

1 **ARTICLE 9: PROPRIETARY RIGHTS / INTELLECTUAL PROPERTY**

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3 **9.1 – Copyrights, Patents & Royalties**

4 ~~The College supports and encourages its faculty to develop and publish scholarly and creative~~
5 ~~works and educational materials and products/intellectual property which may be subject to~~
6 ~~copyright or patent and which may generate royalty income. Such activities increase professional~~
7 ~~knowledge, provide creative models for students, and bring recognition to the College. These~~
8 ~~developments may involve the use of College time and resources.~~

9
10 *It is the Policy of the College to create and support an intellectual environment in which*
11 *College employees are free to create and collaborate in the development of scholarly and*
12 *creative works, educational materials, and other intellectual property. Such development*
13 *activities increase professional knowledge, provide creative models for students, and bring*
14 *recognition to the individuals and the College. These developments may involve the use of*
15 *College time and resources.*

16
17 A. Individual Effort. Rights to copyrightable materials or patents that are generated as a result
18 of individual initiative and not as a specific College assignment and with ~~out~~ incidental use of
19 College facilities, and/or resources shall reside solely with the author or inventor. provided;
20 however, the College shall be granted a royalty-free license to make full use of all products
21 and processes so developed

22
23 B. College Assisted Individual Effort. When the College provides support of an individual 's
24 effort resulting in copyrightable material or a patent by contributing ~~faculty~~ employee time,
25 facilities and/or other ~~significant~~ College resources, the College is entitled to certain rights and
26 privileges as listed below.

- 27
- 28 1. The College shall be granted a royalty-free license to make full use of all products
29 and processes so developed pursuant to this section.
 - 30
 - 31 2. The College ~~may recover all costs, supported by detailed records on time and~~
32 ~~materials.~~ will be reimbursed for direct costs plus 25% indirect costs of all College
33 resources expended, supported by detailed records on time and materials.
 - 34
 - 35 3. Generally, copyrights and patents will be held in the name of the College faculty
36 member concerned. However, agreement between the individual and the College
37 may create other rights and responsibilities, including joint ownership.
 - 38

39 C. College Initiated and Supported Efforts. ~~When products are the result of a specific agreement~~
40 ~~with the College, the Board and a faculty member shall enter into an agreement to establish the~~
41 ~~percentage of ownership of trademarks, copyrights or patents for work products that relate to~~

42 educational endeavors in accordance with the laws of the State of Florida. Ownership of
43 intellectual property relating to materials and processes developed as a result of a specific
44 assignment by the College, arising out of the duties for which the faculty member(s) was(were)
45 specifically engaged by the College, or involving the substantial use of College facilities and/or
46 resources shall reside with the College unless the College and member(s) have expressly
47 agreed in writing to a different arrangement.

48
49 D. Sponsor Supported Efforts. College faculty who produce copyrightable material or a patent
50 under sponsor supported projects shall be governed by the specific terms and conditions of the
51 sponsorship contract. College personnel are responsible for determining, in advance, the terms
52 of sponsorship and executing a Copyright/Patent Royalty Agreement with the sponsor. Unless
53 the contribution is substantial, faculty shall not accept royalties or other compensation from
54 the sale of a custom text created by a publisher specifically for use at the College if that faculty
55 was not an original author of the unmodified version of the existing edition of the text.

56
57 E. The College shall own the generic courses, programs, and services that have been
58 developed through its formal institutional procedures as well as the approved institutional
59 documents that are intended to ensure the consistent delivery of such courses, programs, and
60 services, regardless of the particular employee involved (e.g., for each College course, the
61 course description and learning outcomes approved through the College's curriculum
62 development procedures) unless the College and the employee have expressly agreed in writing
63 to a different arrangement.

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65
66 **9.2 – Royalty Income**

67 Royalty income from copyrighted materials and patents shall be distributed as listed below.

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69 A. Individual Effort. Income derived from materials and patents produced from the individual
70 initiative of College faculty as defined above shall accrue solely to the author or inventor.
71 provided; however, the College shall be granted a royalty-free license to make full use of all
72 products and processes so developed

73
74 B. College Assisted Individual Effort. Income derived from individual efforts which are
75 complemented by College time, facilities and/or resources, as defined above, shall generally
76 accrue solely to the author or inventor. However, repayment to the College must be made by the
77 individual(s) concerned as outlined above, which also outlines the other rights of the College in
78 these case, as set forth in paragraph B above.

79
80 The above holds: In all cases except those in which the individual(s) request, and where the
81 College agrees to permit its name to be used in connection with the product or process and als or

82 agrees to market or assist in acquiring a marketing source for the product or process, ~~as outlined~~
83 ~~above. In these cases,~~ royalties will be shared with the College receiving ~~20~~ 40 percent and the
84 individual(s) ~~80~~ 60 percent, unless a written agreement is executed and approved by all parties
85 prior to the granting of the copyright or patent.

86
87 C. College Initiated and Supported Efforts. When copyrighted material or a patent is generated
88 by a specific College assignment or as a result of specific labors for which the individual was
89 employed, for any matters covered under the above information, the College shall be the sole
90 recipient of all income derived therefrom, unless a written agreement is executed and approved
91 by all parties prior to the granting of the copyright or patent.

92
93 D. Sponsor Supported Efforts. Income derived from sponsor-supported efforts shall be
94 disbursed in accordance with the specific terms of governing contractual or grant documents
95 provided the College has approved the terms of the governing contract before it takes effect.
96 Income derived from copyrighted materials or patents shall be disbursed in accordance with this
97 article when the contract or grant document is silent as to disbursement of royalties or times of
98 value.