

Intellectual Property

Applies to: All employees

Policy Statement:

Dartmouth expects all members of the community to be aware of how intellectual property laws, regulations, and policies apply to their College work and to respect the intellectual property rights of others. College policy deals separately with the two types of intellectual property of greatest importance to educational institutions: copyrights (the protection for works of authorship) and patents (the protection for inventions).

Copyright Policy

Copyright is the right of an author, artist, composer or other creator of a work of authorship to control the use of his or her work by others. Generally speaking, you may not reproduce a copyrighted work (including computer software) without the copyright owner's permission. The term of copyright protection is usually defined as the life of the creator plus 70 years, but there are some complicated exceptions and it is best to assume that any work published after 1922 is still protected by copyright. In certain instances the "fair use" doctrine may allow the use of a copyrighted work for purposes such as scholarship or criticism. Generally, though, the unauthorized reproduction of a copyrighted work is copyright infringement and may subject the infringer to civil and criminal penalties.

Under the doctrine of "work made for hire," ownership of copyrightable works created by College employees as part of their employment generally vests in the College. (This doctrine generally does not apply to copyrightable works created by faculty.)

Dartmouth and its faculty, students, and employees must comply with the copyright law. Questions regarding copyright law compliance should be directed to the librarian of the College or the Office of the General Counsel.

Peer-to-Peer File Sharing

Despite court rulings holding such activity illegal, some individuals continue to engage in so-called peer-to-peer file sharing of commercially copyrighted music, movies, and software. The law allows copyright owners who have detected illegal file sharing over a campus network to subpoena the name of the individual(s) involved. The copyright owner may then sue the individual for up to \$150,000 for each act of infringement. Since 2003, the recording and movie industries have filed more than 6,000 such lawsuits, including hundreds against college students and staff members nationwide.

In addition, unauthorized file sharing violates the College Copyright Policy (<http://www.dartmouth.edu/copyright/index.html>) and Information Technology Policy

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Employment Policies and Procedures Manual
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(<http://www.dartmouth.edu/comp/about/policies/>) and can cause the College to subject an employee to disciplinary action up to and including termination. Further information about peer-to-peer file sharing is available at <http://www.dartmouth.edu/copyright/peer2peer/>

Patent Policy

The College Patent policy governs the disposition of inventions created by College employees in the course of their employment. The objective of the patent policy is to facilitate the invention, transfer, and application of new technology that promises to benefit the general public and, at the same time, to protect the interests of the inventor and the College.

When a College employee believes that a discovery or invention that might be patentable has resulted from his or her work, he or she should inform Dartmouth's Technology Transfer Office (TTO). He or she should complete an Invention Disclosure Form giving a concise description of the invention and return it to the TTO.

Information about the circumstances under which the College will claim ownership of inventions and the sharing of royalties between the College and the inventor(s) is available at the link below.

Definitions or Regulations:

Dartmouth College Patent Policy

<http://www.dartmouth.edu/~tto/patent-policy.html>

Dartmouth College Copyright Policy

<http://www.dartmouth.edu/copyright/>

Procedure:

Invention Disclosure Form

<http://www.dartmouth.edu/~tto/disclosure.html>

See above-referenced policies for procedures concerning patentable and copyrightable works.