

A-Engrossed
Senate Bill 667

Ordered by the Senate April 15
Including Senate Amendments dated April 15

Sponsored by Senator GORSEK; Representative REARDON (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires school district to adopt and implement policy concerning ownership rights to teacher-created intellectual property. Requires policy to provide that teachers shall retain ownership rights to such intellectual property and that school district may not require, as condition for employment or continuation of employment, teachers to enter into certain agreements concerning ownership rights to teacher-created intellectual property.

Requires each board of community college district to adopt and implement policy concerning ownership rights to intellectual property created by faculty members. Requires policy to provide that faculty member shall retain ownership rights to such intellectual property.

Permits faculty members to enter into agreements with community college districts whereby faculty member may relinquish, assign, sell, lease, license or transfer ownership rights to intellectual property to district. Prohibits district from requiring, as condition of employment or continuation of employment, faculty members to enter into certain agreements concerning ownership rights to intellectual property created by faculty member.

A BILL FOR AN ACT

1
2 Relating to ownership rights to teacher-created intellectual property.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Copyrightable material" means written original works including, but not limited to,**
6 **curriculum materials, guidelines and manuals created for use in a virtual learning environ-**
7 **ment or an in-person classroom setting.**

8 (b) **"District school board" has the meaning given that term in ORS 332.002.**

9 (c) **"Intellectual property" means:**

10 (A) **Copyrightable material; and**

11 (B) **Patents.**

12 (d) **"Ownership rights" include the rights to own, manage, distribute, dispose of, assign**
13 **and use copyrightable material.**

14 (e) **"School district" has the meaning given that term in ORS 330.005.**

15 (f) **"Teacher" has the meaning given that term under ORS 342.120.**

16 (2) **Each district school board shall adopt and implement a policy concerning the owner-**
17 **ship rights to intellectual property created by teachers. The policy must be implemented by**
18 **each school in a school district and must provide that:**

19 (a) **In the absence of a contrary agreement between a school district and a teacher, the**
20 **district does not claim and the teacher shall retain ownership rights to intellectual property**
21 **created by, published or produced by the teacher.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(b) Teachers may, but are not required to, enter into written agreements with school**
2 **districts whereby a teacher may relinquish, assign, sell, lease, license or transfer the own-**
3 **ership rights to intellectual property to the school district.**

4 **(c) A school district may not, as a condition for employment or continuation of employ-**
5 **ment, require a teacher to enter into an agreement that requires the teacher to relinquish,**
6 **assign, sell, lease, license or transfer the ownership rights to intellectual property to the**
7 **school district.**

8 **SECTION 2. (1) As used in this section:**

9 **(a) “Board” and “community college district” have the meanings given those terms in**
10 **ORS 341.005.**

11 **(b) “Copyrightable material” means written original works including, but not limited to,**
12 **curriculum materials, guidelines and manuals created for use in a virtual learning environ-**
13 **ment or an in-person classroom setting.**

14 **(c) “Intellectual property” means:**

15 **(A) Copyrightable material; and**

16 **(B) Patents.**

17 **(d) “Ownership rights” include the rights to own, manage, distribute, dispose of, assign**
18 **and use copyrightable material.**

19 **(2) Each board of a community college district shall adopt and implement a policy con-**
20 **cerning the ownership rights to intellectual property created by the faculty members em-**
21 **ployed by the community college district. The policy must be implemented by each college in**
22 **a community college district and must provide that:**

23 **(a) In the absence of a contrary agreement between a community college district and a**
24 **faculty member, the district does not claim and the faculty member shall retain ownership**
25 **rights to intellectual property created by, published or produced by the faculty member.**

26 **(b) Faculty members may, but are not required to, enter into written agreements with**
27 **community college districts whereby a faculty member may relinquish, assign, sell, lease,**
28 **license or transfer the ownership rights to intellectual property to the community college**
29 **district.**

30 **(c) A community college district may not, as a condition for employment or continuation**
31 **of employment, require a faculty member to enter into an agreement that requires the fac-**
32 **ulty member to relinquish, assign, sell, lease, license or transfer the ownership rights to in-**
33 **tellectual property to the community college district.**

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