INDIANA
WORKFORCE
DEVELOPMENT
AND ITS WorkOne CENTERS

TO: Indiana's Workforce Investment System
North Central Indiana WIRED Director
Southwest Indiana WIRED Director
All Other Applicable Sub-Grantees

FROM: Teresa L. Voors
Commissioner, Indiana Department of Workforce Development

THROUGH: Scott Sanders
Chief Financial Officer

THROUGH: Dustin Stohler
Deputy Commissioner, Legal Affairs and Administration

DATE: October 23, 2008

SUBJECT: DWD Policy 2008-11
Defining Intangible Property Created by the Indiana Workforce Investment System and other Department of Workforce Development Grantees and Contractors

Purpose
To define the ownership and rights of Intangible Property created by an Indiana Department of Workforce Development grantee or contractor utilizing State funds or Federal funds passed through the State of Indiana. Further, it is the intent of this policy to clearly communicate that the creators of intangible property funded in whole or in part by State and Federal funding resources shall not retain any intellectual property rights to any materials, property, trademarks, patents, copyrights and/or patent/copyright applications created utilizing these funding resources.

Rescission
None

Definitions

Intangible property means, but is not limited to, trademarks, copyrights, patents and patent applications and such property as loans, notes and other debt instruments, lease agreements, stock and other instruments of property ownership, whether considered tangible or intangible. (OMB Circular A-110)

The State further defines intangible property as any results, written and electronic materials, operational models, service delivery concepts, documents, forms, training and marketing materials or other items created or produced as part of Indiana Workforce Investment System and/or DWD grant program activity, whether considered tangible or intangible.

Contents

The Department of Workforce Development recognizes that through the regular and special operations of the Indiana Workforce Investment System and other grantees/contractors, intangible property will be developed that may benefit the Indiana system or nation as a whole.

Publication and dissemination of Indiana Workforce Development and/or Investment System project results, written and electronic materials, operational models, are of fundamental importance to both the State and grantees and contractors. It is the intent of this policy to ensure the availability of such property to the extent that its creation was funded in whole or in part by State funds or Federal funds passed through the State of Indiana.

Grantees and contractors are free to publish in academic journals, present at symposia, or use any results arising out of the performance of their State or Federally funded projects for their own internal instruction and research, or publication (i.e., graduate thesis and dissertations) objectives. Any publications or presentations of intangible or intellectual property funded in whole or in part by State and/or Federal resources shall reference the State and/or Federal funding source and shall be made in accordance with this policy.

Public use of these materials, other than related to the grant/contract performance by the grantee/contractor, that includes any reference to the State of Indiana, without the prior written consent of the State, is prohibited. For any purposes for which the State's participation will be referenced, the State shall have the right of review and approval of the use, disclosure, and the finished product prior to its publication. All such requests shall be made in writing and delivered to the Commissioner or his/her designee. The State shall have sixty (60) days to review such requests and will respond in writing to the grantee/contractor. If the State has not responded within sixty (60) days, the request will be deemed approved.

All information, data, findings, recommendations, proposals, etc. by whatever name described and in whatever form secured, developed, written or produced by the grantee/contractor in furtherance of its State or Federally funded projects shall be available to State and Federal government for use and distribution at their discretion without additional charge to State or Federal government. The grantee/contractor shall take such action as is necessary under law to preserve such rights in and of the State and Federal government while such property is within the control and/or custody of the grantee/contractor. Full, immediate, and unrestricted access to the work product of the grantee/contractor shall be available to the State and Federal agencies. Additionally, the State and Federal awarding agency (ies):

- Reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for State and/or Federal purposes, and to authorize others to do so on any work copy for any work which the grantee/contractor has received a copyright or that is subject to copyright and was developed, or for which ownership was purchased, under a State and/or Federally funded award.
- Authorize others to receive, reproduce, publish, or otherwise use such data for State and/or Federal purposes.

Any proceeds from any commercial licenses for patentable or copyrightable material developed as a result of State and/or Federally funded projects and services, shall be deemed Program Income and shall be subject to the appropriate State statutes and OMB circulars.

Any property developed utilizing Federal funds must adhere to the additional Federal requirements as outlined in applicable OMB Circulars.

Review Date
October 1, 2010

Ownership
Director of Analysis & Reconciliation
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Indianapolis, IN 46204
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Effective Date
Immediately

Action
All Indiana Department of Workforce Development grantees and contractors should be knowledgeable regarding the definition, ownership and rights of intangible property created utilizing State funds or Federal funds passed through the State of Indiana and comply with this policy as written.