



TECHNICAL COLLEGE
OF THE LOWCOUNTRY

PROCEDURE: Intellectual Property Rights
Number: 1.4.3.1

Responsibility: Executive Administration
Last Updated: October 10, 2023
Related Policy: 1.4.3 Intellectual Property Rights

President

Purpose:

This procedure is to provide broad parameters for the College to develop subsequent procedures and guidelines for the management of intellectual property.

Procedure:

The Technical College of the Lowcountry is a public trustee of State and local resources. Consistent with this trust and pursuant to State and Federal copyright, patent and ethics statutes and standards, the College shall manage Intellectual Property rights in a manner that:

1. Encourages the creation of intellectual property by all employees;
2. Facilitates the sharing of intellectual property within the South Carolina technical college system;
3. Provides that any proceeds from the commercial exploitation of intellectual property developed by employees of the College in the course of their employment and utilizing College resources, shall be retained by the College;
4. Protects institutional resources and assures that they are used in manners consistent with the College mission; and
5. Uses intellectual property to serve the public good.

Intellectual property developed by consultants in the performance of their contracts is normally considered to be “work for hire,” and to be owned by the College unless otherwise specified in the consulting contract.

Students shall have exclusive ownership of intellectual property developed on their own time and at their own expense, including all products of course assignments. The College shall have ownership of intellectual property developed by the student if the College funded development of the property, or if the College and student entered into an agreement for the College to have

ownership of the property, or to purchase the property upon completion of development.

Definitions

Employee: Any individual employed by a technical college or by the System Office to perform assigned tasks. Third-party consultants are not employees within the meaning of the State Board for Technical and Comprehensive Education Intellectual Property rights Policy and these procedures.

Intellectual Property: Any product of intellectual activity that is unique, novel, unobvious and/or original, or otherwise subject to copyright or patent protections pursuant to Title 17 or Title 35 of the U.S. Code of Laws.

NOTE: A state agency has 11th Amendment immunity from Title 17 suits; however, immunity does not extend to suits against employees in their individual capacities.