

“PROPOSED POLICY FROM TASB UPDATE 124”

El Paso ISD
071902

INTELLECTUAL PROPERTY

CY
(LOCAL)

INTELLECTUAL
PROPERTY

All copyrights, trademarks, and other intellectual property rights **BELONGING TO THE DISTRICT** shall remain with the District at all times. **EXCEPT AS PROVIDED BY LAW, POLICY, OR WRITTEN AUTHORIZATION FROM THE SUPERINTENDENT, THE USE OF DISTRICT INTELLECTUAL PROPERTY SHALL BE LIMITED TO DISTRICT-RELATED PURPOSES.**

STUDENTS

A student shall retain all rights to **THEIR OWN** work created as part of instruction or using District technology resources.

EMPLOYEES
DISTRICT
OWNERSHIP

As an agent of the District, an employee, including a student employee, shall not have rights to work ~~he or she creates~~ **CREATED** on District time or using District technology resources. The District shall own any work or work product created by a District employee in the course and scope of ~~his or her~~ **DISTRICT** employment, including the right to obtain **PATENTS OR** copyrights.

EMPLOYEE
OWNERSHIP

~~If the employee obtains a patent for such work, the employee shall grant a non-exclusive, non-transferable, perpetual, royalty-free, Districtwide license to the District for use of the patented work.~~ A District employee shall own any work or work product produced on ~~his or her own~~ **PERSONAL** time, ~~away from his or her job~~ and with personal equipment and materials, including the right to obtain patents or copyrights.

PERMISSION
EXCEPTION

~~A District employee may apply to the~~ **THE** Superintendent or designee **SHALL HAVE THE AUTHORITY** to **PERMIT** use OF District materials and equipment in ~~his or her creative~~ **DEVELOPING THE EMPLOYEE'S OWN** projects, provided the employee agrees ~~either~~ **IN WRITING** to grant to the District a non-exclusive, non-transferable, perpetual, royalty-free, Districtwide license to use the work, or permits the District to be listed as co-author or co-inventor if the District contribution to the work is substantial. District materials do not include student work, all rights to which are retained by the student.

~~WORKS MADE FOR
HIRE~~ **INDEPENDENT
CONTRACTORS**

The District may hire an independent contractor for specially commissioned work(s) under a written works-made-for-hire agreement that provides that the District shall own the work product created under the agreement, as permitted by copyright law. Independent contractors shall comply with copyright law in all works commissioned.

RETURN OF
INTELLECTUAL
PROPERTY

Upon the termination of any person's association with the District, all permission to possess, receive, or modify the District's intellectual property shall also immediately terminate. All such persons shall return to the District all intellectual property, including but not

“PROPOSED POLICY FROM TASB UPDATE 124”

El Paso ISD
071902

INTELLECTUAL PROPERTY

CY
(LOCAL)

limited to any copies, no matter how kept or stored, and whether directly or indirectly possessed by such person.

COPYRIGHT

Unless the proposed use of a copyrighted work is an exception under the “fair use” guidelines maintained by the Superintendent ~~or designee~~, the District shall require an employee or student to obtain a license or permission from the copyright holder before copying, modifying, displaying, performing, distributing, or otherwise employing the copyright holder’s work for instructional, curricular, or extracurricular purposes. This policy does not apply to any work sufficiently documented to be in the public domain.

TECHNOLOGY USE

~~All persons are prohibited from using~~ **USE OF** District technology in violation of any law, including copyright law, **IS PROHIBITED.** Only appropriately licensed **IMAGES, APPLICATIONS,** programs or **OTHER** software may be used with District technology resources. ~~No person shall use the~~ **THE** District’s technology resources **SHALL NOT BE USED** to post, publicize, or duplicate information in violation of copyright law. The Superintendent ~~or designee~~ shall employ all reasonable measures to prevent the ~~use~~ **MISUSE** of District technology resources in violation of the law. ~~All persons~~ **ANY PERSON** using District technology resources in violation of law shall lose user privileges in addition to other sanctions. [See BBI and CQ]

~~ELECTRONIC MEDIA~~
PERFORMANCES
AND DISPLAYS

~~Unless a license or permission is obtained, electronic media in the classroom,~~ **THE DISPLAY AND PERFORMANCE OF COPYRIGHTED MATERIAL,** including motion pictures, ~~and other audio-visual~~ **DRAMATIC** works, ~~must be used in~~ **MUSICAL PERFORMANCES, OR OTHER AUDIO AND VISUAL WORKS, MAY ONLY OCCUR AS PART OF INSTRUCTIONAL ACTIVITIES AND IN ACCORDANCE WITH THE FOLLOWING:**

- **AS A REGULAR PART OF TEACHING AND DIRECTLY RELATED TO** the ~~course of~~ **CURRICULUM;**
- **DURING** face-to-face teaching activities; ~~as defined by law.~~
- **WHEN VIEWED IN A CLASSROOM OR DESIGNATED PLACE OF INSTRUCTION; AND**
- **WITH A LAWFULLY MADE COPY OR THROUGH AUTHORIZED ACCESS.**

DESIGNATED
AGENT

The Superintendent ~~or designee~~ shall designate an agent to receive notification of alleged online copyright infringement and shall notify the U.S. Copyright Office of the designated agent’s identity. The District shall include on its Web site information on how to contact the District’s designated agent and a copy of the District’s

“PROPOSED POLICY FROM TASB UPDATE 124”

El Paso ISD
071902

INTELLECTUAL PROPERTY

CY
(LOCAL)

copyright policy. Upon notification, the District’s designated agent shall take all actions necessary to remedy any violation. The District shall provide the designated agent appropriate training and resources necessary to protect the District.

If a content owner reasonably believes that the District’s technology resources have been used to infringe upon a copyright, the owner may notify the designated agent.

INFORMATION AND/OR TRAINING FOR EMPLOYEES

The District shall provide information and/or training to employees regarding the provisions of the United States copyright laws and shall make available to employees copies of the fair use guidelines on copying and the use of copyrighted materials. Information and training on copyright compliance shall emphasize the ethical responsibility of the employee.

VIOLATIONS

Disregard for the District’s copyright policy or guidelines shall be considered a violation of District policy and may result in disciplinary action, including termination of employment. Under certain state and federal laws, violations of copyright law may be considered a criminal offense.

The District shall cooperate fully with local, state, or federal officials in any investigation concerning or relating to noncompliance with United States Copyright Laws.

TRADEMARK

The District protects all District and campus trademarks, including names, logos, mascots, and symbols, from unauthorized use.

SCHOOL-RELATED USE

The District grants permission to students, student organizations, parent organizations, and other District-affiliated school-support or booster organizations to use, without charge, District and campus trademarks to promote a group of students, an activity or event, a campus, or the District, if the use is in furtherance of **A** school-related business or activity. The Superintendent ~~or designee~~ shall determine what constitutes use in furtherance of **A** school-related business or activity and is authorized to revoke permission if the use is improper or does not conform to administrative regulations.

PUBLIC USE

Members of the ~~general~~ public, outside organizations, vendors, commercial manufacturers, wholesalers, and retailers shall not use District trademarks without the written permission of **AUTHORIZATION FROM** the Superintendent ~~or designee~~. Any production of merchandise with District trademarks for sale or distribution must be pursuant to a trademark licensing agreement and may be subject to the payment of royalties.

“PROPOSED POLICY FROM TASB UPDATE 124”

El Paso ISD
071902

INTELLECTUAL PROPERTY

CY
(LOCAL)

Any individual, organization, or business that uses District **OR CAMPUS** trademarks without appropriate authorization ~~shall~~ **MAY** be subject to legal action.

~~INFORMATION AND /
OR TRAINING FOR
EMPLOYEES~~

~~The District shall provide information and/or training to employees regarding the provisions of the United States copyright laws and shall make available to employees copies of the fair use guidelines on copying and the use of copyrighted materials. Information and training on copyright compliance shall emphasize the ethical responsibility of the employee.~~

*Moving text to
page 3 of 4.*

~~VIOLATIONS~~

~~Disregard for the District's copyright policy or guidelines shall be considered a violation of District policy and may result in disciplinary action, including termination of employment. Under certain state and federal laws, violations of copyright law may be considered a criminal offense.~~

*Moving text to
page 3 of 4.*

~~The District shall cooperate fully with local, state, or federal officials in any investigation concerning or relating to noncompliance with United States Copyright Laws.~~

DRAFT