


SUBJECT COPYRIGHTS AND ROYALTIES	POLICY NUMBER 11.04	
POLICY MAINTENANCE ADMINISTRATOR: Chief, Bureau of Purchasing & Contracts		
PURPOSE/SCOPE: To establish policy and procedures for securing State ownership of copyrights or resulting benefits of copyrightable items produced at State expense.		

I. AUTHORITY

Section 201, Title 17, U. S. Code, Ownership of Copyright

Sections 286.021 and 286.031, Florida Statutes, Authority to Department of State

II. DEFINITIONS

- A. Benefits- Compensation for the use of patented or copyrighted materials in the form of royalties, or payments expressed as an account per unit produced.
- B. Copyright- Works of authorship, including: literary work; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works; motion pictures and other audiovisual works; and sound recordings. In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operating concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.
- C. Intellectual Property- This includes, but is not limited to, copyrights, patents, and trade or service marks.
- D. Patentable- To secure exclusive right to manufacture, use or sell a device, it will embody some new idea or principle not before known and it will be discovered as distinguished from mere mechanical skill or knowledge.
- E. Royalty- The share of a product or profit reserved by owner for permitting another to use the property.

III. POLICY

Executive Director SIGNED ORIGINAL ON FILE	Effective Date 06/01/1985
Page 1 of 2	Revision Date 11/30/2011

STATE OF FLORIDA
Department of Highway Safety and Motor Vehicles

SUBJECT COPYRIGHTS AND ROYALTIES	POLICY 11.04	PAGE 2 of 2
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The State of Florida, through the Department of State, owns all benefits from any intellectual property created by employees of the State within the scope of their employment. Ownership of intellectual property created for the State by independent contractors belongs to the State of Florida unless otherwise agreed to in writing, and it is the policy of the Department to retain ownership for the benefit of the State.

IV. PROCEDURES

A. Contracts

1. Contracts entered into by the Department will include the following language; **Legal title and every right, interest, claim or demand of any kind in and to any patent, trademark or copyright, or application for the same that may be created under this contract shall be deemed vested in the Department of State for use and benefit of the state, pursuant to Sec. 286.021, F.S.**
2. The contract will also provide for adequate compensation to the independent contractor exclusive of the copyright, unless the contractor intends to make a gift of his/her work, in which event the fact of the gift will be plainly stated in the contract.