

WAC 495D-180-020 Rights to copyrightable materials. (1) Individual effort: Any individual who produces copyright-eligible material as the result of individual initiative and effort and without the significant assistance, support, or sponsorship of the college or a college-administered grant or contract shall retain full right of ownership, control, use, and disposition over the material. The individual shall be solely responsible under such circumstances for determining whether to copyright the material.

(2) (a) College-supported individual effort: If the college provides significant support or assistance for an individual in producing materials eligible for copyright such as, but not limited to, the creator's use of college funds, equipment, facilities, materials, staff services, or other resources without full and prompt reimbursement by the individual, ownership of rights in the material shall be vested in the college subject to the conditions set forth in this policy. The college may copyright such materials when it appears that copyrighting will be in the best interest of the college and individual.

(b) Any individual who is preparing, or is planning to prepare copyright-eligible material under circumstances which may be considered college-supported, college-assisted, or college-sponsored, shall initiate an inquiry as to their status. A descriptive statement of the relevant facts shall be forwarded to the college copyright administrator. Thereafter, the college copyright administrator shall advise the individual as promptly as possible as to whether the materials should be regarded as college-supported or college-sponsored within the meaning of this policy. The college copyright administrator's decision in such cases will be considered as a preliminary draft opinion subject to clarification and final action when the work is completed. The final decision will be rendered in accordance with WAC 495D-180-025.

(3) College-sponsored effort: Ownership rights in college-sponsored materials shall be vested in the college subject to the conditions set forth in this statement of policy. Materials are college-sponsored if the individual has been commissioned in writing by the college or otherwise assigned to develop the materials or, in their production, has been authorized released time for which the individual will receive compensation from college funds, including grant and contract funds administered by the college. The college copyright administrator may, at his or her sole discretion, elect to share with the individual royalties resulting from sales of such materials: Provided, that the individual shall have no right to the sharing of such royalties in the absence of an express written agreement with the college copyright administrator.

(4) (a) Efforts supported by outside agencies: Copyright-eligible materials produced under the sponsorship of agencies outside the college must contain specific provisions regarding the disposition of any royalties or materials generated through grants or contracts furnished by such agencies. Any individual accepting support from outside agencies must verify the content of these provisions. No college employee may enter into a contract with an outside agency which requires a college employee's participation unless royalty rights and the disposition of copyright-eligible materials are specified clearly, and such provisions are acceptable to the college copyright administrator and consistent with college policies covering such activities.

(b) Where the college is a party to sponsored projects resulting in production of copyrightable materials, the following conditions will apply:

(i) Title to all materials will remain with the college.

(ii) The sponsor of the project may retain rights to royalty-exempt use of materials.

(iii) With the college copyright administrator's written concurrence, parties to a sponsored grant or contract may agree to assignment of rights which may vary from (b)(i) and (ii) of this subsection.

(iv) Any sharing of, or individual participation in any royalty income, must be specified under the terms of the contract with the sponsoring agency and approved in writing by the college copyright administrator.

(v) As copyright administrator, the president of the college or his or her designee will retain final responsibility and authority for all decisions on royalty sharing and other copyright matters involving the college.

[Statutory Authority: RCW 28B.50.140. WSR 93-01-084, § 495D-180-020, filed 12/15/92, effective 1/15/93.]