



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON/WORK RELEASE
OFFENDER MANUAL

REVISION DATE
5/29/19

PAGE NUMBER
1 of 4

NUMBER
DOC 290.100

POLICY

TITLE
PATENTS, COPYRIGHTS, AND ROYALTIES

REVIEW/REVISION HISTORY:

Effective: 8/1/90
Revised: 7/2/03
Revised: 12/13/06
Revised: 8/8/08
Revised: 11/29/10
Revised: 2/18/13
Revised: 5/29/19

SUMMARY OF REVISION/REVIEW:

Major changes to include adding Work Release applicability. Read carefully!


APPROVED:

Signature on file

STEPHEN SINCLAIR, Secretary
Department of Corrections

4/30/19

Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [DOC 200.000 Trust Accounts for Offenders](#); [17 U.S.C.](#); [35 U.S.C.](#)

POLICY:


- I. The Department has established guidelines to clarify the rights of incarcerated individuals in patented/copyrighted works (e.g., literature, music, visual arts, architecture) and inventions (i.e., process, device, method, or composition), including:
 - A. Procedures to determine Department sponsorship, and
 - B. Ownership, use, and rights to income/royalties generated.

DIRECTIVE:

- I. Department Sponsorship
 - A. To be considered for Department sponsorship, the completed work/invention must:
 1. Be eligible to be copyrighted or patented, and
 2. Relate to the Department's correctional purpose.
 - B. Any incarcerated individual who plans to request Department sponsorship will submit a written proposal to the Superintendent/Work Release Administrator before beginning the work/invention.
 - C. The Superintendent/Work Release Administrator will notify the incarcerated individual within 45 days whether the work/invention is eligible for Department sponsorship. If eligible:
 1. The Superintendent/Work Release Administrator will:
 - a. Determine any related costs for the use of Department resources (e.g., equipment, materials), and
 - 1) The incarcerated individual must agree in writing to pay any related costs. Reimbursement will not be required if the work/invention becomes Department-sponsored.
 - b. Forward a copy of the proposal to the Contracts and Regulations Administrator.

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2. The Contracts and Regulations Administrator will provide an agreement, including related costs and distribution of income/royalties, which must be signed by the incarcerated individual and the Department before beginning the work/invention.
- D. When the work/invention is completed, the incarcerated individual will notify the Superintendent/Work Release Administrator in writing, who will determine Department sponsorship.
1. The Department will have full ownership of Department-sponsored works/inventions and may apply for a copyright/patent when in the best interest of the Department.
 - a. The Department is not required to sponsor any work/invention and has no claim to works/inventions that have not received Department sponsorship.
 2. If denied, the incarcerated individual may apply for a copyright/patent without sponsorship.
- E. If the work/invention is not eligible for Department sponsorship or use of Department resources is denied, appeals may be submitted in writing to the Contracts and Regulations Administrator.
1. Appeals will not be submitted through the Offender Grievance Program.
- II. Distribution of Income/Royalties
- A. For each Department-sponsored work/invention, income/royalties will be distributed as follows:
1. First, the Department will be reimbursed for any extra direct/special costs (e.g., production expenses, copies).
 - a. Disputes will be decided by the Contracts and Regulations Administrator. Appeals may be submitted in writing to the Secretary.
 2. The next \$250 will be distributed directly to the incarcerated individual.
 3. Additional income/royalties will be distributed per the signed agreement.
- B. Department income/royalties will be deposited to the Vocational Education Revolving Account or the Offender Betterment Fund, as determined by the Contracts and Regulations Administrator.

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- C. Income/royalties for incarcerated individuals will be handled per DOC 200.000 Trust Account for Offenders.

III. Protection and Liability

- A. The Department may investigate allegations of unauthorized use or infringement of Department-sponsored works/inventions and take appropriate action.
1. The Department will be responsible for all costs and is not required to investigate any alleged/actual violation.

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

None

DOC FORMS:

None