

PUBLICATION OR CREATION OF MATERIALS

The County Board of Education and the County Superintendent of Schools recognizes that employees may create copyrightable materials at work, at home, or both at work and at home. The development of copyrightable materials during, or in part during, the work day shall be approved by the County Superintendent or designee. However, the County Superintendent's approval or lack of approval shall not affect the County Office of Education's ownership of copyrights for materials developed during work hours.

Materials written or developed by an employee during the normal school day are considered County Office of Education property. (Education Code 60076, 17 United States Code 201)

Materials developed during both school and leisure hours are owned jointly by the employee and the County Office of Education. In such cases, the County Superintendent or designee shall ensure that a contractual agreement is made, clarifying the joint ownership. A partnership entity may be created to hold the copyright on behalf of both parties.

The County Superintendent shall, in a timely manner, secure copyrights in the name of the County Office of Education for all copyrightable works developed by the County Office of Education. All royalties or revenues from these copyrights shall be used for the benefit of the County Office of Education. (Education Code 35170)

The County Superintendent may market or license any noneducational mainframe electronic software developed by the County Office of Education. Proceeds from this marketing or licensing shall be used exclusively for educational purposes. (Education Code 35182)

Legal Reference:

EDUCATION CODE

32360 Copyrights; use of funds

32361 Copyrights; use of employee worktime

35170 Authority to secure copyrights

35182 Marketing or licensing noneducational mainframe electronic data-processing software

60076 Royalties or other compensation

LABOR CODE

2870-2872 Inventions made by an employee

FEDERAL COPYRIGHT LAW

17 U.S.C. 201 and 201(a)

Policy adopted: September 16, 1991

Revised: November 17, 1997