

Intellectual Property (Students)

- I. Background and Purpose: Students in the St. Vrain Valley School District (“SVVSD”) are encouraged to design and develop original solutions to real-world problems. An increasing number of students engage in work that results in original ideas, designs, and products that have the potential to be patented, produced, and marketed.
- II. The aim of this policy is to make SVVSD technology and other resources available to students in a setting that fosters creativity and innovation while protecting the students’ ideas and original work. This policy encourages students and SVVSD to develop separate agreements to address the specifics of each project; however, in the absence of a separate agreement, this policy will operate as the default rule and control the relationship between the interested parties.
- III. Definitions:
 - a. “Copyright” is a form of protection the law provides to the authors of original works of authorship for their intellectual works that are fixed in any tangible medium of expression, both published and unpublished. Examples of works that are protected by copyright include books, periodicals, software, musical or dramatic works, pictorial or other artistic works, and audiovisual works. Copyright arises upon the creation of the work and includes a bundle of rights: the right to reproduce the work; the right to distribute copies of it; the right to prepare derivative works based on the work; and the right to make public performances or displays of the work.**
 - b. “Intellectual Property” is a creation of the mind or intellect, the ownership of which is recognized and protected by law. It includes any patentable invention, tangible research property, works protected by copyright, trademarks, trade secrets, works of art, and inventions or creations that might normally be developed on a proprietary basis.
 - c. “Invention” is a new or useful process or discovery, method, technique, product, machine, device manufacture, software, composition of matter, or improvement thereof that is subject to protection by patent.**
 - d. “Student” is a person enrolled for K-12 or college credit in SVVSD.
 - e. “Student-Inventor” is a Student who, either individually or as part of a group, conceives of and/or develops an Invention during school hours, as part of a school assignment or activity, or utilizes school resources such as computers, software, facilities, or materials.
 - f. “Student-Mentor” is a Student who is also an experienced person who trains and counsels Students at SVVSD.

- g. "Student-Employee" is a Student who is also a person who is employed by SVVSD for wages or salary.
- h. "Works Made for Hire" is a work prepared by an employee within the scope of his or her employment, or a work specially ordered or commissioned for use.

**Please note, depending upon the circumstances, software can be either a patentable "invention" or "copyrightable" material.

IV. Patentable Inventions:

- a. Students: This sub-section pertains to the relationship between SVVSD and Student-Inventors.
 - 1. Unless otherwise agreed upon in writing, SVVSD shall retain 100% ownership in all Inventions developed by Student-Inventor(s).
 - 2. Student-Inventor(s) may not place any restrictions on the Invention, including, but not limited to, patents and Creative Commons licenses, without the written consent of SVVSD.
 - 3. Student-Inventor(s) may not place the work in the public domain without the written consent of SVVSD.
 - 4. Student-Inventor(s) shall maintain confidentiality of patentable ideas. If SVVSD agrees to pursue a patent, or if SVVSD has waived its ownership interest and Student-Inventor(s) decide to pursue a patent on their own, official disclosure of the idea or product should coincide with the submission of the patent application to the United States Patent and Trademark Office, or as close to that time as possible.
 - 5. As soon as practicable after the discovery of the Invention, SVVSD and Student-Inventor(s) shall attempt to negotiate a separate written agreement setting forth details of the relationship between SVVSD and the Student-Inventor(s). Student-Inventor(s) shall be represented by and through their parents/guardians or another adult with authority to enter legal agreements on their behalf. Such agreement shall address issues including, but not limited to, clarification of ownership interests in the Invention, potential procedures and steps toward acquiring a patent, and commercialization of the Invention. The superintendent, or designee, may negotiate and enter into written agreements concerning Intellectual Property. No agreement shall be final until it is executed by all parties. In the absence of a separate negotiated agreement, SVVSD may, in its sole discretion, choose to enforce its ownership interest in any Invention subject to this policy.

6. No Student-Inventor(s) can require SVVSD to have an Invention patented. However, Student-Inventor(s) may seek patent protection of an Invention if SVVSD waives its ownership rights in the Invention.
 - b. Student-Employees and Student-Mentors: Intellectual Property developed by Student-Employees or Student-Mentors shall be governed by the SVVSD employee and mentor Board policy related to Intellectual Property (EGADAB*).
- V. Copyrightable Materials:
- a. Students:
 1. In keeping with academic tradition, SVVSD does not claim Copyright ownership in scholarly or artistic works that are solely the product of an individual Student. These works include, but are not limited to, drawings, paintings, sculptures, poems, stories, novels, songs, musical compositions, musical recordings, videos and scholarly works created by students in the course of their education, such as theses and papers.
 2. SVVSD owns the Copyright on all Works Made for Hire and in certain works, including software, websites, databases and any other electronic media, that are created for an institutional purpose. These include all works that are created in the course of employment by Students employed by SVVSD.
 3. The superintendent, or designee, shall determine if and when SVVSD claims any such Copyright ownership.
 - b. Student-Employees and Student-Mentors: Copyrightable Material developed by Student-Employees or Student-Mentors shall be governed by the SVVSD employee and mentor policy related to Intellectual Property (EGADAB*).
- VI. Waiver: Either SVVSD or a Student may waive any rights to an Invention or Copyright set forth herein. Any such waiver shall be in writing, using Board Policy EGADA*-E-1 (SVVSD) or EGADA*-E-2 (Student), and signed by either the superintendent, or designee, or the Student's parent or legal guardian.
- VII. Authority: The superintendent, or designee, is the only person authorized to enter into agreements regarding patentable Inventions or Copyrightable materials.
- VIII. Notice of Policy: SVVSD will provide students and employees with notice of this policy through its inclusion in its board policy manual and the student manual. In certain situations, SVVSD may request from parents and guardians an acknowledgment of this policy.

Adopted: August 28, 2019
St. Vrain Valley School District RE-1J, Longmont, Colorado