

**Williamsburg Technical College
STATEMENT OF POLICY**

SECTION D – EDUCATIONAL AFFAIRS

Title <p style="text-align: center;">INTELLECTUAL PROPERTY RIGHTS OF EMPLOYEES AND STUDENTS</p>	Number <p style="text-align: center;">D-46</p>
Authority <p>Title 59, Chapter 53, Sections 810-860, of the 1976 Code of Laws of South Carolina, as amended</p>	Approval Date Page <p style="text-align: center;">8/17/20 1 of 2</p>
Division of Responsibility <p style="text-align: center;">Academic Affairs</p>	Supersedes Policy No. Date 5/3/10
Approval President _____ Commission Chair _____	

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

The purpose of this policy is to establish guidelines governing the creation and ownership of intellectual property by all employees and students of the college.

EMPLOYEES

It is the policy of Williamsburg Technical College to encourage the creation of intellectual property by all employees and, in limited circumstances and by prior written agreement only, provide for a portion of the net proceeds from the commercial exploitation of specifically designated intellectual property to be awarded to the employee who created the work on the institution’s behalf. The intent of this policy is to protect the college’s resources and ensure that they are used consistently with the college’s mission.

The college recognizes that intellectual stimulation is essential to any learning environment and that parameters must be established regarding the rights and responsibilities of those involved. Accordingly, the college’s policy on ownership of intellectual property is that, except as specifically and expressly exempted herein or in the procedures developed under this policy, copyrights, patents, and all other forms of intellectual property developed by any college employee within the scope of his or her employment or using college resources is the exclusive property of the college. As “work for hire,” no transfer of ownership rights in copyrights, patents, or other forms of intellectual property from the institution to the employee shall occur unless the college expressly and specifically grants the ownership rights, in whole or in part, to the employee or other party or parties by means of a written and signed agreement.

Intellectual property developed by a non-employee third party consultant pursuant to the terms of a written and signed contract will generally be considered “work for hire,” and to be owned by the college unless otherwise provided in the consulting contract.

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STUDENTS

It is the policy of Williamsburg Technical College (WTC) that intellectual property created by students in the course of study or research at WTC remains the joint property of the student(s) and the college. To that end, both students and the college will maintain ownership, broadcast rights, property rights, patents, and copyrights for all materials developed using college property and materials and/or in conjunction with student coursework and/or student organization activities including, but not limited to, video, audio, print, and computer-based products.