



OKLAHOMA CITY COMMUNITY COLLEGE

**TITLE: ADMINISTRATIVE POLICY NO. 226  
INTELLECTUAL PROPERTY**

**1. INTRODUCTION**

**1.1. Purposes of the Policy**

- 1.1.1. The purposes of this policy are to provide an operational definition of intellectual property, to provide the minimum requirements for intellectual property agreements, to provide thresholds for the allocation of ownership, and to set forth other policy statements deemed necessary to protect the interests of the College and its employees.

**1.2. Guiding Principles of the Policy**

- 1.2.1. The policy is intended to encourage the creation of intellectual property.
- 1.2.2. The policy is intended to be fair and equitable to all who share in the intellectual property.
- 1.2.3. The policy is intended to include all those who have contributed to the intellectual property.
- 1.2.4. The policy is intended to protect the interests of the parties.
- 1.2.5. The policy is intended to recognize and provide for the wide variety and types of intellectual property.
- 1.2.6. The policy is intended to minimize the potential for litigation.
- 1.2.7. The policy is intended to comply with all applicable laws and regulations.
- 1.2.8. The policy is intended to recognize the dynamic nature of intellectual property and therefore be adaptable to meet future needs.
- 1.2.9. The policy is intended to engender collegial relationships including the sharing of ideas and mutual support.

**2. EXPLANATION OF TERMS USED IN THIS POLICY**

2.1. Intellectual Property: A collective term that refers to creative expressions produced by individuals or groups that may or may not have a commercial value including but not limited to inventions, copyrightable works, trademarks, tangible products, and/or businesses.

2.1.1. Inventions: A process, method, discovery, device, composition of matter, or other invention that appears to qualify for protection under the patent laws of the U.S. An invention may be the product of a single inventor or a group of inventors who have collaborated in the creation of the invention.

2.1.2. Copyrightable Work: An original work of authorship that has been fixed in any tangible medium of expression (book, journals, software, computer

programs, musical works, dramatic works, film/videos, multimedia product, sound recordings, pictorial/graphic works, etc.). A copyrightable work may be the product of a single author or group of authors who have collaborated in the creation of the copyrightable work.

- 2.1.3. Trademarks: A distinctive word, design, or graphic symbol, or combination that distinguishes and identifies the goods and services in a unique way. A trademark may be the creation of a single designer or a group of designers who have collaborated in the creation of the trademark.
  - 2.1.4. Tangible Products: Tangible items produced in the course of creation, including but not limited to drawings, data, prototypes, and equipment. A tangible product may be the product of a single creator or group of creators who have collaborated to create the product.
  - 2.1.5. Businesses: Businesses that are created to commercialize an intellectual property or to create additional intellectual properties that could be commercialized.
- 2.2. Creator(s): In the singular form, the individual who created the intellectual property. In the plural form, the group of individuals who collaborated to create an intellectual property.
  - 2.3. Owners: The owners of intellectual property refer to either the College Board of Regents, the creator(s) of the intellectual property, and/or a sponsor.
  - 2.4. Commercialization: The commercialization of an intellectual property includes any form of distribution, licensing, marketing, or sale of the property.
  - 2.5. Net revenue: The net revenue refers to the revenue derived from the commercialization of an intellectual product, minus the direct and indirect costs to commercialize the product.
3. INTELLECTUAL PROPERTY SUBJECT TO THIS POLICY
    - 3.1. College Intellectual Property: College property includes all intellectual property created for College purposes, as part of the creator's employment efforts, and/or when College resources contributed to the creation. All College property is subject to this policy and is owned wholly or in part by the College Board of Regents.
    - 3.2. Sponsored Intellectual Property: A project supported by an external funding source under a mutually binding agreement between the College and the sponsor (such as private businesses, corporations, foundations, other colleges, government agencies) may result in the creation of sponsored intellectual property. The agreement names and defines the ownership of sponsored intellectual property.

#### 4. INTELLECTUAL PROPERTY NOT SUBJECT TO THIS POLICY

- 4.1. Personal Intellectual Property: Personal intellectual property is a product that is created without the use of College resources, is not part of fulfilling a College purpose, is not part of the creator's employment, and is produced on the creator's own time. Personal property is not subject to this policy.
- 4.2. Personal Scholarly Products: Personal efforts indirectly related to employment and student works that are of a scholarly nature and are generally disseminated freely among the academic community including textbooks, scholarly articles, dissertations, conference presentation materials, and similar works, regardless of their form of expression, are considered personal scholarly intellectual products. Personal scholarly products are not subject to this policy.

#### 5. AGREEMENTS

- 5.1. Intellectual property governed by this policy, requires the owners to enter into a written agreement. The terms of any agreement shall be consistent with this policy and address clearly the following items (additional items may also be included):
  - 5.1.1. The names of the owners.
  - 5.1.2. A description of the intellectual property.
  - 5.1.3. The percentage of ownership.
  - 5.1.4. The determination of the rights of the owners related to any and all commercial use of the product, including but not limited to:
    - 5.1.4.1. Sale of the property
    - 5.1.4.2. Distribution rights
    - 5.1.4.3. Licensing rights
    - 5.1.4.4. Marketing rights
    - 5.1.4.5. Transfer of ownership rights
  - 5.1.5. Responsibility for liability.
  - 5.1.6. The laws of the State of Oklahoma shall apply to any agreements and the venue for any lawsuits relating to any agreements shall be in the District Court of Oklahoma County, Oklahoma.

5.2. The College President (or designee) will review and sign each agreement.

5.3. The College President will disclose all agreements to the College Board of Regents.

#### 6. OWNERSHIP ALLOCATION

- 6.1. The College may enter into "work-for-hire" agreements with employees or students to create intellectual properties. These "work-for-hire" agreements shall state that the College Board of Regents owns 100% of the intellectual properties, including all tangible products used in the creation.

- 6.2. The College may enter into agreements with employees or students to create intellectual properties that are not considered “work-for-hire.” These agreements may allow the creator(s) to share ownership of the intellectual property. The College Board of Regents shall own no less than 50% of any intellectual property created as a result of such agreement, including all tangible products used in the creation.
- 6.3. In the absence of an agreement prior to the creation of an intellectual property that becomes commercialized in any form and is subject to this policy, the creator(s) shall enter into a post hoc agreement with the College. In such agreement, the College Board of Regents shall own no less than 50% of the intellectual property.
- 6.4. The College may enter into agreements with employees or students to create businesses that result from intellectual properties or create intellectual properties. The creators of the intellectual property may share ownership of the business. In such agreements, the College Board of Regents shall own no less than 65% of the businesses created, including all tangible products used in the creation of the business.

## 7. ALLOCATION OF REVENUE

- 7.1. The net revenue shall be distributed to the owners based on the percentage of ownership.
- 7.2. The College Board of Regents’ portion of the net revenue shall generally be allocated in equal portions to the Education and General Operating Budget and to a Part II Special Account earmarked for the research and development of intellectual properties.

## 8. LIABILITY

- 8.1. The owner or owners shall be responsible for the liability of the intellectual property.
  - 8.1.1. Liability is assigned at the percentage equal to the percentage of ownership of the intellectual property.
  - 8.1.2. If a business is created to commercialize intellectual properties or products, the business assumes full responsibility for all liability.
- 8.2. The applicable federal laws and the laws of the State of Oklahoma govern liability.

## 9. RIGHTS

- 9.1. Commercialization rights shall be negotiated and agreed to by the owners and set forth in a written agreement.
- 9.2. Upon separation from the College by an employee who by written agreement shares ownership with the College Board of Regents, the intellectual property agreement shall remain in effect.
- 9.3. The College Board of Regents holds no claim of ownership in any intellectual property fully created prior to the date of the creator's employment with the College.
- 9.4. A substantial modification or revision to an intellectual property or product that was created prior to employment or prior to the effective date of this policy shall be subject to this policy.
- 9.5. A new College employee who has a prior agreement regarding an intellectual property and who intends to continue to work on this intellectual property as part of the employment with the College is subject to this policy and shall enter into an agreement with the College regarding the portion of the intellectual property attributed to this continued work.

#### 10. OVERSIGHT OF THE POLICY

- 10.1. The Provost/Vice President for Academic Affairs is responsible for the creation and administration of procedures for the implementation of this policy.
- 10.2. The procedures shall include an appeal process that attempts to resolve differences of the parties through negotiation.

Board Adopted Date: 12-18-89

Board Revised Date: 03-25-03