

APPLICABILITY PRISON/WORK RELEASE

OFFENDER MANUAL REVISION DATE

5/29/19

PAGE NUMBER 1 of 4 NUMBER **DOC 290.100**

POLICY

TITLE

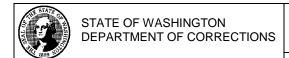
PATENTS, COPYRIGHTS, AND ROYALTIES

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 appl	cability. Read carefully!
APPROVED:	
Signature on file	
	4/30/19
STEPHEN SINCLAIR, Secretary	Date Signed
Department of Corrections	



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REFERENCES:

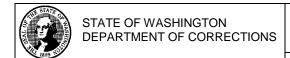
DOC 100.100 is hereby incorporated into this policy; DOC 200.000 Trust Accounts for Offenders; 17 U.S.C.; 35 U.S.C.

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
 - To be considered for Department sponsorship, the completed work/invention Α. must:
 - 1. Be eligible to be copyrighted or patented, and
 - 2. Relate to the Department's correctional purpose.
 - В. 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:
 - Determine any related costs for the use of Department resources a. (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.
 - Forward a copy of the proposal to the Contracts and Regulations b. Administrator.



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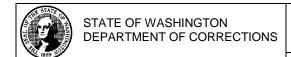
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- 2. The Contracts and Regulations Administrator will provide an agreement, including related costs and distribution of income/royalties, which must be signed by the incarcerated individual and the Department before beginning the work/invention.
- 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).
 - 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.

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None

DOC FORMS:

None