

Intellectual Property Policy

Purpose: The primary purpose of this intellectual property policy is to provide the necessary protections and incentives to encourage both the development of tools that promote the Mission and the dissemination of these tools for the public benefit to the body of Christ.

Copyrightable works, inventions, discoveries, and other creative works that have the potential to be brought into practical use for the purposes of the Mission will be regularly derived from the activities of employees of The Bishop and Diocese of Colorado in the course of their employment duties, through the use of equipment, facilities, funds, or personnel (including volunteers) in The Episcopal Church in Colorado, and from the activities of employees who create such works outside the scope of employment.

The term “intellectual property” as used herein is broadly defined to include inventions, discoveries, know-how, processes, copyrightable works, technology, original data and other creative or artistic works, original data and other creative or artistic works which have value. Intellectual property includes that which is protectable by statute or legislation, such as patents, copyrights, trademarks, service marks, trade secrets and trade dress. It also includes the physical embodiments of intellectual and spiritual effort, for example, printed matter (such as books, sermons, pamphlets, lyrics, scripts), digital matter (such as social media accounts, emails, websites, video, audio, software web-based tools), art, musical compositions, choreography, software and electronic goods such as CD’s, audiotapes, videotapes, DVD’s, CD-Roms, etc.

- A. **Copyright Ownership.** The Bishop and Diocese of Colorado will own the copyrights to Intellectual Property work created by an employee within the scope of his/her employment duties. In the typical work-for-hire situation, the content and purpose of the employee-prepared works are under the control and direction of the employer; and the employee is accountable to the employer for the content and design of the work. In addition, there may be other situations where The Bishop and Diocese of Colorado owns the copyright to an employee work that otherwise would have fallen under the general policy stated in Section B (e.g. specifically commissioned works, contractual works, works that use substantial diocesan resources, such as equipment and staff support/expertise). It should be noted, however, that even within these guidelines, The Bishop and Diocese of Colorado can elect to waive its right for Copyright Ownership, provided it is outlined in writing and authorized in the manner noted in Section B.

- B. **Employee Copyright Ownership.** Except in the manner detailed above in Section A, or in any situation that would contradict the legal requirements for tax exempt organizations, individual employees of The Bishop and Diocese of Colorado will have copyright ownership to all Intellectual Property, including traditional church-based copyrightable works (such as sermons, songs, drama scripts, curricula, and books) that are created independently and at the employee’s initiative. In any and every situation where an employee of The Bishop and Diocese of Colorado seeks, is granted, and accepts copyright ownership, the following rules and conditions must be met and apply in full, in addition to any other requirements detailed within this policy:

1. The copyright proposal must be completed, signed, and dated by the employee. Proposals must be submitted in writing to the Canon to the Ordinary and must include information on:
 - The purpose of the project;
 - The projected time the project will take to complete;
 - The amount of the parish's or diocese's time that will be spent on the project;
 - The extent that The Bishop and Diocese of Colorado's owned resources will be utilized for the creation and support of the project;
 - How the project will benefit The Bishop and Diocese of Colorado;
 - How the project will benefit the Church at large;
 - Collaborations with other staff, lay people, or volunteers
 2. The copyright ownership detailed in the proposal must fall within all acceptable guidelines and laws for tax exempt organizations.
 3. When staff time or The Bishop and Diocese of Colorado owned resources are utilized for the creation and/or support of Employee Owned Copyrighted Assets, the fair market value of this support will be assessed and billed to the employee.
 4. Staff members are personally responsible for reporting monetary gains for proceeds and revenues received from their copyright ownership on their income taxes.
 5. Information that is proprietary to The Bishop and Diocese of Colorado cannot be shared, either with or without fee, with any outside organization or individual unless express written permission is first received from the Canon to the Ordinary.
 6. If the collaboration is a split effort involving multiple staff members doing significant portions of work, percentages for remuneration must be worked out ahead of time.
 7. If, after the initial approval process, the project changes in either scope or time required, these changes must be communicated to and approved by the Canon to the Ordinary. The Canon to the Ordinary has the right to deny the request or place a limit on the amount of time that can be allotted for the project.
 8. The Canon to the Ordinary may refuse the proposal after considering how it will impact the employee, his/her respective ministry, and the Church. If the proposal is approved, the Canon to the Ordinary may establish clear time and energy parameters for the project to protect the health of the church and employee.
 9. To be considered approved, the proposal must be signed by the Canon to the Ordinary. In the event that the Canon to the Ordinary is the employee seeking copyright ownership, the Bishop must approve the proposal.
- C. The Bishop and Diocese of Colorado Rights to Use Employee Owned Works. As a result of the employment relationship, The Bishop and Diocese of Colorado may require certain rights to be granted to The Bishop and Diocese of Colorado on a royalty-free basis to further the Mission. Other rights may be granted by the employee on a royalty-free basis.
- D. Exempt Organizations: All assets owned by The Bishop and Diocese of Colorado, including intellectual property and other tangible assets, can only be used to further exempt purposes, and not for private benefit. When The Bishop and Diocese of Colorado

provides payments to employees for works created within the scope of employment, payments must be made in accordance with applicable laws and regulations governing compensation to employees.

- E. Copyright Registration and Notice. The Bishop and Diocese of Colorado works should be protected by copyright notice. Such copyright notice should be composed and affixed in accordance with the United States Copyright Law. Registration of the copyrights for The Bishop and Diocese of Colorado-owned works shall be in accordance with the operational guidelines established by The Bishop and Diocese of Colorado. The Bishop and Diocese of Colorado may also decide to release work to the public domain and, if so, should so indicate.

This Intellectual Property Policy shall be deemed a part of the conditions of employment for every employee of The Bishop and Diocese of Colorado. All employees (whether full or part time, hourly or salaried, seasonal, or employees on leave) who receive funds from The Bishop and Diocese of Colorado in the form of salary, wages, stipend, or other support are bound by this policy. As a condition of employment, all employees agree to the terms and conditions of this policy, including any grant or license of rights, as applicable to all works created by the employee during the term of employment.

The absence of any formal agreements shall not invalidate the applicability of this Intellectual Property Policy.