



Reference: *Education Code Sections 72207 and 81459;*
17 U.S. Code Section 201

Copyright Ownership

The right to claim copyright shall be determined in the following manner:

1. A District employee may claim the right to copyright any material created outside of the employee's employment with the District provided the employee does not use any District resources in the creation of the material. A District employee who is the creator of an academic work in his/her/their field of expertise owns the copyright in that work. Academic works include textbooks, lecture notes, and other course materials, literary works, artistic works, musical works, architectural works, and software produced with no more than nominal or incidental use of the District's resources. Academic works described in this paragraph are owned by the employee even though such works may have been developed within the employee's scope of employment.
2. The District may claim the right to copyright material if the District specifically commissioned it or the work is identified as an institutional effort. An institutional effort is defined as one in which the work was produced by a District council, committee, or project team or other college entity as part of conducting the business of the District and utilizing District resources.
3. The District and the employee may agree to share the right to copyright materials if the work is created by the employee and the District contributes services, staff, or financial resources necessary for completion. This will be accomplished through a separate contract at the time the project is initiated. Employees should consult with their respective legal counsel and/or bargaining unit before entering into the contract.

Copyright Protection

Copyright protects "original works of authorship" that are fixed in a tangible form of expression. The fixation need not be directly perceptible, so long as it may be communicated with the aid of a machine or device. Copyrightable works include the following categories:

- Literary works;
- Musical works, including any accompanying words;
- Dramatic works, including any accompanying music;
- Pantomimes and choreographic works;
- Pictorial, graphic, and sculptural works;
- Motion pictures and other audiovisual works;

- Sound recordings; and
- Architectural works

Copyright Registration

Responsibility for official registration of copyright will lie with the owner of the copyright. In those cases where there is shared ownership, the District will be responsible for filing for both parties for registration of copyright.

Royalties and Distribution Rights

The ownership of copyright determines royalty distribution rights.

1. When employees have full copyright ownership, they retain full royalty distribution rights.
2. When the District has full copyright ownership, it retains full royalty distribution rights.
3. If the District and the employee share copyright ownership, royalty distribution rights will be as follows: All royalties or profits will be distributed to reimburse the copyright owners for documented expenses related to the creation and production of the materials. Any remaining royalties or profits will be distributed according to the terms of a separate contract.

See Board Policy 3710; Board Policy 3715; Administrative Procedure 3715

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