

## **District Ownership of Staff-Created Work**

The Board of Directors recognizes the need to clarify the respective rights of the ESD and employees in creative works.

“Creative work” is original, intellectual, literary or artistic creations, including, but not limited to, books, manuals, texts, lectures, addresses, study guides, plays, poems, music, pictures, photographs, films, film strips, slides, tapes, records, program units, computer software and other instructional materials and products.

All works which are developed by an employee who is reimbursed by the ESD for the work, developed by an employee during regular ESD working hours, developed as a part of the employee's assigned employment duties, or whose development consumes goods/services purchased by the ESD become the property of the ESD.

The ESD shall have full right of ownership, control, use and disposition over the work, as determined by ESD Superintendent or his/her designee.

The ESD may copyright such a creative work when it appears that copyrighting will be in the best interest of the ESD, as determined by the Superintendent.

Whenever the development of a creative work has been supported by a grant or contract, the ESD and the employee shall be obliged to adhere to the conditions of the grant or contract.

The copyright status of a creative work supported by a grant or contract and the disposition of any income derived from the ownership, use, sale or disposition of such a creative work shall be subject to the provisions above except when they are contrary to the express or implied conditions or requirements of the grant or contract.

### **Works Created Without ESD Assistance, Support or Sponsorship**

An employee who produces a creative work without the assistance, support, or sponsorship of the ESD shall retain full right of ownership, control, use and disposition over the work.

The employee shall be solely responsible under such circumstances for determining whether to copyright the creative work.

#### *Legal References:*

*P.L. 105-304, Digital Millennium Copyright Act of 1998  
P.L. 94-553, Federal Copyright Law of 1976 (U.S. Code, Title 17)*

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