

Article 24

Intellectual Property Rights

24.1 Intellectual Property Rights

Cabrillo Community College District recognizes the need to adopt and maintain an Intellectual Property Rights policy that encourages faculty and staff to engage in the production of scholarly works, creative publications, and technology-based materials. Inherent in these policies are the following general assumptions:

- a. That the rights of faculty, staff, and the District need to be fairly balanced through mutual agreement.
- b. That the following definitions regarding copyright, royalties, and utilization of all materials will be consistent with the promotion of academic freedom and “fair use” guidelines.
- c. The District is not interested in entering into agreements for the express purpose of achieving a financial gain. The District is interested in receiving fair compensation for use of public resources employed in creation of such works.

24.2 Copyright Ownership

24.2.1 The right to claim copyright shall be determined in the following manner:

- a. The right to copyright the material will belong to the faculty or staff member responsible for its creation. The District may claim the right to copyright materials if the District specifically commissioned it.
- b. A faculty or staff member may claim the right to copyright any material created outside of the faculty or staff member’s employment with the District. If this creation involves use of District equipment or supplies, the faculty or staff member shall retain the right to copyright the material, but shall reimburse the District for the cost of production.
- c. The District and the faculty or staff member may agree to share the right to copyright materials if the work is created by the faculty or staff member and the District contributes services, staff, or financial resources necessary for completion. This will be accomplished through a separate contract at the time the project is initiated. Faculty and staff should consult with their respective bargaining agent before entering into the contract.
- d. If District funding is provided to allow instructors to develop online materials for their courses, these online versions will be based on currently developed material and, therefore, on material currently owned and copyrighted by the instructors. In such cases, the instructor shall own the copyright of the developed online materials, and agrees to give the District a non-exclusive license to use the developed materials. The instructor has the right to provide or teach similar courses at other institutions using the developed materials, and Cabrillo College has the right to share the developed materials with other instructors at the college.

24.3 Copyright Registration

24.3.1 Responsibility for official registration of copyright will lie with the owner of the copyright. In those cases where there is shared ownership, the District will be responsible for filing for both parties for registration of copyright.

24.4 Royalties and Distribution Rights

24.4.1 The ownership of copyright determines royalty distribution rights.

- a. When faculty or staff members have full copyright ownership, they retain full royalty distribution rights.
- b. When the District has full copyright ownership, it retains full royalty distribution rights.
- c. If the District and the faculty or staff member share copyright ownership, royalty distribution rights will be as follows:
All royalties or profits will be distributed to reimburse the copyright owners for documented expenses related to the creation and production of the materials. Any remaining royalties or profits will be distributed according to the terms of a separate contract.

24.5 District Use of Copyrighted Materials

24.5.1 If the District wishes to videotape, broadcast or televise any classroom, laboratory, or other instructional activity, it will first obtain the written permission of the faculty or staff member.

24.5.2 Before the District enters in to any agreement for commercial redistribution of an instructional activity performed by the faculty or staff member as part of their employment with the District, the District will first obtain written permission of the faculty or staff member. Any royalties or profits will be distributed according to the terms of a separate contract.