

Intellectual Property

The following terms are defined as follows for purposes of this policy:

- The term **works** will be understood to mean all materials, processes, or inventions created. This includes, but is not limited to, print materials, computer programs and other software, music, video, graphic materials and products.
- The term **works of others** includes, but is not limited to works - and associated rights - developed by people other than the creator that are used in the development of the creator's work.
- The term **creator** refers to all persons employed by Fargo Public Schools.

It is the responsibility of the creator to acquire appropriate release forms from individuals featured in the works as well as securing the appropriate rights to the works of others included in the work created.

- The term intellectual property **rights** includes, but is not limited to, copyrights, audio rights, video rights, broadcast and transmission rights, database rights, merchandising rights, distributions rights, patents, and any rights to royalties, licensing agreements or other payments for usage of works. These rights also include those relating to derivative works. The term rights include rights of countries other than the United States if dissemination or creation of the work(s) is international in scope - such as the Internet.
- The term **derivative work** refers to work(s) based on preexisting work(s) and includes abridgments, condensations, adaptations, translations or other forms in which the work is recast, transformed or adapted. Derivative works also includes editorial revisions, elaborations, annotations or other modifications that represent the original work.
- The term **district support** includes, but is not limited to, salaries and other compensation paid to employees during work hours, use of district-owned equipment or other resources - such as software licensed to the district. This includes compensation for work outside work hours if the source of compensation is grant funds acquired in the name of Fargo Public Schools or for which the district serves as fiscal agent.

It is the responsibility of the creator to fully comply with the rights associated with the works of others.

The rights to a work developed by creator without district support and solely through the individual's effort, time and expense, belong to the creator.

The rights to a work developed by creators with district support belong to the Fargo Public Schools.

The rights to a work developed by creators with district support will belong to the creator only if a valid work for hire agreement between the creator and the district is executed before the work is created.

If the superintendent suspects the retention of intellectual property rights is not in the best interest of the school district, the superintendent may appoint an Intellectual Property Review Committee consisting of the associate superintendent for teaching and learning, the director of standards based education, one member of the employee group of the same type as the creator and other members as identified by the superintendent. This committee will review the property rights at issue and make a recommendation to the superintendent. After receiving this recommendation, the superintendent may choose to relinquish any or all district intellectual property rights to the creator.

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6/07/08

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