

# Policy Title: Intellectual Property

**Impact:** Employees and Students

**Responsibility:** Accreditation Executive Committee

**Effective Date:** 12/16/2019

**Last Update:**

**Relates to Procedure:** 2.03.03

**Legal Citation(s):** United States Copyright Law, Title 17, U.S. Code, 1976; United States Patent Act, 35 U.S.C.S. Sects. 1-376; 15 United States Code Sect. 1051 (Lanham Act Revised); the TEACH Act of 2002; the Digital Millennium Copyright Act; Higher Education Opportunity Act of 2008

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## I. Policy Statement

North Idaho College supports innovation, progressive instruction, creative expression and the free exchange of ideas. The college encourages employees to publish and copyright, invent, and patent, or trademark materials and objects of their own creation that will contribute to the advancement of knowledge.

North Idaho College remains committed to full compliance with copyright, patent, and trademark laws and takes reasonable steps to respect the property rights of authors, inventors, developers, and creators of protected material.

## II. Overview & Purpose

This policy governs the creation and use of intellectual property at North Idaho College, including the production of goods and services which copyright, trademark, and patents protect.

## III. Scope

This policy applies to all North Idaho College employees and students involved in the creation, production, and use of intellectual property at North Idaho College.

## IV. Creation of Intellectual Property

In the pursuit of academic endeavors and academic freedom, North Idaho College holds that the creation, discovery and dissemination of knowledge remain central to the success of the College mission and to society as a whole.

Faculty, staff, and students who create intellectual property in academic endeavors without significant use of college resources can claim sole ownership of said property, unless the creator and the college enter into a specific contract before the work is begun.

Intellectual property created for the administrative functions of the College, or otherwise not qualifying as an academic endeavor, remains the property of the College, unless the creator and the College enter into a specific contract before the work is begun.

Faculty, staff, and students, at their discretion, may enter into specific contracts with the College for work outside their regular employment agreements with the College.

Contractors and partners not employed by the College will have ownership of intellectual property as specified in their contractual agreements.

## **V. Economic Development/Business Innovation Agreements**

North Idaho College, may engage in entrepreneurship development and other economic development activities in support of business and industry. These entities may include organizations supporting business incubation, acceleration, commercialization, and funding; including for-profit and not-for-profit organizations, higher education institutions, and local, state, and federal entities. NIC reserves the right to deviate from this policy and corresponding procedure in order to contract with such organizations regarding the development and ownership of intellectual property as a part of the College's economic development efforts. Any deviation from this Intellectual Property policy must be submitted in writing and approved by the administration by either a formal contract or memorandum of understanding.

## **VI. Definitions**

- A. Intellectual Property. Inventions, discoveries, technologies, processes, methods, trade secrets, computer software, literary works, instructional materials, publications, literature, art, dramatic and musical works, and all audiovisual materials including video, film, photographs, and audio programs that exist in fixed form, regardless of format.
- B. Academic Endeavors. Undertakings in the pursuit, creation, and expression of knowledge and understanding, regardless of format. These include, but are not limited to, lectures, teaching materials, scholarship, research, access and sharing of information, published academic works, and participation in professional activities. It does not include activities generally considered part of the administrative functions of the College, materials developed as a specifically assigned duty to create a specified product for the College, or activities requiring Significant Use of Resources.
- C. Administrative Functions. Functions that support the operations of the College. Examples include, but are not limited to, producing marketing and promotional materials, writing computer code and applications, developing training materials,

producing procedure manuals, and writing policy. This also includes all products of College committee and task-force work.

- D. Sabbatical Works. Intellectual property created during a sabbatical and defined as scholarly or artistic work that does not require the Significant Use of Resources.
- E. Significant Use of Resources. Use of college resources beyond the normal professional and technical support made available by the College to the Member. Without limiting the foregoing, Significant Use of Resources includes: 1) the use of specialized related facilities, equipment, or supplies beyond those normally provided or contracted by the College to the Member, 2) more than nominal or incidental use of NIC personnel, including students, 3) extended use of personnel's time and energy in creating or promoting the work, and 4) the use of any of NIC's trade secrets.
- F. Patent. The granting of a property right to the inventor, issued by the United States Patent and Trademark Office.
- G. Specific Contracts. Contracts written for the creation of intellectual property by faculty or staff, on behalf of the College, that is mutually determined to be outside the regular work assignment of that faculty or staff member.
- H. Member. Any member of the College community including, but not limited to, faculty, students, staff, visitors, program members, or others participating in NIC programs.

## **VII. Responsibilities**

The President, through the Vice President for Instruction and the Vice President for Student Services, shall bear responsibility for enforcing academic and student policies and procedures. The President's Cabinet shall work with the different departments and offices to comply with this policy and procedure.