

## **Intellectual Property (Employee and Mentor)**

- I. Background and Purpose: This Board policy identifies and reserves the proprietary rights of St. Vrain Valley School District (“SVVSD”) to Intellectual Property.
- II. 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of authorship for their intellectual works that are fixed in any tangible medium of expression, both published and unpublished.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. “Copyrightable Material” is any material that can be protected by a copyright under the Intellectual Property laws of Colorado or the United States.
  - c. “Employee” is a person, including a Student, who is employed by SVVSD for wages or salary.
  - d. “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.
  - e. “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.
  - f. “Mentor” is an experienced person, including a Student, who trains and counsels Students at SVVSD.
  - g. “Student” is a person enrolled for K-12 or college credit in SVVSD.
- III. Patentable Inventions: This sub-section pertains to the relationship between SVVSD and Employees or Mentors under the circumstances where an Employee or Mentor, either individually or as part of a group, conceives, creates, 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.

Unless otherwise agreed upon in writing, ownership of Inventions conceived, created, or developed under the foregoing circumstances shall be vested in SVVSD.

- IV. **Copyrightable Materials:** This sub-section pertains to the relationship between SVVSD and Employees or Mentors under the circumstances where an Employee or Mentor, either individually or as part of a group, conceives, creates, or develops Copyrightable Materials during school hours, as part of a school assignment or activity, or utilizes school resources such as computers, software, facilities, or materials.  
  
Unless otherwise agreed upon in writing, ownership of Copyrightable Materials conceived, created, or developed under the foregoing circumstances shall be vested in SVVSD.
- V. **Waiver:** Either SVVSD or an Employee or Mentor may waive any rights to an Invention or Copyright set forth herein. Any such waiver shall be in writing and signed by the superintendent, or designee, or the Employee or Mentor.
- VI. **Acknowledgment and Release:** Mentors working on activities in SVVSD that may result in an Invention or Copyrightable Material shall sign an Acknowledgement and Release, using Board Policy EGADAB\*-E, prior to participating in activities with students or employees.
- 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