

INTELLECTUAL PROPERTY

Western Wyoming Community College recognizes that there is a mutual benefit between an individual and the College to encourage innovation, experimentation, invention, and development of intellectual properties that meet the College's plans and mission. The individual benefits, learning new skills and knowledge, while the College strengthens its reputation for quality and effectiveness.

The College supports the concept that the ownership of intellectual property rights is not necessarily an "all-or-nothing" proposition. Rather, the rights of ownership of intellectual properties may be allocated in ways that optimally support the mutual interests of the College, faculty, staff, and the students.

Intellectual property may be owned individually or jointly with WWCC depending upon the circumstances of creation. Similarly, any equity or profit derived from the intellectual property may belong solely to the creator or shared with the College depending on the conditions in which the property was developed.

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The following procedure describes the process for defining ownership and equity issues related to intellectual property. Western Wyoming Community College is committed to encouraging and recognizing creative efforts by sharing any financial returns fairly with the creator.

The College permits an individual to receive recognition and compensation for intellectual property while protecting the College's contribution and investment. Equity and ownership of intellectual property rights are not necessarily "all-or-nothing" propositions. Rather, the rights of ownership of intellectual properties may be allocated in ways that support the mutual interests of the College, faculty, staff, and the students. Whenever it can be foreseen that a commercially viable intellectual property will be produced, a written agreement between the College and the creator shall be concluded before the material is created.

Definition of Intellectual Property

Intellectual Property includes but is not limited to any material within one or more of the following categories:

- a. Anything that is copyrightable;
- b. A potentially patentable machine, article of manufacture, process, or improvement in any of these;
- c. An issued patent; or
- d. A legal right that inheres in a patent.

Intellectual property includes both ownership and equity issues. Intellectual property may be owned individually or jointly with WWCC depending upon the circumstances of creation. Similarly, any equity or profit derived from the intellectual property may belong solely to the creator or shared with the College depending on the conditions in which the property was developed.

To protect the rights of the individual and the College, the ownership and equity of intellectual property developed after the approval of this procedure may be determined *before* an intellectual property is developed. Intellectual property created prior to the acceptance of this procedure will be subject to this procedure.

The assignment of intellectual property to the individual or the College will be based on the following two criteria:

- The creator will own the intellectual property and any resulting equity for all instructional materials developed by the creator if those materials were produced as a result of normal teaching duties that did not involve significant use of College resources except as provided in a written agreement.
- WWCC has a claim of ownership and equity in any intellectual property when an individual produces it as part of an assigned duty or with the substantial use of College resources, facilities, or funds except as provided in a written agreement.

If an individual develops intellectual property while using substantial College resources, facilities, or funds, then ownership resides with the College unless a subsequent agreement can be reached.

Determination of Ownership and Equity

There are two issues related to intellectual property: ownership and equity. The following table describes the ownership and equity issues based on the conditions under which the intellectual property was developed.

IF the Intellectual Property is produced ...	THEN
As an individual project of the creator(s) with <i>incidental use</i> of College resources and not as part of specific assignment or contract	Ownership resides with the creator(s) exclusively. Any resulting equity belongs solely to the creator. The creator is responsible for obtaining the appropriate copyright or patent and any related expenses.
As an individual project of the creator(s) with <i>substantial use</i> of College resources	Ownership resides with the creator(s) after fair compensation to the College for use of College’s resources. The creator is responsible for obtaining the appropriate copyright or patent and any related expenses.

<p>As part of specific College assigned duty, written agreement, or contract, and, thus, regarded by the College as College duty or task</p>	<p>The College would retain a property right for educational uses. The College is responsible for obtaining the appropriate copyright or patent and any related expenses.</p> <p>If other instructors use these materials for instruction, an agreement between the College and the creator(s) must be reached beforehand.</p> <p>If property is marketed for profit, the creator(s) would retain ownership after the College had received fair compensation.</p>
<p>As part of a grant or contract funded by an outside agency</p>	<p>Ownership and equity will be defined by the terms of the contract or grant. The outside agency is responsible for any expenses related to obtaining a copyright or patent.</p>
<p>If a student produces intellectual property as part of a course making incidental use of College resources</p>	<p>The intellectual property belongs to the creator(s).</p>

Individuals engaged in the development of copyrightable or patentable materials must comply with existing copyright and patent law. Nothing in this policy invests any rights in any person who produces intellectual property as the result of unauthorized use of College resources.

In the event that the College and the creator(s) cannot reach an agreement regarding ownership and equity for intellectual property, then the President shall consider and resolve the impasse. Both parties shall be represented. The President shall make the final decision.

Definitions of Terms

Assigned Duty is performance of a task or project pursuant to a contractual obligation, assignment, or directive whether or not within the normal scope of an employee's employment.

Copyrightable Material is anything that is an original work of authorship, fixed in a tangible medium of expression coming within the definition of the U.S. Library of Congress Copyright Office.

Copyrightable intellectual property includes but is not restricted to:

1. Written materials – literary, dramatic, and musical materials or works, published or unpublished.
2. Visual and/or Recorded materials – sound, visual, audio-visual, and television films or tapes, video tapes, web sites, motion pictures or other recordings or transcriptions, published or unpublished.
3. Computer software – computer programs, procedures and other documents involved in the operation and maintenance of a data processing system, including program listings, compiler tapes, a library of sub-routines, user and programmer manuals and specifications.
4. Courseware and classroom materials – audio-visual, CD's, research collections, published and unpublished.
5. Lecture notes and published articles or books based on lecture notes; slide collections; other research collections, written critiques and literary works, and so forth.
6. Visual artwork and graphic design.

Creator is a College employee or student who is either an inventor in the context of patentable inventions or an author in the context of copyrightable works of authorship.

Equity is the money value of a property or the financial investment in the development of that property.

Incidental Use of College Resources is that use which does not involve significant additional expenses on the part of the institution for materials or other resources other than those incurred as part of the creator's normal duties. Examples include the use of office space, office computers and printers, and facilities generally available to all college employees, such as library facilities.

Patentable Materials include, but are not limited to, ideas for the development of a unique process or invention of equipment.

Substantial Use of College Resources is that use which requires additional expenses that are not part of standard expenses for supporting this creator in his/her normal duties. Examples include but are not limited to assistance and time of other College employees, use of equipment, such as machining tools or electronic equipment, or the use of facilities, such as video facilities or laboratories.

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