

The owners of a business often assume that their business will automatically own all works created by their employees and contractors. However, if a business fails to carefully address these issues, that may not be the case.

To properly safeguard against an employee's ownership claim to the copyright in and to his or her work product, a business should make clear in its employee handbook and/or stand-alone policies that any works created by an employee within the scope of his or her regular duties is a "work for hire" and will be owned by the business. Additionally, the business should make clear in agreements with contractors or employees that any works created as part of their services on behalf of the business will be "works for hire" that are owned by the business. Finally, the business should require in such agreements that the contractors and employees agree to provide a written assignment of the copyright to work product in the event that the "work for hire" doctrine does not apply.

The lawyers in our Business & Finance Department regularly assist clients in dealing with these issues. Please contact MaryJo Kishel (mjkishel@rjglaw.com) of our Business & Finance Department if you would like to learn more about these services.