

HORRY-GEORGETOWN TECHNICAL COLLEGE

PROCEDURE

Number: 8.10.1.1
Related Policy: 8.10.1
Title: Intellectual Property Rights Procedure
Responsibility: Vice President for Academic Affairs

Original Approval Date: 02-06-2008
Last Cabinet Review: 01-17-2018
Last Revision: 01-17-2018

President

Horry-Georgetown Technical College is a public trustee of State and local resources. Consistent with this trust and pursuant to State and Federal copyright, patent and ethics statutes and standards, the College shall manage Intellectual Property rights in a manner that:

1. Encourages the creation of intellectual property by all employees
2. Provides for the sharing of intellectual property between all institutions, which are members of or affiliated with the State Board for Technical and Comprehensive Education System
3. In limited circumstances and by prior written agreement only, may provide for a portion of the net proceeds from the commercial exploitation of specifically designated intellectual property to be awarded to the employee(s) who created the work on the institution's behalf;
4. Protects College resources and assures that they are used consistently with the College's mission; and
5. Uses intellectual property to serve the public good.

Within the limitations prescribed in this procedure, the President or their designee may enter into written property ownership agreements with employees or independent contractors who create original works involving copyrights, patents or other forms of intellectual property for use or ownership by the College.

The College has established the following guidelines for entering into intellectual property agreements, provided the terms of any such arrangements:

1. Waive the College's copyright to no more than class lectures, notes, or course instructional packages, or to scholarly works which are not created within the scope of employment, or to scholarly works which are not created using College resources;
2. Under no circumstances provide for a portion of the net proceeds from the commercial exploitation of intellectual property to be awarded to an employee(s) who created the work on the College's behalf if the material was created within the scope of his or her employment, or if the material was created by using any College resources;
3. Are fully compliant with the provisions of the State Ethics Act, Personal Benefit from Projects or Written Materials (HGTC Policy 3.5.8); Ethics Requirements for Employees (HGTC Policy 3.5.2);
4. Will not violate the provisions of the Federal Copyright Act, or any other federal law or regulation

All fulltime and part-time faculty and staff of Horry-Georgetown Technical College, who intend to create copyright or patent materials, shall inform the Vice President for Academic Affairs with a written request detailing what College resources are required and an estimated date of work completion. Information about third party involvement should be included. The Vice President for Academic Affairs will appoint an ad hoc Intellectual Property Committee. The Committee will consider the work and all the details and make a recommendation to the Vice President for Academic Affairs. Upon receipt of the recommendation, the Vice President for Academic Affairs will notify the requestor in writing and establish the property ownership agreement, if appropriate. Any appeals may be made to the President, whose decision is final.

Intellectual property developed by a non-employee third-party consultant pursuant to the terms of a written and signed contract will generally be considered to be owned by the College, unless otherwise provided in the consulting contract. Nothing in this procedure precludes the College from entering into such a consulting contract where the parties have agreed that the non-employee consultant will own the materials upon creation.

DEFINITIONS

Employee - Any individual employed by Horry-Georgetown Technical College to perform assigned tasks. Third-party consultants are not employees within the meaning of Horry-Georgetown Technical College Property Rights Policy and these procedures.

Intellectual Property - Any product of intellectual activity that is unique, novel, unobvious and/or original, or otherwise subject to copyright or patent protections pursuant to Title 17 or Title 35 of the U.S. Code of Laws.

NOTE: A state agency has 11th Amendment immunity from Title 17 lawsuits; however, 11th

Amendment immunity does not extend to lawsuits against State employees in their individual capacities.