

## ARTICLE 23: INTELLECTUAL PROPERTY RIGHTS

### 1 **Introduction**

2 All class or research materials developed by a faculty member (videotapes, computer programs,  
3 pamphlets, training materials, outlines, syllabi, audio tapes, and similar materials produced for course  
4 sections) shall become the property of that unit member. The right to claim copyright (ownership) of the  
5 class or research that results from the systematic organization of these materials shall be as follows:

### 6 **Outside Work**

7 The faculty member claims the copyright of class or research material if it was created outside his or her  
8 assigned time with the District.

### 9 **Work for Hire**

10 The District claims the copyright of the class or research material if it is “work for hire” (i.e. the work was  
11 created by the faculty member within his or her assigned time with the District) or the class is an  
12 institutional effort.

### 13 **Joint Work**

14 The District and the faculty member share the copyright if the class or research material is created under  
15 circumstances in which the faculty member contributes his or her time outside the assigned time to the  
16 District and the District contributes services, staff, and/or financial resources, or under other circumstances  
17 not outlined above. The agreement delineating the terms of shared copyright must be signed by the  
18 faculty member, SCFA, and the District in advance of the creation of the class.

### 19 **Royalty Rights**

20 Royalty distribution rights shall be determined by copyright ownership. Faculty members with full  
21 copyright ownership retain full royalty distribution rights. The District with full copyright ownership  
22 retains full royalty distribution rights. The use of District resources solely for the delivery of instruction  
23 will not be construed as giving the District an interest with regard to intellectual property rights.

24 If the District and faculty member share copyright ownership, the District, on behalf of both parties, shall  
25 be responsible for registering copyright. Royalty distribution rights shall be allocated as follows: One  
26 hundred percent of royalties or other profits shall be distributed to reimburse the district and/or faculty  
27 member(s) for documented expenses for the creation and production of the class or project until all such  
28 documented expenses are completely reimbursed. The remainder of any royalties or other profits shall be  
29 distributed 50% to the District and 50% to the faculty member(s) sharing the copyright. Distribution of  
30 royalty income when there is shared ownership shall be based upon the percentage of ownership as  
31 determined above.

### 32 **Advance Agreement**

33 Issues of copyright ownership and royalty distribution under the provisions of this Article shall be resolved  
34 in advance by the Committee on Intellectual Property. This Committee shall consist of an educational  
35 administrator selected by the District, a faculty member selected by the Faculty Senate and a faculty

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- 1 member selected by SCFA.

