

 <b>Tucson, Arizona</b>  <b>GOVERNING BOARD POLICY</b>	POLICY TITLE: Intellectual Property
	POLICY CODE: EGAD

### **District-Owned Copyrights, Patents and Trademarks**

District time, money, or other District resources shall be referred to as “TUSD overhead.” All publications, articles, audio and/or visual materials, models, logos, trademarks, and other items produced with TUSD overhead by a school employee(s) (hereafter referred to as an “Item”) shall remain the property of the District and all rights of intellectual property shall be retained by the District.

The District shall apply for copyrights, patents and trademarks when deemed appropriate by the Superintendent's Office.

In the event an employee(s) produces an Item described above with TUSD overhead, in whole or in part, the District reserves the right to claim full ownership of the Item. The employee(s), however, may petition the District in writing for assignment of copyright, patent or trademark rights to the Item. The employee(s) must submit the written petition to his/her/their immediate supervisor within ninety (90) days of creation of the Item. If a written petition is not made within ninety days of the creation of the Item, the employee(s) waives his/her/their right to ownership of the Item.

Within the petition the employee(s) shall furnish full, complete, and prompt information and disclosure with respect to the Item. The Superintendent shall retain or waive and relinquish any copyright, patent or trademark interest in the Item within ninety days after full disclosure is made by an employee(s). An employee(s) shall not attempt to copyright, patent or trademark any Item described above without the knowledge and consent of the Superintendent. An employee(s) shall not attempt to sell, trade, or otherwise share the Item without the knowledge and consent of the Superintendent.

“Full, complete, and prompt information and disclosure” means including in the petition to the Superintendent, the following information:

- The date the Item was created;
- A basic description of the Item (including the Item’s purpose); and
- An explanation of why the Superintendent should permit the employee(s) to retain the rights to the Item.

The petition and disclosure requirements apply to all employee-created items whether created partly or wholly on TUSD overhead.

## **Limitations on Use of Copyrighted, Patented and/or Trademarked Material**

School equipment and personnel cannot be used for any printing work for Parent Organizations or for professional, charitable, or character-building organizations. The only exception to this policy is when an individual school duplicates notices of the parent group meetings directly connected with a specific activity in the school.

The District does not condone violations of the United States copyright law. Subject to certain specific exceptions, the owner of a copyright has the exclusive rights to reproduce, distribute, perform, or display the copyrighted work, or to authorize such reproduction, distribution, performance, or display by others.

An exception to the exclusive rights enjoyed by copyright owners is the doctrine of fair use. The fair use of a copyrighted work for purposes of teaching, scholarship, or research is not an infringement of copyright. All of the following factors shall be considered in determining fair use:

- The purpose and character of the use, including whether the use is of a commercial nature or for nonprofit educational purposes.
- The nature of the copyrighted work.
- The amount and importance of the portion used in relation to the copyrighted work as a whole.
- The effect of the use upon the potential market for, or value of, the copyrighted work.

A further exception shall be performance or display of a work by instructors or students in the course of face-to-face teaching activities in a classroom or other similar place devoted to instruction.

Adopted: September 17, 1985  
Revision: September 9, 2008 (numeric to letter format only)  
Revision: July 28, 2009  
Revision: October 25, 2011

**LEGAL REF.:** 17 U.S.C. 101 *et seq.*

**CROSS REF**