

02.13 Intellectual Property

Original Approval: **DATE**

Last Updated: **DATE**

Last Reviewed: **DATE**

Policy / Purpose:

It is the policy of Wallace Community College – Selma (WCCS) to ensure compliance with all intellectual property (IP) and copyright laws and Alabama Community College System (ACCS) [Board Policy 321.01](#) and [Chancellor's Procedures 321.01](#) regarding ownership of materials, copyright issues, and the use of revenue derived from the creation and production of all IP.

Scope:

This policy applies to all WCCS students and employees during any activity involving the College, including the workday. In addition, visitors, vendors, contractors, and all other non-employees are expected to recognize and comply with College policies.

Definitions:

Intellectual Property (IP): An intellectual property (IP) is a trademark, copyright, or patent resulting from the creation of any instructional resource or technology. (Examples are copyrights from textbooks, literary works; patents from inventions of machines, software; and trademarked materials.

Ownership: IP created by the individual on his or her own time and without the use of College resources (i.e., laboratories, library), the ownership in trademark, copyright, or patent belongs to the person creating the property.

Royalties: Compensation to the owner of IP or natural resources for the right to use or profit from the property.

Details:

1. **ACCS Policy:** The College's intellectual property policy regarding ownership of materials, copyright issues, and the use of revenue derived from the creation and production of all intellectual property is based upon Alabama Community College System [Board of Trustees Policy 321.01](#) and [Chancellor's Procedures 321.01](#).
2. **Ownership:**
 - a. The IP created by the individual on his or her own time and without the use of College resources (i.e., laboratories, library), the ownership in trademark, copyright, or patent belongs to the person creating the property.
 - b. Copyrighted or trademarked material of patented inventions developed totally or partially on institution time with the use of institution materials or facilities or with institution funding will be owned by the institution. The IP created by the individual partially on his or her own time and partially on college time using college resources (i.e., laboratories, library), the ownership in trademark, copyright, or patent belongs to

WCCS. Examples are copyrights from textbooks, literary works; patents from inventions of machines, software; and trademarked materials.

- c. All materials developed by WCCS instructors are the property of WCCS and are subject to revision by individual instructors teaching the courses.
3. **Royalties:** Where a marketable IP is created, the individual may share in royalties. WCCS and the individual who creates a marketable IP will be treated equally and on a fair basis with regard to any compensation supplemental to the pay of the individual where appropriate. Any financial compensation made will be made solely from the proceeds derived from the sales of the IP and not from any other state or federal funds. The portion of any royalty received will be in direct relationship to the verifiable amount of personal time, resources, and funds that are reasonable and necessary for the creation of the product. WCCS and the individual must enter into an agreement for compensation prior to the creation of the product. This agreement must be approved in writing by the Chancellor of the Alabama Community College System prior to payment of any compensation, according to Alabama Community College System Board of Trustees Policy. The compensation agreement between the College and the individual must contain a caveat that the agreement is not necessarily in compliance with, and is not an exemption from, the Alabama Ethics Law. Thus, within ten (10) days of the execution of an agreement, a copy must be filed with the Alabama Ethics Commission.

Procedure(s):

1. Refer to [Board Policy 321.01](#) and [Chancellor's Procedures 321.01](#).
2. WCCS and the individual must enter into an agreement for compensation prior to the creation of the product. This agreement must be approved in writing by the Chancellor of the Alabama Community College System prior to payment of any compensation, according to Alabama Community College System Board Policy. The compensation agreement between the College and the individual must contain a caveat that the agreement is not necessarily in compliance with, and is not an exemption from, the Alabama Ethics Law. Thus, within ten (10) days of the execution of an agreement, a copy must be filed with the Alabama Ethics Commission.

Additional Provisions / Information:

Refer to [Alabama Ethics Law](#).