and the instructor for any such compensation must be prospective, occurring prior to the development of the instructional text or other instructional resources or technology, and must be approved in writing by the Chancellor prior to the payment of any such compensation to the instructor.

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- E. Any agreement between the institution and the instructor for such compensation must contain a caveat that the execution of such agreement does not provide an exemption from and does not imply compliance with the Alabama Ethics Law. Within ten (10) days of the execution of such agreement, a copy of the agreement should be filed with the Alabama Ethics Commission.