

INTELLECTUAL PROPERTY POLICY

The Lane College Policy on Intellectual Property promotes free and creative expression; the exchange of ideas and knowledge; the preservation of traditional academic practices and academic freedom; and the establishment of principles and procedures for the ownership of copyrightable and patentable materials.

This policy covers all types of intellectual property including, but not limited to, writings, art works, musical compositions and performances, software, literary works, trademarks, discoveries, and inventions.

Definition

"Work for Hire" is defined as a work prepared by faculty or an employee within the scope of his or her employment. Such work is supported by a direct allocation of institutional resources such as time, facilities, and monies; or such work is commissioned by the College.

Policy

Ownership of intellectual property will be deemed to be held by the College when:

1. the property is created as a work for hire.
2. work is commissioned by the College.
3. property results from research that is supported by a federal grant or third party; and,
4. work is created on Lane College time with the use of college facilities or

support Intellectual property will be owned by the creator when:

1. it is unrelated to the employee's job responsibilities.
3. incidental or insignificant use of college resources have been involved in the creation of the work;
4. the intellectual property has been developed outside the defined area of research or expertise of the creator;
5. the development has been made on the personal, unpaid time of the creator; and,
6. the intellectual property is embodied in a professional/scholarly, educational, literary, musical, or artistic work in the author's field of expertise.

Notwithstanding the creator's ownership rights, the College reserves the right to royalty-free use of textbooks, manuals, and manuscripts that have been published in the professional literature for use in the College's teaching, research, and service programs.

Joint ownership will likely occur when a work is created by multiple employees. Examples include such items as multimedia courseware and distance-learning materials where various faculty, staff, and students have contributed to the final product. In cases of joint ownership, the proceeds of any commercialization of the product will be shared by the parties pursuant to a formal agreement only after the college has recouped any direct costs incurred for equipment, materials, and costs paid to third parties.

Courseware

The College will assert limited rights of ownership when the development of courseware is self-initiated by faculty. That is, primary ownership will remain with the creator; however, Lane College will pay no royalty, rental fee, or other consideration when that courseware is used for instruction at the College. Additionally, the creator is prohibited from using the courseware in a manner that competes in a substantial way with the for-credit offerings of Lane College.

Legal Protection

If intellectual property belongs to the College, the administration will secure the copyright, patent, or trademark. Individuals who own a created work must secure protection themselves, and at their own expense.

Disputes

Any dispute that arises under this policy shall be reviewed by a Faculty/Staff/Student Welfare Committee. Their recommendation will be presented to the President of the College who will make the final decision on disputed matters.