

**STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION
STATEMENT OF POLICY**

POLICY NUMBER: 3-0-100

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POLICY TITLE: INTELLECTUAL PROPERTY RIGHTS

LEGAL AUTHORITY: State Ethics Act, S.C. Code § 8-13-100 et seq.
Federal Copyright Act, 17 U.S.C. § 100 et seq.

**DIVISION OF
RESPONSIBILITY:** Academic Affairs and Technology

DATE APPROVED BY BOARD: January 22, 2002

DATE OF LAST REVISION: March 23, 2004

DISCLAIMER

**PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS
AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN
EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SC STATE
BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION / THE SC
TECHNICAL COLLEGE SYSTEM.**

Recognizing that intellectual stimulation is essential to any learning environment, and that parameters must be established regarding the rights and responsibilities of those involved, the State Board for Technical and Comprehensive Education has established a policy regarding the ownership of intellectual property. Except as specifically and expressly exempted herein or in the procedures developed under this policy, it is the policy of the State Board for Technical and Comprehensive Education that copyrights, patents and all other forms of intellectual property developed by any employee of a South Carolina technical college or the system office within the scope of his or her employment or using agency resources is exclusive property of the respective college or the system office. As “work for hire,” no transfer of ownership rights in copyrights, patents or other forms of intellectual property from the institution to the employee shall occur unless the college or system office that possesses ownership rights expressly and specifically grants the ownership rights, in whole or in part, to the employee or other party or parties by means of a written and signed agreement.

Intellectual property developed by a non-employee third-party consultant pursuant to the terms of a written and signed contract will generally be considered “work for hire,” and to be owned by the college or system office, unless otherwise provided in the consulting contract.

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EFFECTIVE IMMEDIATELY