

LAKE-SUMTER STATE COLLEGE

BOARD RULE

TITLE: Intellectual Property –
Trademarks, Copyrights, and Patents

NUMBER: 2.21

AUTHORITY: Florida Statutes 1001.64 (2), (4); 1004.726;

PAGE: 1 of 3

HISTORY: New - 9/18/02
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DATE ADOPTED:

7/20/10

Lake-Sumter State College encourages its employees and students to develop intellectual property, including but not limited to educational materials, creative work and educational products which may be subject to copyright or patent or trademark. Development may involve the use of College time and resources, and may generate royalty income. This policy defines the respective rights of Lake-Sumter State College and its employees or students regarding intellectual property that may be subject to copyright, patent or trademark.

1. Determination of Rights

To determine the disposition of rights to trademarks, materials subject to copyright and patents developed by College employees or students, trademarks, materials or patents will be assessed within the context of the categories below:

A. Individual effort

Rights shall remain solely with the author or inventor when the trademark, material or patent could have been developed by the author or inventor even in the absence of employment or enrollment at the College. These trademarks, materials and patents are generated as a result of individual initiative and not as a specific College assignment, and with only incidental use of college facilities or resources.

B. College assisted individual effort

The College is entitled to share in the rights to ownership, use of trademarks and disposition of materials or a patent and a sharing of all royalty income when the College provides partial support of an individual effort resulting in development of a trademark, materials subject to copyright or a patent by contributing employee time, facilities, or other College resources. The College and employee shall execute a written agreement of joint ownership. The College shall consider the relative contribution by the personnel employed or the student in the development of such work products and shall enter into binding agreements with such personnel or student, which agreements shall establish the percentage of ownership of such trademarks, copyrights, or patents. College personnel or students engaged in development or creation of work subject to trademark or patents, or materials subject to copyright shall contact the Vice President of Academic and Student Affairs prior to undertaking College assisted activities.

C. College initiated and supported efforts

The College shall have ownership of copyrightable material, a trademark or a patent specifically developed as a result of specific assignment by the College or arising out of the duties for which the individual was employed by the College to perform or otherwise initiated by the College and funded by the College. The College may, in its discretion, share royalty income with the author or inventor upon consent of the District Board.

D. Sponsor supported efforts

Employees and students may produce a trademark, patent or copyrightable material as the result of sponsor supported projects. Such projects shall be governed by the specific terms and conditions of the sponsorship agreement. The sponsorship agreement must be approved of in advance by the College. In most instances the sponsorship agreement between the sponsor and the College will vest title in the College with the sponsor retaining a royalty-free license for sponsor's use.

2. Royalty Income

Royalty income shall be disbursed as follows:

A. Individual effort

Shall be paid solely to the author or inventor.

B. College assisted individual effort

Shall be paid according to the written agreement of joint ownership.

C. College initiated and supported efforts

Shall be paid solely to the College except in specific instances where an exceptional individual-initiative product results and then only after District Board approval. In those specific instances, the District Board may share a portion of income derived there from with the author or inventor. Such efforts will be determined on a case-by- case basis.

D. Sponsor supported efforts

Shall be paid in accordance with the terms and conditions of the sponsorship agreement. The College must be a party to the sponsorship agreement, along with the author or inventor. The sponsorship agreement shall state how income derived will be disbursed.

3. Administration for Trademarks, Copyrights and Patents

The Vice-President of Business Affairs shall be responsible for the administration of trademarks, copyrights and patents, including but not limited to the following:

- Provide assistance and guidance to develop and produce work products relating to educational endeavors that are subject to trademark, copyright, or patent statutes pursuant to chapter 1004, as set forth in §1001.64(33), *Florida Statutes*.
- Evaluate and make recommendations to the President as to the relative contribution by the student or personnel employed in the development of trademarks, copyrights and patents and suggested percentage of ownership of such trademarks, copyrights, or patents, §1004.726, *Florida Statutes*.
- Ensure that the College enters into binding agreements with such personnel and students, in accordance with §1004.726, *Florida Statutes*, and establish in such agreements the percentage of ownership of such trademarks, copyrights, or patents.
- Recommend necessary changes to the College rule and procedure governing trademark, copyright and patent.

4. Registration and Fees Associated with Registration

The College shall adhere to the following unless good cause is demonstrated:

- A. Individual effort: The author or inventor shall be responsible for registering the trademark, copyright or patent and shall be financially responsible for all applicable fees and costs.
- B. College assisted individual effort: Pursuant to §1001.64(23), *Florida Statutes*, the College shall register the trademark, copyright or patent and financial responsibility for all applicable fees and costs shall be shared as follows:
 - a. College: 30%
 - b. Author/Inventor: 70%
- C. College initiated effort and supported efforts: The College shall register the trademark, copyright or patent and will be financially responsible for all applicable fees and costs.
- D. Sponsor supported efforts: The responsibility for registering the trademark, copyright or patent and financial responsibility for all applicable fees and costs shall be pursuant to the sponsorship agreement.

5. Appeal

Any disagreement between the College and the inventor/author may be appealed to a Trademark, Copyright, and Patent committee appointed by the President.