

PATENTS, COPYRIGHTS AND ROYALTIES

Background

The District encourages employees, volunteers and students to develop materials, processes and inventions for use within and outside of the District. Protecting the legal and financial interests of the District and avoiding the potential of conflict ensures accountability and fiscal responsibility within the District.

Procedures

1. The Superintendent delegates to the Secretary-Treasurer the responsibility for protecting the legal and financial interests of the District for materials, processes or inventions developed for use within and outside of the District.
2. Only the Secretary-Treasurer is authorized to sign patents, copyright and royalty agreements on behalf of the District.
3. To encourage the development of materials and programs by employees, volunteers or students, for use within and outside of the District, royalty agreements may be initiated between the creators of the materials and the District.
4. The ownership of materials (including computer software programs), processes, or inventions produced solely for the District and at District expense shall be vested in the District and shall be copyrighted or patented, if at all, in its name unless otherwise authorized in writing by the Secretary-Treasurer.
5. The ownership of materials (including computer software programs), processes, or inventions produced solely through the effort, personal time, and expense of an employee, student or volunteer may be vested in the creator and be copyrighted or patented, if at all, in the creator's name unless otherwise agreed by the parties.
6. The ownership of materials (including computer software programs), processes, or inventions produced by an employee, student or volunteer with District support, by way of use of significant time, facilities, or other District resources, may be vested in the creator if authorized by written agreement between the parties and if entered into prior to the production. Agreements entered into after production will be at the discretion of the Secretary-Treasurer. In the event there is no such agreement entered into, the ownership shall be vested in the District.

Reference: *Section 17, 20, 22, 65, 85 School Act* *Copyright Act*
Copyright Modernization Act
Council of Ministers of Education (CMEC) Copyright Consortium Guidelines
Copyright Matters!
Fact Sheet: What the Copyright Modernization Act means for Teachers and Students

SD No. 40 (New Westminster)

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