

1. Rationale

The Simcoe County District School Board (SCDSB) recognizes the relationship between board employees or contracted individuals or entities is a productive collaborative activity, and that the board, its employees, or contracted individuals or entities share, and collaborate on intellectual property (IP) works with other boards and organizations. The purpose of this policy is to apprise board employees and contracted individuals or entities of the relevant forms of IP and assist in the determination of ownership of IP created or developed.

2. Policy

It is the policy of the SCDSB that where a work is created by an employee in the course of their employment or by a contracted individual or entity, in the absence of an agreement to the contrary, the board is the first owner of the IP in the work.

3. Definition

- 3.1 **Intellectual property** - the product of human intellectual or creative activity which has the potential to be protected in law. Intellectual property rights can be attributed to ideas that can be documented; unique names, logos, symbols, or designs; trademarks; business methods; industrial processes; inventions; computer software; literary creations, artistic expressions, musical, or visual works; electronic circuits; presentations; and publications. Similar to owning physical property, institutions and individuals can own the products of their creativity or intellect. Owners can control the use of their property by, for example, excluding others from its use and can transfer ownership rights. There are various forms of legal protection, but the one that is most likely to be relevant to the board is copyright.
- 3.2 **Copyright** - provides the sole right to produce, reproduce, perform, or publish a work. Any literary, musical, dramatic, or artistic works, in a variety of forms, including written materials and computer software, qualify for copyright protection. This copyright protection prevents anyone from copying, publishing, translating, or broadcasting a work without the copyright owner's permission.
- 3.3 **Trademark** - a word, symbol, or design, or a combination of these, used to distinguish the goods and services of one person or organization from those of others in the marketplace. Trademarks not only represent the goods and service, but the reputation of the person or organization.

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4. Guidelines

- 4.1 Copyright comes into existence automatically when a work is created.
- 4.2 Copyright protects original works in a variety of forms and can include but is not limited to:
 - 4.2.1 publications such as books, articles, and similar printed material;
 - 4.2.2 curriculum material such as course notes, course outlines, lesson plans, assessments, and evaluations;
 - 4.2.3 lectures delivered and presentation material;
 - 4.2.4 technical journals, notes, and documentation;
 - 4.2.5 research reports, surveys, and other data collection tools;
 - 4.2.6 procedures and memoranda;
 - 4.2.7 audio and video recordings or digitally encoded representations;
 - 4.2.8 paintings, sculpture, music, and similar works or art; and,
 - 4.2.9 photographs, film, and other similar recordings.
- 4.3 The board holds copyright to works created by employees as part of their employment role and by contracted individuals or entities who have agreed to create works for use by the board.
- 4.4 The board holds trademark rights to all names, logos, symbols, or designs, or combinations of these, created for use by the board or other use associated with the board.
- 4.5 An employee or contracted individual or entity cannot enter into a contractual arrangement outside of their employment contract with the board which obligates them to generate IP during their regular duties with the board or to use board resources in the development of IP.
- 4.6 Employees freely share personal learning resources created to meet their responsibilities to the board. A product developed from these personal learning resources which has the potential for financial gain in the marketplace becomes board IP.
- 4.7 No one shall loan, transfer, or distribute board IP without the written consent of the board authorized by the Superintendent of Business and Facility Services.
- 4.8 A copyright may be registered at the Copyright Office but not doing so will not affect the validity of the copyright or the ownership rights of the board in it.

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5. Administrative procedures

The Director of Education is authorized to provide the administrative procedures necessary to implement this policy.

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