A. Copyright Compliance

Faculty, staff, and students must comply in good faith with the U.S. Copyright Act (Title 17, U.S. Code) including Fair Use Limitation (section 107), the “Digital Millennium Copyright Act (DMCA), the Technology Education and Copyright Harmonization (TEACH) Act and any other federal or state laws governing copyright. Compliance with this Gaston College policy protects copyrighted works by authors and artists done in any tangible medium of expression, and this policy applies to all educational delivery methods including face-to-face instruction and distance education. Gaston College will provide detailed procedures related to copyright compliance.

B. Intellectual Property - General

1. The Gaston College Intellectual Property policy governs the ownership, use, distribution, rights and income accrued relevant to “covered individuals” (faculty, staff, administration and students), and it applies to any materials, regardless of medium.

2. The College will own any and all intellectual property that is made, discovered, or created by a “covered individual” who is specifically hired or commissioned by the College (or an outside agency commissioned through the College) for that purpose within the scope of his/her employment or for specific additional compensation from the College. The College will own any and all intellectual property created by a “covered individual” who makes “significant use” of College resources (funds, facilities, equipment, other resources) in connection with the development of such intellectual property. The provision of an office, library assistance and minimal secretarial assistance does not constitute “significant use.” While the College typically does not search for commercially exploitable inventions or creations, the credible endeavors of “covered individuals” performing their job duties may lead to such. In this event “covered individuals” are bound by all conditions set forth in Gaston College policies, and the cost of pursuing the patent and the defense will be borne by the College.

3. “Covered individuals” will not receive additional compensation for materials produced as part of their job description or employment expectations. “Covered individuals” who produce educational materials and media outside their job descriptions or job expectations can receive monetary compensation or workload reduction utilizing prior written approval signed by the supervisory chain through the appropriate Vice President(s).
4. The College owns all rights to its logo, seal and other related materials.

C. Specific Rights and Compensation for Intellectual Property

Specific rights and compensation for intellectual property are determined in five categories: individual efforts, college-assisted individual efforts, job scope efforts, outside agency/sponsor supported efforts, and student efforts.

D. Individual Efforts

Gaston College recognizes the right of employees to engage in the uncommissioned creation of scholarly, pedagogical or artistic works. When intellectual property (copyrightable, patentable) is created by a “covered individual” without “significant use” of college resources, it is solely the intellectual property of the “covered individual,” and income accrued shall belong solely to the “covered individual.”

E. College Assisted Individual Efforts

When intellectual property (copyrightable, patentable) is developed by a “covered individual” with assistance from the College through “significant use” of college resources, prior written agreement is required that states the conditions of joint ownership and distribution of income accrued. This agreement must be signed by the “covered individual(s)” and the appropriate Vice President(s). Absent this signed agreement prior to undertaking, it shall be presumed that the College is entitled to all rights, copyrights, patents and income accrued.

F. Scope of Employment Efforts

1. When intellectual property (copyrightable/patentable) is created by a “covered individual” within the scope of his/her employment (job duties, job expectations) or is commissioned by the College, all rights, copyrights, patents and income accrued belong to the College.

2. Courses and course materials created by instructors at Gaston College are considered the sole property of Gaston College if they were created by a “covered individual” within the scope of employment, if they were created on college time with the use of college equipment/facilities, or if they were commissioned or financially supported by the College.
3. Gaston College is entitled to all rights, copyrights, patents and income accrued when intellectual property is created with “significant use” of College resources.

G. Outside Agency/Sponsor Supported Efforts

When intellectual property (copyrightable, patentable) is created by a “covered individual” under support by an outside agency/sponsor/grantor through the College, the rights and compensation of the Intellectual Property shall be governed by the specific terms and conditions of the sponsorship contract. Absent specific written terms and conditions, it shall be presumed that the College is entitled to all rights, copyrights, patents and income accrued.

H. Student Efforts

When students develop intellectual property (copyrightable, patentable) through the result of individual initiative without “significant use” of college resources, all rights, copyrights, patents and income accrued shall belong solely to the student. If the intellectual property is developed in activities under the supervision of a College employee and there is “significant use” of college resources, all rights, copyrights, patents and income accrued belong solely to the College.