



Intellectual Property

Policy #1-3-6

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I. POLICY

It is the policy of Jewish Family Services of Washtenaw County (JFS) to protect JFS intellectual property and to avoid copyright, trademark/service mark and patent infringements in full compliance with applicable laws and regulations.

II. PURPOSE

The purpose of this policy is to establish the formal framework to protect JFS intellectual property and to avoid copyright, trademark/service mark and patent infringements by JFS in full compliance with all applicable laws and regulations.

III. DEFINITIONS

Copyright - Copyright is a form of protection grounded in the U.S. Constitution and granted by law for original works of authorship fixed in a tangible medium of expression. Copyright covers both published and unpublished works and protects original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture. Such works gain copyright protection the moment they are created and fixed in a tangible form that it is perceptible either directly or with the aid of a machine or device. Copyright does not protect facts, ideas, systems, or methods of operation, although it may protect the way these things are expressed. Registration with the U.S Copyright Office is voluntary but is necessary to bring a lawsuit for infringement of a U. S. work. Please note that the United States has copyright relations with most countries throughout the world, and as a result of these agreements, honors each other's citizens' copyrights. However, the United States does not have such copyright relationships with every country.

Copyright, trademark/service mark, patent infringement – for the purposes of this policy refers to the exploitation of a copyright, trademark/service mark or patent owner’s rights without the owner’s permission. ***For the purposes of this policy, the term copyright will generally be used (see Standard B).***

Fair use doctrine – for the purposes of this policy, a defense (not an exemption) against claims of infringement based on four considerations:

1. Purpose and character of use.
2. Nature of the copyrighted/trademarked/service marked/patented work.

- 3. Amount and substantiality of the use of the copyrighted/trademarked/service marked/patented work.
- 4. Effect on the potential market for the copyrighted/trademarked/service marked/patented work.

Intellectual property – for the purposes of this policy includes the rights to such things as writings, inventions, art works, software and other types not listed here.

Patent – A patent is a limited duration property right relating to an invention, granted by the United States Patent and Trademark Office in exchange for public disclosure of the invention.

Service Mark - A service mark is a word, phrase, symbol, and/or design that identifies and distinguishes the source of a service rather than goods. The term “trademark/service mark” is often used to refer to both trademarks and service marks.

Trademark– A trademark is a word, phrase, symbol, and/or design that identifies and distinguishes the source of the goods of one party from those of others.

Works for hire – intellectual property material which is produced by JFS staff that is within the scope of his or her employment or is produced using JFS time, facilities, resources or financial support. Material produced for JFS by an independent contractor become works for hire when both parties sign an agreement to that effect.

IV. STANDARDS

A. JFS will protect JFS intellectual property by adhering to the provisions of this policy in full compliance with applicable laws and regulations.

B. Although it is understood that, due to the nature of the JFS mission, most applicable instances relevant to this policy will involve issues of copyright, JFS will also avoid the infringement of trademark/service marks and patents by adhering to the provisions of this policy in full compliance with applicable laws and regulations.

C. This policy shall be included in the orientation and annual training of all JFS staff, contract staff and volunteers.

D. The JFS Corporate Compliance Officer or designee shall be responsible for monitoring and enforcing the provisions of this policy directed at the avoidance of copyright, trademark/service mark and patent infringement.

E. The JFS Human Resources Director or designee shall be responsible for monitoring and enforcing the provisions of this policy directed at protecting JFS intellectual property.

F. Provisions of this policy will be interpreted and enforced in a manner consistent with the mission, vision and values of JFS.

V. PROCEDURES

PROTECTING JFS INTELLECTUAL PROPERTY

A. JFS owns the rights to all JFS works for hire.

B. The creator of JFS works for hire shall ensure that all such works are brought in a timely manner to the attention of the JFS Human Resources Director for proper administrative action.

C. The JFS Human Resources Director and JFS Administration shall take such actions as they deem prudent to protect JFS works for hire including, but not necessarily limited to, considerations of obtaining copyright, re-assignment of proceeds in whole or in part and such other considerations as may be specific to the work in question and its intended use by JFS.

AVOIDING COPYRIGHT, TRADEMARK/SERVICE MARK AND PATENT INFRINGEMENTS

D. The JFS Corporate Compliance Officer will conduct training at orientation and at least annually that emphasizes the importance of obtaining written permission before using any content (published or unpublished) produced by persons outside the agency.

E. When ownership or copyright protection is in doubt, permission should be sought from the Copyright Clearance Center (see www.copyright.com) or other appropriate source before the material is published.

F. Using the JFS Content Review Checklist (see Exhibit), the JFS Corporate Compliance Officer or designee shall be the centralized reviewer of materials produced by persons outside the agency which are proposed to be published by JFS

VI. EXHIBIT -

Exhibit A- JFS Content Review Checklist

VII. REFERENCES

JFS Policies:

#1-3-3 Conflict of Interest

#1-3-5 Corporate Compliance Plan

#1-7-1 Code of Ethics and Conduct: Core Values

JFS Human Resources Handbook

CARF 2023 Behavioral Health Standards Manual, Standard 1.E Legal Requirements

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