

# INTELLECTUAL PROPERTY RIGHTS AND OWNERSHIP OF CURRICULUM AND OTHER WORKS AND MATERIALS

Policy 335

Waunakee Community School District

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## **Copyright**

Copyright and other associated rights of ownership of works created by District employees within the scope of their employment (i.e., work that advances the objectives of the person's employment) are subject to the "work made for hire" doctrine under copyright law. Therefore, to the extent consistent with applicable law, and unless the School Board or an authorized designee acting on the Board's behalf approves a different arrangement in writing, such rights and works are the property of the District and the District retains all associated rights of ownership.

If any District employee wishes to request approval for an arrangement under which the employee would retain (1) a personal ownership interest (either in whole or in part) in a particular work or in the work's related intellectual property rights, or (2) a right to independently use, sell, or license such a work, a request should be made in writing and submitted to the District Administrator. Whenever practicable, the request should be submitted in advance of pursuing the endeavor. The District Administrator may approve or deny such a request, in writing, on behalf of the Board or submit the request for Board approval.

Subject to applicable law, examples of particular works that are covered by this policy regarding copyright generally include in-District academic research; published material that relates to the author's District employment; staff development presentations and training materials; curriculum, instructional modules, assessments, or lessons plans; any software or electronic application that is developed for use or possible use by a District employee in connection with instruction or other District operations or programs; guides, procedures, handbooks, or forms; and works of art created within the scope of employment. However, reaching a determination of whether or not any particular work is a "work made for hire" under copyright law requires an analysis of the specific work and the circumstances under which the work was created.

## **Patents**

The ownership and rights to non-infringing use of patents for any inventions or other patentable work conceived or created by an employee during his/her hours of employment or while working with District-provided resources shall be determined by applicable law.

## **District-Commissioned Work by Independent Contractors**

If the District commissions a work by an independent contractor with the intent of retaining ownership and/or intellectual property rights in the resulting work, the relevant contract shall specify the allocation of such rights to the extent required by law or as otherwise deemed advisable by the District or the District's legal counsel.

## **Decisions Regarding District Intellectual Property**

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Decisions to license, publish for sale, or otherwise distribute or authorize the use of works, marks, and related intellectual property owned by the District shall be made by the Board or by the District Administrator on the Board's behalf. Other employees who receive requests or inquiries regarding the use of District-owned works, marks, or related intellectual property should refer the request to the District Administrator.

## Legal References:

### Federal Law

[Title 17 U.S.C. §101 et seq](#) [federal copyright law]  
[Title 35 U.S.C. §100 et seq](#) [federal patent law]

## Cross References:

*335-Rule, Sale and Distribution Cost of District-Owned Curricula Material*  
*771, Printing and Duplicating Services (Copyright)*  
*823, Access to Public Records*  
*WASB PRG 335 Sample Policy 1*

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