

Policy: Copyright, Trademark, and Patent Ownership Date Revised: 03-01-18 Cross Reference: <i>Alabama Community College System Policy 321.01</i>	Number: 321.01 Supersedes: New Issued: 09-01-00
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It is the policy of the ACCS Board of Trustees that in a situation where a college instructor or administrator develops an instructional text or other instructional resource or technology, and such development arises in whole or in part from the use of college resources (including the work time of any college employee), the college shall have complete and exclusive ownership of all resulting copyrights and/or patents. However, it shall be the policy of Ingram State Technical College that in such a situation, the employee who develops, at least partially on his/her own time and not using college resources, a textbook, workbook, technology, or other product shall be entitled to a designated share of any royalties or license fees received by ISTC from such a copyright or patent, provided that prior to the development of the respective product, there shall be a contract executed between ISTC and the employee by which the employee will be authorized to use the resources of ISTC in the product's development. In particular, the contract shall specify:

- a. The nature, scope, type, and amount of Ingram State Technical College resources which are to be used in the product's development;
- b. The proportionate share of royalties or fees which the employee shall be eligible to receive and shall further specify the types of documentation to be provided to the College as to what College resources were used and what outside resources were used to develop the product;
- c. **That the portion of any royalties or fees to be received by the employee must have a direct relationship to the verifiable amount of the employee's personal time, resources, and/or funds which are to be used in the product's development, as compared to the verifiable amount of all time, resources, and funds to be devoted to the development of the product;**
- d. **That any compensation to the employee arising from the development of the product must be made from proceeds derived directly from the publication, manufacture, sale, lease, or distribution of the products, and not from any State or Federal funds;**
- e. That the contract does not provide an exemption from, and does not imply compliance with, the Alabama Ethics Law, and that it shall be subject to the scrutiny of the Alabama Ethics Commission, which shall be provided with a copy of the contract;
- f. That prior to the payment of any compensation to any college employee under a contract of the type described above, such payment must be approved in writing by the Chancellor.

Any ISTC employee who is interested in entering into an agreement with ISTC for the development of an instructional product subject to this policy shall begin the process by submitting to the Dean of the College a written proposal which describes in detail the proposal,

and which contains a list of all anticipated college resources needed for the development of the product as well as all resources to be provided by the employee or any other person or source other than the College.