

Policy on Intellectual Property Rights

Based upon the State Board of Education policy 321.01: copyright, Trademark, and Patent Ownership, it is the policy of NWSCC that in a situation where a student or college employee develops an intellectual property, and such development arises in whole or in part from the use of college resources (including the work time of any college employee), the College shall have complete and exclusive ownership of all resulting copyrights and/or patents. However, it shall be the policy of NWSCC that in such a situation, the employee/ student who develops the textbook, workbook, technology, or other product shall be entitled to a designated share of any royalties or license fees received by the College from such a copyright or patent, provided that prior to the development of the respective product, there shall be a contract executed between NWSCC and the employee by which the employee will be authorized to use the resources of NWSCC in the product's development. In particular, the contract shall specify:

- The nature, scope, type, and number of NWSCC resources which are anticipated to be used in the product's development.
- The proportionate share of royalties or fees which the employee/student shall be eligible to receive and shall further specify the types of documentation to be provided to the College as to what College resources were used and what outside resources were used to develop the product.
- That the portion of any royalties or fees to be received by the employee/student must have a direct relationship to the verifiable amount of the employee's/student's personal time, resources, and/or funds which are to be used in the product's development, as compared to the verifiable amount of all time, resources, and funds to be devoted to the development of the product.
- That any compensation to the employee/student arising from the development of the product must be made from proceeds derived directly from the publication, manufacture, sale, lease, or distribution of the products, and not from any State or Federal funds.
- That the contract does not provide an exemption from, and does not imply compliance with, the Alabama Ethics Law, and that it shall be subject to the scrutiny of the Alabama Ethics Commission, which shall be provided with a copy of the contract.
- That prior to the payment of any compensation to any college employee/student under a contract of the type described above, such contract or payment must be approved in writing by the appropriate dean level administrator.

All revenue derived from the creation and production of intellectual property by any NWSCC employee/student, which is not designated as the employee/student share, shall be placed into the College's general fund to cover the cost of the College resources which were used in the development of the product.

Any NWSCC employee/student who is interested in entering into an agreement with the College for the development of any intellectual property subject to this policy shall begin the process by submitting to the appropriate dean a written proposal which describes in detail the proposal, and which contains a list of all anticipated college resources needed for the development of the product as well as all resources to be provided by the employee or any other person or source other than the College.