

## Sample Policy—Ownership of Work Product

### Know the Issue

The purpose of this policy is to protect the intellectual property rights (trademark, copyright, etc.) of products or items created by your employees that benefit your organization. For example, suppose you direct one of your employees to write a manual explaining church doctrine. Your organization then distributes the manual to pastors within your denomination. The employee terminates employment, then claims to be the author of the manual, and attempts to prohibit your organization from distributing or copying the manual without paying a royalty fee. Without a work product policy, the employee may be able to prohibit your organization from obtaining rights to the document. With a work product policy, you may allow employees to obtain rights if you choose, but you can decide when to grant this permission. If you include this policy in your ministry's handbook, don't modify the language extensively.

For example, the policy includes language regarding your ownership rights if a development is created "in whole or in part on your ministry's time." If you remove this section, an employee could argue that most of the work was done at home on the employee's own time. It's very difficult to prove otherwise after the fact.

### Copyrighted Materials

While we have not included a sample policy on the use of copyrighted materials, you may consider including such a policy in your handbook. Copyright law applies to numerous items, such as journals, publications, sheet music, recordings, and photographs, but due to the complexity of copyright law, the intellectual property of others is easily and frequently violated. While some exceptions apply to educational and not-for-profit organizations, the general principles of copyright law still apply. Consult legal counsel to assist you in drafting and approving a copyright policy.

### SAMPLE POLICY

All developments relating to *(name of ministry's)*, or capable of beneficial use by *(name of ministry)*, including, but not limited to, object code, source code, marketing, confidential and trade secret information, techniques, slogans, designs, artwork, and writings, compositions, which an employee conceives, makes, develops, or acquires, either solely or jointly with others, during his or her employment, in whole or in part on *(name of ministry)* time, and shall immediately become and remain the sole and exclusive property of *(name of ministry)*.

All employees agree to grant and assign to *(name of ministry)* any and all rights, title, or interest now existing or that may come into existence throughout the world that employees may have in any developments as described in the above paragraph.

#### Guidelines

Developments include, but are not limited to, inventions, discoveries, improvements, ideas, software, formulas, and processes conceived by an employee.

Employees shall promptly and fully disclose in writing all such developments to *(name of ministry)*, and shall at any time either during or after the employee's employment, upon request of the *(name of ministry)* without charge, execute, acknowledge, and deliver to the *(name of ministry)* all instruments that the *(name of ministry)* may request to enable the *(name of ministry)* to file for, and to acquire, maintain, and enforce, all trademarks, service marks, registrations, copyrights, license, and patents covering such developments.