

GENERAL INSTITUTION

AP 3710 SECURING OF COPYRIGHT

References:

Education Code Sections 72207 and 81459;
17 United States Code 201

The District may secure copyrights, in the name of the District, to all copyrightable works developed by the District, and royalties or revenue from said copyrights are to be for the benefit of the District.

What is protected by copyright?

The rights granted by the Copyright Act are intended to benefit "authors" of "original works of authorship", including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural and audiovisual creations. This means that virtually any creative work including books, magazines, journals, newsletters, maps, charts, photographs, graphic materials, and other printed materials; unpublished materials, such as analysts' and consultants' reports; and non-print materials, including electronic content, computer programs and other software, sound recordings, motion pictures, video files, sculptures, and other artistic works—is almost certainly protected by copyright. Among the exclusive rights granted to those "authors" are the rights to reproduce, distribute, publicly perform, and publicly display their works.

These rights provide copyright holders control over the use of their creations and an ability to benefit, monetarily and otherwise, from the use of their works. Copyright also protects the right to "make a derivative work," such as a movie from a book; the right to include a work in a collective work, such as publishing an article in a book or journal; and the rights of attribution and integrity for "authors" of certain works of visual art.

Copyright law does not protect ideas, data or facts.

Works created by companies or other types of organizations generally have a copyright term of 95 years.

Works Made for Hire

Intellectual property rights of the faculty are governed by the collective bargaining agreement between the District and the PFF.

Section 201(b) of Title of the United States Code adopts one of the basic principles of the present law: that in the case of works made for hire, the employer is considered the author of the work, and is regarded as the initial owner of copyright unless there has

been an agreement otherwise. The subsection also requires that any agreement under which the employee is to own rights be in writing and signed by the parties.

Copyright Registration

The District shall register those works which it deems suitable for copyright registration with the United States Copyright Office.

Infringements

Infringements of District owned copyright protected materials will be investigated on a case by case basis as deemed appropriate by the District.

Office of Primary Responsibility: Superintendent/President