

NC DIVISION OF SERVICES FOR THE BLIND POLICIES AND PROCEDURES ADMINISTRATIVE POLICIES AND PROCEDURES

Section: C
Title: Continuing Education and Training-Intellectual Property Rights
Current Effective Date: 05/12
Revision History: Issued 01/12

North Carolina Division of Services for the Blind (DSB) works with other agencies, institutions of higher learning, public schools, businesses and other entities in preparing materials, products, instruments, devices and services for continuing and education and training (CE/T). Whether these efforts are financially supported by DSB or by any other means, it is necessary to address intellectual property rights.

Copyrights and Ownership of Deliverables: DSB shall own all goods and services created or provided in a continuing and education setting. If contracted, the contractor shall acknowledge the division's funding role and ownership of all goods and products. At times, joint ownership is in the best interest of the subject being presented and should be agreed upon during planning for the topic. Also, all ownerships other than DSB will be disclosed to learners before the first day of training event.

Subject to contractor's right to publish the results of research and development activities, and except as otherwise required by law, the Contractor at all times agrees to protect confidentiality of all records and information.

Any deliverables resulting in a contract environment shall be the property of the division, and the contractor shall not distribute or reproduce for profit or allow others to profit from the deliverables. A deliverable is a tangible item that is a product of the research and development activity such as a report, a guidebook, training manual or a data set.

Deliverable items to be provided by a contractor to DSB shall be limited to those items that are defined during the planning, developing, administering and delivering of the CE/T event.

Ownership of copyright in any and all copyrighted works, and ownership of all other results, including but not limited to data, resulting from research and development activities shall belong to the contractor. For such non-deliverables, the contractor hereby grants the division a perpetual, royalty-free, non-exclusive, paid-up license to use, publish and distribute results of work on a contract under this Agreement for NC State Government purposes only.

Patents and Inventions: Any invention or discovery made or conceived in the performance of preparing for continuing education and training shall be jointly or individually owned by the contractor and/or division in accordance with the following criteria:

- (i) Title to any invention made or conceived jointly by employees of both the contractor and the division in CE/T planning and/or performance will be owned jointly by the contractor and the division.
- (ii) Title to any invention made or conceived solely by employees or students of either the contractor or division in CE/T planning and/or performance will be owned by the party whose employees are vested.

Federal Intellectual Property Bankruptcy Protection Act: The Parties agree that the division shall be entitled to all rights and benefits of the Federal Intellectual Property Bankruptcy Protection Act, Public Law 100-506, codified at 11 U.S.C. 365(n), and any amendments thereto.