

All Personnel

PUBLICATION OR CREATION OF MATERIALS

The Governing Board recognizes that district employees may create copyrightable materials either 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 Superintendent or designee. However, the Superintendent's approval or lack of approval shall not affect the District's ownership of copyrights for materials developed during work hours.

Materials written or developed by an employee during the normal school day are considered District 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 District. In such cases, the 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 Board may secure copyrights in the name of the district for all copyrightable works developed by the District. All royalties or revenues from these copyrights shall be used for the benefit of the District. (Education Code 35170)

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

(cf. 4136 - Outside Employment Activities & Enterprises)

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)