

1 Great Falls School District

2  
3 **PERSONNEL**

5610

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5 Intellectual Property Rights

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7 It is the policy of the Board to encourage its employees to create innovative and progressive  
8 work through the development of intellectual property. Intellectual property is defined as original  
9 creative work manifested in a tangible form that can be legally protected, in a manner that may  
10 include but is not limited to a patent, trademark, or copyright. Three sets of circumstances need  
11 to be considered in determining intellectual property rights and ownership.

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13 Items created within the employee's scope of responsibilities

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15 Should an employee develop such intellectual property for a pre-determined district task or  
16 activity, within the scope of his or her responsibilities, during the time when he or she is being  
17 paid by the district or using district equipment, resources, or facilities, the District will own the  
18 intellectual property and all rights to it.

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20 Items created with a combination of paid and personal time

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22 Work that an employee does in a combination of both paid and personal time that contributes to  
23 the job for which an employee was hired, may be considered within the employee's scope of  
24 responsibilities as defined by this policy. When employees create items used to perform their job  
25 function and any portion of the work on the item occurred when the employee was being paid by  
26 the district and using district equipment, resources, or facilities, the items may belong to the  
27 individual, the District or both. Should an employee develop intellectual property in a  
28 combination of paid and personal time and seek to monetize or legally protect it, the employee  
29 shall contact the Superintendent or his or her designee. On behalf of the Board, the  
30 Superintendent or his or her designee will have the authority to negotiate an agreement regarding  
31 rights between the employee and the District that is in the spirit of the policy. If an agreement is  
32 not reached, the employee may appeal to the Board for further consideration of the matter.  
33 Should an employee develop intellectual property but not seek to monetize or legally protect it,  
34 the District may make use of the property without any additional compensation, but shall not  
35 distribute, copy, or monetize the property without the consent of the originating employee.

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37 Items created for non-district

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39 When an employee develops intellectual property entirely on personal time and with personal  
40 resources rights to such work remain with the employee. However, if an employee uses district  
41 resources, equipment, or facilities outside the duty day to create intellectual property, the rights  
42 to such property belongs to the District unless an agreement is reached.

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44 The District reserves the right to deny any project that does not directly align with District  
45 curricula and initiatives.

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1 Cross Reference:

2 Policy 5223            Personal Conduct

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4 Legal Reference:

5 § 2-2-121, MCA        Rules of Conduct for Public Officers and Public Employees

6 § 20-1-201, MCA      School Officers Not to Act as Agents

7 Copyright Act of 1976

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9 Policy History:

10 Adopted on:            April 25, 2022

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