

SRTC Procedure: Intellectual Property and Copyrighted Materials Procedure

Southern Regional Technical College is dedicated to fostering an environment that permits the development of intellectual property that improves the productivity of the College and enhances the teaching/learning environment. In order for the College to utilize to the best and fullest extent all works produced for it, and all works provided for its use, employees and students producing or providing work for the College represents and warrants that such works:

- Do not violate any law;
- Do not violate or infringe any intellectual property right (including but not limited to copyright, trademark, patent, or right of publicity) of any person or firm; and
- Do not libel, defame, or invade the privacy of any person or firm. For the purpose of this document, “intellectual property” includes materials which may be copyrighted, patented, and/or trademarked.

Intellectual property includes, but is not limited to, any copyrightable subject matter or materials, patentable inventions, online courses, computer software or materials, or works of art that might be normally developed on a proprietary basis. Intellectual property also includes the common meaning, definition, and description of intellectual property as established by the Copyright Act (Title 17 of the United States Code). In addition, intellectual property may also include intellectual and creative works that can be copyrighted or patented, such as literary, dramatic, musical, and artistic works, computer software, multimedia presentations, and inventions.

Ownership

The ownership of intellectual property will be determined according to the conditions described below.

- When produced as a result of an employee’s job duty or a student’s course/program requirement, with substantial use of College resources, facilities, or funds, or when release time is provided by the College specifically for the purpose of development, ownership of intellectual property shall reside with Southern Regional Technical College.
- Ownership of intellectual property shall reside with the originator provided that there is no significant use of College/State resources.
- Ownership of materials developed by a student outside the scope of course/program requirements without substantial use of College resources remains with the student creator.
- Neither the College nor a faculty or staff member may publish, copyright, sell, or otherwise infringe on the legal ownership of a student’s intellectual property without the expressed, written permission of the student.
- Destruction or damaging of intellectual property created for the College is considered to be theft or vandalism and will be dealt with as such.

Any employee or student of Southern Regional Technical College must obtain the express approval of the President prior to the development of intellectual property in whole or in part on College time or with the substantial use of College resources which will not be exclusively owned by the College. (SBTCSG Policy 3.2.1: Intellectual Property)

Revenue

The Commissioner shall establish procedures for the distribution of any revenue/compensation generated from the ownership of intellectual property. Applications for copyright, trademark or patent of intellectual property or revenue sharing proposals shall be coordinated with TCSG's Office of Legal Services.

Revenue derived from the development of college-owned intellectual property is distributed to college revenue funds as determined by the Vice President for Administrative Services.

In the event that intellectual property is licensed to the originator, the full rights for the copyright, patent, or trademark, and any resulting royalties or profits, shall remain with the originator.

All cases, in which questions arise as to equities, rights, division of revenues, or any other intellectual property-related matter, shall be referred to the Academic Affairs Committee for consideration, interpretation of policy, and decision. Appeal of a committee decision shall be to the Vice President for Administrative Services, then to the President, and finally to the Technical College System of Georgia (TCSG). Appeals within the College must be made in writing within thirty days of written notice of a final decision. Appeals to the TCSG shall be made in accordance with State Board policy.

Copyrighted Material

In recognizing the importance of the Copyright Law of the United States (Title 17, United States Code), the following copyright guidelines will be enforced at Southern Regional Technical College.

- Purchasing personnel will make every effort to obtain free duplication rights from the copyright holder. In the event that free duplication is not allowed, the purchasing of duplication rights will be explored.
- Any use or reproduction of copyrighted materials will be done either with the written permission of the copyright holder or within the bounds of "Fair Use" guidelines provided in the Copyright Act. Verbal permission will not be accepted.
- Copying or using copyrighted material not specifically permitted or exempted by the copyright right law will not be allowed.
- Liability for willful infringement will be placed upon the person making copies or using the material.
- Appropriate warning notices will be placed on or near all print, video, or computer equipment capable of making or modifying copies.
- Copyright manuals detailing permissible and restricted activities will be housed in the library for reference.

- A copyright consultant will be appointed to investigate/answer copyright questions and/or concerns of employees and students.
- Retention of appropriate copyright records will be maintained.
- Audiovisual duplicating equipment will be housed in the library, and written copyright permission must be provided before items will be duplicated.
- The State Board will not provide legal support in such a case where the person has been made aware of the copyright law and the individual still has pursued utilizing materials in such a manner as to result in infringement.

Responsibility

The Vice President for Academic Affairs has the overall responsibility for ensuring this procedure is implemented.

Reference:

[SBTCSG Policy 3.2.1: Intellectual Property](#)

[TCSG Procedure 3.2.2p: Development of Patentable Devices/Materials or Copyrightable Materials/Media by TCSG/College Personnel or Students](#)

[Authority: P.L. 94-533, Title 17 as cited above](#)

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