



PIEDMONT TECHNICAL COLLEGE

PROCEDURE

PROCEDURE NUMBER: 3-0-1000.1

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TITLE: Intellectual Property Rights

**RELATED POLICY AND PROCEDURES: 8-0-102 Personal Benefit from Projects
8-0-105.1 Ethics Requirements for Employees
3-0-1000 Intellectual Property Rights**

DIVISION OF RESPONSIBILITY: Academic Affairs

May 17, 2013

Date Approved by President

Date of Last Review

Date of Last Revision

DISCLAIMER

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SC S BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION / THE SC TECHNICAL COLLEGE SYSTEM.

Definitions

- A. Employee**-Any individual employed by Piedmont Technical College to perform assigned tasks. Third-party consultants are not employees within the meaning of the State Board for Technical and Comprehensive Education Intellectual Property Rights Policy and these procedures.
 - B. Intellectual Property**-Any product of intellectual activity that is unique, novel, unobvious, and/or original, or otherwise subject to copyright or patent protections pursuant to Title 17 or Title 35 of the U. S. Code of Laws.
- NOTE:** A state agency has 11th Amendment immunity from Title 17 lawsuits; however, 11th Amendment immunity does not extend to lawsuits against State employees in their individual capacities.



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Administrative Responsibilities

It is the responsibility of the Vice President for Academic Affairs to review and revise this procedure.

Procedure

A. Management of Intellectual Property Rights

Piedmont Technical College manages Intellectual Property rights in a manner that:

1. Encourages the creation of intellectual property by all employees.
2. Provides for the sharing of intellectual property between all institutions which are members of, or affiliated with the State Board for Technical and Comprehensive Education System.
3. Provides, in limited circumstances and by prior written agreement only, for a portion of the net proceeds from the commercial exploitation of specifically designated intellectual property to be awarded to the employee(s) who created the work on the institution's behalf.
4. Protects agency resources and assures that they are used consistently with the College's missions.
5. Uses intellectual property to serve the public good.

B. Property Ownership

1. Within the limitations prescribed in [Procedure 3-0-100.1](#), the State Board for Technical and Comprehensive Education delegates to the College Presidents the authority to enter into written property ownership agreements with employees or independent contractors who create original works involving copyrights, patents or other forms of intellectual property for use or ownership by the College.
2. Piedmont Technical College develops guidelines and procedures for entering into intellectual property agreements, provided the terms of any such agreements:
 - a. Waive the institution's copyright to no more than class lectures, notes, or course syllabi, or to scholarly works which are not created within the scope of employment, or to scholarly works which are not created using agency resources.



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- b. Under no circumstances, provide for a portion of the net proceeds from the commercial exploitation of intellectual property to be awarded to an employee(s) who created the work on the institution's behalf if the material was created within the scope of his/her employment, or if the material was created by using any agency resources.
- c. Are fully compliant with the provisions of the State Ethics Act, Policy 8-0-102: Personal Benefit from Projects or Written Materials, and Policy 8-0-105: Ethics Requirements for Employees.
- d. Does not violate the provisions of the Federal Copyright Act, or any other federal law or regulation.

C. Third-Party Consultants

Intellectual property developed by a non-employee third-party consultant pursuant to the terms of a written and signed contract is generally considered to be owned by the College, unless otherwise provided in the consulting contract. Nothing in this procedure precludes the College from entering into such a consulting contract where the parties have agreed that the non-employee consultant will own the materials upon creation.