

WAC 495D-180-040 Protection and liability. (1) The college copyright administrator shall investigate allegations of unauthorized use or copyright infringement of college-supported or college-sponsored materials and shall recommend appropriate action. If legal remedies are pursued by the college, all costs of such remedies shall be borne by the college. All proceeds in excess of such costs shall be shared equally by the college and the individual creator, subject to sponsoring agency limitations, if any, when a grant or contract is involved.

(2) Before any use is made of college-supported or college-sponsored materials, the individual creator shall certify in writing to the copyright administrator that, to the best of the individual creator's knowledge, the materials do not infringe on any existing copyright or other legal right. When there are allegations of violations of personal or property rights by the college or by the individual creator in college-supported or college-sponsored materials copyrighted by the college, the college shall assume responsibility for the defense on any action. However, the individual creator may indemnify the college against any damages, charges, costs, expenses (including counsel fees), judgments, penalties, liabilities, or losses of any other kind or nature whatsoever, which are sustained or suffered by or imposed on the college as a result of the finding of any court or other decision-making tribunal that such a violation, caused by the creator, has occurred.

[Statutory Authority: RCW 28B.50.140. WSR 93-01-084, § 495D-180-040, filed 12/15/92, effective 1/15/93.]