

INTELLECTUAL PROPERTY

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**Intellectual Property
Rights**

Temple College encourages research and the publication and dissemination of knowledge gained through research.

Temple College faculty, staff, and students are regularly involved in scholarly activities that include teaching, research, patent development, and other creative endeavors. While the primary focus of such efforts is the advancement of the central purposes of Temple College, the products may have implications for wider and differing applications. The resulting intellectual properties thus may be of benefit to the individuals involved, Temple College, and society at large. This policy is intended to support faculty, staff, and students in identifying, protecting, and administering intellectual property matters.

All copyrights, trademarks, and other intellectual property rights belonging to the College District shall remain with the College District at all times. Except as provided by law, College District policy, or written authorization from the College President or designee, use of College District intellectual property shall be limited to College District-related purposes.

Students

A student shall retain all rights to the student's work created as part of instruction or using College District technology resources.

Employees

*College District
Ownership*

Temple College resources, including facilities, are to be used for college purposes and not for personal gain or personal commercial advantage.

Unless specifically addressed elsewhere within this policy, Temple College owns all intellectual property that falls under the following classifications:

- i. The intellectual property results from research, in whole or in substantial part, supported by a grant or contract with any government or government agency, federal, state or local, non-profit foundation or commercial, corporate or for-profit organization of any kind whatsoever, subject to applicable grant terms and conditions.
- ii. The intellectual property results from the efforts of faculty, and/or staff receiving direct research or development support from Temple College. Direct support involves use of Temple College facilities and personnel for research leading to or development of the intellectual property. For example, it includes situations where equipment, materials, and/or staff services of Temple College are used in the development of the intellectual property, or when the author or inventor has received support for the development of the intellectual property

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in excess of normal teaching salary, including reduced teaching loads or reassigned time.

If the employee obtains a patent for intellectual property, the employee shall grant a non-exclusive, non-transferable, perpetual, royalty-free, College District-wide license to the College District for use of the patented work.

*Employee
Ownership*

Temple College does not claim any ownership in intellectual property that falls under the following classifications:

- i. The intellectual property is not related to the individual's employment responsibility and has resulted entirely from the individual's efforts without Temple College's involvement or the use of Temple College resources.
- ii. The intellectual property has resulted from research or other activities performed by the individual utilizing less than the level of support as defined previously. Included in this category are materials resulting from teaching, research, scholarly and artistic activities utilizing only normal customary secretarial assistance and library, studio, and office usage.

The College President or designee shall have the authority to permit use of direct support in developing the employee's own projects, provided the employee agrees in writing to grant to the College District a non-exclusive, non-transferable, perpetual, royalty-free, College District-wide license to use the work, or permits the College District to be listed as co-author or co-inventor if the College District contribution to the work is substantial. College District materials do not include student work, all rights to which are retained by the student.

*Independent
Contractors*

The College District may hire an independent contractor for specially commissioned work(s) under a written works-made-for-hire agreement that provides that the College District shall own the work product created under the agreement, as permitted by copyright law. Independent contractors shall comply with copyright law in all works commissioned.

*Return of
Intellectual Property*

Upon the termination of any person's association with the College District, all permission to possess, receive, or modify the College District's intellectual property shall also immediately terminate. All such persons shall return to the College District all intellectual property, including but not limited to any copies, no matter how kept or stored, and whether directly or indirectly possessed by such person.

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Use of Copyrighted Works

Unless the proposed use of a copyrighted work is an exception under the “fair use” guidelines maintained by the College President or designee, the College District shall require an employee or student to obtain a license or permission from the copyright holder before copying, modifying, displaying, performing, distributing, or otherwise employing the copyright holder’s work for instructional, curricular, or extracurricular purposes. This policy does not apply to any work sufficiently documented to be in the public domain. “Fair use” guidelines may be found in the CT (LEGAL) Intellectual Property policy.

Technology Use

Use of College District technology in violation of any law, including copyright law, shall be prohibited. Only appropriately licensed images, applications, programs, or other software may be used with College District technology resources. The College District’s technology resources shall not be used to post, publicize, or duplicate information in violation of copyright law. The College President or designee shall employ all reasonable measures to prevent the use of College District technology resources in violation of the law. Any person using College District technology resources in violation of law shall lose user privileges in addition to other sanctions. [See BBI and CR]

Performances and Displays

The performance and display of copyrighted material, including motion pictures, dramatic works, musical performances, or other audio and visual works, may only occur for education purposes and in accordance with the following:

1. As a regular part of instruction and directly related to the curriculum;
2. During face-to-face teaching activities;
3. When viewed in a classroom or designated place of instruction; and
4. With a lawfully made copy or via an authorized account.

Designated Agent

The College District shall designate an agent to receive notification of alleged online copyright infringement and shall notify the U.S. Copyright Office of the designated agent’s identity. The College District shall include on its website information on how to contact the College District’s designated agent and a copy of the College District’s copyright policy. Upon notification, the College District’s designated agent shall take all actions necessary to remedy any violation. The College District shall provide the designated agent appropriate training and resources necessary to protect the College District.

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	If a content owner reasonably believes that the College District's technology resources have been used to infringe upon a copyright, the owner may notify the designated agent.
Use of College District Trademarks	The College District protects all College District and campus trademarks, including names, logos, mascots, and symbols, from unauthorized use.
College District-Related Use	The College District grants permission to students, student organizations, parent organizations, and other College District-affiliated college-support organizations to use, without charge, College District and campus trademarks to promote a group of students, an activity or event, a campus, or the College District, if the use is in furtherance of College District-related business or activity. The College President or designee shall determine what constitutes use in furtherance of College District-related business or activity and is authorized to revoke permission if the use is improper or does not conform to administrative regulations.
Public Use	Members of the public, outside organizations, vendors, commercial manufacturers, wholesalers, and retailers shall not use College District trademarks without written authorization from the College President or designee. Any production of merchandise with College District trademarks for sale or distribution must be pursuant to a trademark licensing agreement and may be subject to the payment of royalties. Any individual, organization, or business that uses College District or campus trademarks without appropriate authorization shall be subject to legal action.