

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Ownership of Creative Works Prepared by County Employees

**Policy
Number**

C-19

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Purpose

To establish the Board of Supervisors Policy concerning the ownership of materials created by employees.

Background

County employees often create photographs, posters, logos, designs, lecture series, speeches, studies, reports, compilations, educational programs, audio visual materials and other creative works. It is necessary that the ownership rights of the County and County employees in such works be established.

Policy

It is the policy of the Board of Supervisors that:

1.All creative works prepared by an employee within the scope of his or her employment shall belong to and be the sole property of the County in the absence of any agreement or circumstances to the contrary. The essential factor in determining whether the creative work is prepared by a County employee in the scope of his or her employment, is whether the County, through its management and supervisory personnel, possessed the right to direct and supervise the manner in which the material was prepared. Other pertinent factors are those indicating the duties of the employee and at whose insistence, expense, time, and facilities the creative work was prepared.

2.In case of a dispute between the County and one of its employees concerning the ownership of a creative work, the Chief Administrative Officer, with the assistance of County Counsel, shall have the initial responsibility for making the factual determination, applying the above criteria, as to who is the owner of the creative work. Where the determination is made that a creative work belongs to the County employee, that determination shall be reported by the Chief Administrative Officer to the Board of Supervisors for ratification or other appropriate action.

Sunset Date

This policy will be reviewed for continuance by 12-31-22.

Previous Board Action

5-29-79 (23)

4-4-89 (51)

11-29-94 (40)

6-15-04 (25)

12-9-08 (33)

11-17-15 (26)

CAO Reference

1. County Counsel