

402.00 INTELLECTUAL PROPERTY RIGHTS

I. PURPOSE

Saint Paul Public Schools (“District”) encourages innovation from District employees. The purpose of this policy is to inform employees of the law regarding the ownership rights of intellectual property and the resulting proprietary rights of the District to certain publications, instructional materials, inventions, and creations, which employees may develop or create, or assist in developing or creating, during work hours, using District resources **and/or** data, or within the scope of their employment.

II. DEFINITIONS

For the purpose of the policy, the following terms are defined as follows:

- A. Intellectual Property: Includes, but is not limited to, patents, copyrights, and trademarks.
- B. Employee: For the purpose of this policy, any staff person of the District, as well as any agent, independent contractor, or other person engaging in work for the District.
- C. Work: Includes curriculum, instructional materials, publications, inventions, multimedia, digital media, and other products of creative effort.

III. GENERAL STATEMENT OF POLICY

The Copyright Act (title 17 of U.S. Code established in 1976) states that materials created by employees in the scope of their employment are considered “work for hire” and owned by the employer. Furthermore, employees are compensated for their work. Therefore, the intellectual property rights for work produced by employees during work time, using District resources or data, **and/or** within the scope of their employment belong to the District.

IV. OWNERSHIP

- A. The District owns the intellectual property rights of any work created by any employee within the scope of their employment, unless such work is:
 - 1. Created entirely on the employee’s own time, outside of work hours;
 - 2. Created without using District resources **and/or** data;
 - 3. Not created to assist in the instruction of District students, development of staff and community, or the various systems supporting the District.

- B. An employee retains the intellectual property rights to work that is:
1. Outside the scope of their employment with the District;
 2. Created outside of work hours;
 3. Developed without using District resources ~~and~~/or data;
 4. Not created to assist the instruction of students, development of staff and community, or the development and improvement of various systems supporting the District.

V. EXCEPTIONS

The District seeks to promote a culture of innovation. Therefore, exceptions to the law have been developed to encourage creativity from District employees while assuring the District's interests and the interests of the employee are protected. Details of such exceptions are available in the supporting District guidelines and procedure.

LEGAL REFERENCES

U.S. Copyright Act (title 17 of U.S. Code established in 1976)

CROSS REFERENCES: