



# Procedure

**Title:** Intellectual Property

**Number:** A1300.35

**Type:** Administrative

**Responsible:** Executive Director of Institutional Effectiveness

**Related Policies:** A1300

**Linked Procedures:** A1300.00, A1300.05, A1300.10, A1300.15, A1300.20, A1300.25, A1300.30,

**Related Laws:** [US Copyright Law](#) (Title 17 of US Code), [US Intellectual Property Policy](#)

**Related Standards:**

**HLC Criterion:** 2: Integrity: Ethical and Responsible Conduct, 3: Teaching and Learning: Quality, Resources, and Support, 5: Institutional Effectiveness, Resources, and Planning

## Statement

The College values intellectual property (IP) in its pursuit of excellence in innovation and creativity. Furthermore, the College recognizes that protecting the IP of faculty, staff, students, and external collaborators from unauthorized use or infringement is of paramount importance.

This Intellectual Property Procedure is the guiding framework that ensures that the rights of creators and the best interests of the College are upheld in tandem. It fosters an atmosphere that values originality, innovation, and maintains ethical standards within the College.

## Definitions

**Intellectual Property-** a work or innovation that is a result of creativity, such as inventions, artistic creations, manuscripts, symbols, names, and images

### **Intellectual Property Types-**

1. **Patents** protect innovative inventions or novel processes for a designated period, typically 20 years. They grant inventors exclusive rights to make, use, and sell their invention. Patents may cover various innovations, from technological advancements to new methodologies.
2. **Trademarks** safeguard symbols, names, and images that distinguish goods or services from others in the marketplace. They ensure that consumers can identify and trust a specific brand.
3. **Copyrights** protect original literary, artistic, and creative works. They grant creators the exclusive right to reproduce, distribute, and adapt their works.
4. **Trade Secrets** encompass confidential and valuable information, such as formulas, processes, or business methods, that provides a competitive advantage.

## Ownership of IP

To establish who **owns** the IP by assessing its nature and source, considering the following possibilities:

1. **College:** When IP is created within the scope of employment or in accordance with College policies, the owner is the College.
2. **Individual Creator:** When IP is produced outside of college-related activities, the individual who originally created the work is the owner.
3. **Third Party:** When IP is owned by external collaborators, subject to contractual agreements, grants, or terms of use, the third party is the owner.

## Protection of IP

### 1. Register IP:

- Depending on the IP type and jurisdiction, owners should consider registering it with the appropriate national or international authorities to secure legal protection and recognition. For instance:
  - Patents and trademarks should be registered with the [US Patent and Trademark Office \(USPTO\)](#) or the [World Intellectual Property Organization \(WIPO\)](#).
  - A wealth of information regarding US copyright laws may be found in the [U.S. Copyright Office](#). Comprehensive instructions for registering copyrights and comprehending the rights of copyright holders are available.

### 2. Protection Without Registration:

- In situations where registration is neither feasible nor desirable, safeguard the IP from unauthorized access or disclosure. For example:
  - Implement confidentiality agreements, non-disclosure agreements, encryption, password protection, and physical security measures.

## Enforcement of IP

### 1. IP Rights Enforcement:

- Owners have the right to prevent others from using or exploiting their IP without permission or compensation.

### 2. Remedies and Complaint Process:

#### **For Employees:**

- An employee who suspects or believes their IP rights have been infringed upon may make a complaint in writing by accessing the online complaint form or a complaint form from any SCC campus submitting the

complaint form in person, by email, or by mail to the Executive Director of Human Resources.

**For Students:**

- A student who suspects or believes their IP rights have been infringed upon may make a complaint in writing by accessing the online complaint form or a complaint form from any SCC campus submitting the complaint form in person, by email, or by mail to the Vice President of Students Affairs.

The College will take reasonable steps to keep reports as confidential as possible. The College, however, cannot guarantee the confidentiality of every report or complaint. Upon receipt of a complaint by any of the above-named individuals, that individual shall immediately notify the President of Shawnee Community College and provide the complainant a copy of their written rights. Upon receiving the complaint, the President through the Vice President of Student Affairs and/or the Executive Director of Human Resource Officer shall:

1. Authorize the investigation of the complaint, which will include an interview with the complainant, the accused, and any other person believed to have any knowledge of the allegations surrounding the complaint. Both the complainant and the accused may have the opportunity to have others present during an interview including the opportunity to be accompanied by a representative during interviews.

**Note:** Individuals present for the interview other than representatives must be pre-approved by the college.

2. Gather and review factual documents, including pay records, job assignment forms, evaluations, and/or other relevant information deemed necessary to determine the nature of the IP.
3. Make findings based upon the information gathered in interviews conducted, giving consideration to all factual information and the totality of the circumstances, including the nature of the infringement and the context in which it occurred.
4. Based upon the “preponderance of the evidence” as the evidentiary standard, make and report findings to appropriate persons, including the complainant, the accused and/or the supervisor of the accused.
5. If a violation is found, prompt remedial action will be imposed on the accused commensurate with the severity of the offense and the Board of Trustees may be notified.
6. Reasonable steps will be taken to protect the complainant from further misconduct and to protect the complainant from retaliation for having filed the complaint.

## **Conclusion**

This Intellectual Property Procedure underscores the significance of identifying, protecting, and, when necessary, enforcing IP within the College. By adhering to these guidelines and respecting IP ownership, Shawnee Community College fosters an atmosphere that values creativity and innovation while upholding the rights of creators and collaborators.

## **Change Log**

<b>Date of Change</b>	<b>Description of Change</b>	<b>Responsible Party</b>
2.29.24	Initial Adoption	