

2-19 Intellectual Property Rights

As an educational institution, College of The Albemarle fosters and facilitates creative thinking and innovation. Faculty, staff, and students have the opportunity to develop original ideas that can benefit the public and private sectors. This policy is intended to encourage innovation and to clarify and protect the intellectual property rights of employees, students, and the College.

“Intellectual Property” includes all inventions, improvements, copyright-eligible works, software, video, literary or musical work, and tangible research materials produced by employees and students of College of The Albemarle.

Intellectual Property Ownership

EMPLOYEES

1. The employee owns intellectual property when it has been created independently of duties with the college and without use of the college’s resources.
2. College of The Albemarle and the employee shall share ownership of intellectual property when it has been created by the employee within the scope of the employee’s duties with the college or with the use of the college’s resources. If and when the employee leaves the college, it will be understood that the college and the employee will have shared ownership of the intellectual property. The college owns the employee’s creative works but will not modify or distort the content or intent of the works. An employee who desires to possess sole ownership upon leaving the college-may be considered for receiving such ownership by entering a written agreement generated by the employee and signed by both the employee and the President.
3. Notwithstanding paragraphs 1 and 2 above, an employee or the College may obtain or receive an express agreement between College of The Albemarle and the employee varying the ownership right to intellectual property. Such an agreement must be in writing and signed by both the President and the employee. Any work which could result in a challenge to intellectual property rights must be reviewed by the College President before being initiated and, if necessary, a written agreement must be filed.

STUDENTS

Ownership of materials, artistic works, software, video, literary, musical and other discoveries and creations by students resides with their creators, except when the materials are the results of projects directly commissioned by the college outside of regularly assigned coursework. Unless stipulated otherwise in the

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course syllabus, the college reserves the right to make judgments on specific cases. In the case where the college retains ownership, COA and the student(s) will enter a joint ownership agreement. This agreement will protect the rights of both parties under laws governing patents, copyrights, and trademarks. The agreement must also state the distribution of financial benefits and any other reward or compensation for the material.