

Procedure Title: Intellectual Property

Impact: Employees and Students

Responsibility: Accreditation Executive Committee

Effective Date: 12/16/2019

Last Update:

Relates to Policy: 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

I. Disclosure

When a “Member” makes, conceives, develops or reduces to practice any “College-Owned Intellectual Property”, the Member shall (i) promptly notify the president or designee; (ii) provide such other information and cooperation regarding the College-Owned Intellectual Property as requested by the administration; and (iii) if requested by the administration, execute and deliver such agreements, forms and documents as necessary to fully transfer and assign to North Idaho College all right, title and interest in the College-Owned Intellectual Property.

II. Revenue Sharing

The president or designee and the Member shall negotiate and approve in writing any revenue sharing agreement.

III. Release of Ownership Rights

At any time after a Member has disclosed an item of College-Owned Intellectual Property, the Member may file a written request with the administration requesting that North Idaho College release its ownership rights in the College-Owned Intellectual Property.

If the administration decides to release North Idaho College's ownership rights in the College-Owned Intellectual Property, then, as a condition to the effectiveness of the decision, (i) the president or designee must execute a document agreeing to release North Idaho College's ownership rights in the College-Owned Intellectual Property and (ii) the Member must execute a document, in form and substance acceptable to North Idaho College, whereby the Member agrees to pay North Idaho College a negotiated amount of all revenues and other monetary or financial consideration resulting from the College-Owned Intellectual Property.

IV. College-Owned Intellectual Property.

As owner, North Idaho College shall have sole authority to exercise all rights available with respect to any College-Owned Intellectual Property, including, without limitation, negotiating and entering into agreements for the sale or license of the College-Owned Intellectual Property and obtaining copyright, trademark or patent protection for the College-Owned Intellectual Property.

“College-Owned Intellectual Property” will include intellectual property developed under any of the following circumstances:

- A. The College funded the development as part of an externally sponsored research program or pursuant to an agreement that allocates rights to the College.
- B. The College assigned, directed, or specifically funded the creator to develop the material, other than Sabbatical Works.
- C. Development of the material required Significant Use of Resources.
- D. Administrators or other non-faculty employees developed the material in the course of employment duties, and the material constitutes “work for hire” under U.S. law (e.g., the College’s website, alumni bulletins, admission materials, fundraising materials, catalogs and magazines).

V. Member-Owned Intellectual Property.

A Member shall have sole authority to exercise any rights available with respect to any Member-Owned Intellectual Property. “Member-Owned Intellectual Property” will include Sabbatical Works and any intellectual property that a Member develops in Academic Endeavors without Significant Use of Resources.

VI. Dispute Resolution

Upon the emergence of issues or disputes relating to intellectual property, the President of the College will appoint an ad hoc Intellectual Property Committee, composed of equal numbers of faculty and non-faculty employees, to make written recommendations to the President of the College concerning the disposition of the issue. In cases where a student is involved, the President will also appoint a member of ASNIC to the committee.

The Intellectual Property Committee’s recommendation will be provided to the Member claiming rights to the Intellectual Property subject to dispute. The Member will have 10 business days to respond to the Committee’s recommendation by submitting such response in writing to the President.

The President will have the final decision with respect to all disputes concerning intellectual property, which will not be subject to further appeal.