



Policy and Procedure

Title: Product Ownership, Transfer, and Revision

The following establishes the California Stormwater Quality Association's policy and procedure for providing copies of CASQA products to organizations and individuals (users). CASQA, as a California non-profit corporation whose members include public agencies, fully supports information sharing as good public policy and as a way of promoting cost-effective programs and projects. This policy is meant to promote information sharing while clarifying any conditions of transfer attached to CASQA products. CASQA reserves the right to limit reproduction of its products, as follows:

Definitions

Revision – Any change to a CASQA product, excluding use of CASQA templates as intended.

Transfer – Any act of providing or making available a CASQA product for the purposes of revision (as defined herein).

User – Individual or organization that receives a CASQA product directly from CASQA. Individuals or organizations that receive a CASQA product other than directly from CASQA are not considered users as the term is used in this Policy and Procedure.

Others' Products

When borrowing from products produced by other organizations or individuals, CASQA will honor the ownership and copyright policies of these organizations or individuals.

When sharing products or parts thereof produced by other organizations or individuals, CASQA will honor the ownership and copyright provisions contained in CASQA agreements with these organizations or individuals.

CASQA Products

All products produced with CASQA funds are the property of CASQA. CASQA products are whole products or any part thereof. CASQA products are considered to include any document; database; data analysis; educational, workshop, or training material; drawing, plan, or specification; survey result; computer application, program, or storage media; photographic image; or audio or video recording that was supported by CASQA funds.

CASQA products can only be revised by users in accordance with the following:

- Products may be transferred and revised only with approval of the Board of Directors or the Executive Director and according to the applicable portions of this Policy and Procedure.

- Every transfer of a CASQA product to an organization or individual must be accompanied by (as appropriate):
 1. copyright language

2. the current version of this Policy and Procedure, and a document explaining the conditions for revision of the original CASQA product and assigning use rights to a specified public agency, organization, or individual. The revision of CASQA products by agencies, organizations, or individuals not listed in the transfer document is prohibited.

Copyright Language

Unless otherwise designated in a CASQA product, the following applies:

The following language must appear in the CASQA product, in the e-files of the CASQA product, and as posted on the CASQA website.

Copyright (insert year) by the California Stormwater Quality Association, all rights reserved. No part of this CASQA product may be reproduced or distributed in any form or by any means, or stored in a database or retrieval system, without the prior written permission of the California Stormwater Quality Association.

Permission granted to user by the California Stormwater Quality Association for:

1. Individual, personal single copy reproduction for an individual use only, not for resale;
2. Public agency, in-house multi-copy reproduction for distribution and use within a single public agency or MS4 areawide program only – not for resale; or
3. Public / business and trade association in-house multi-copy reproduction for distribution and use within a single public / business and trade association only – not for resale (excluding distribution to members).

Prior written approval of the California Stormwater Quality Association is required by user for any other use.

Transfer Document

The transfer document must address the following:

1. Disclaimer – Information contained in CASQA products is to be considered general guidance and is not to be construed as specific recommendations for specific cases. CASQA is not responsible for the use of any such information for a specific case or for any damages, costs, liabilities or claims resulting from such use. Users of CASQA products assume all liability directly or indirectly arising from use of the products. The mention of commercial products, their source, or their use in connection with information in CASQA products is not to be construed as an actual or implied approval, endorsement, recommendation, or warranty of such product or its use in connection with the information provided by CASQA. This disclaimer is applicable to all CASQA products, whether information from the CASQA products is obtained in hard copy form, electronically, or downloaded from the Internet.
2. Specificity of transfer – Permission to revise a CASQA product is only granted for the specific use requested.
3. Non-transferability of use rights – Transfer document does not transfer use rights to the product that CASQA does not hold or that CASQA cannot transfer.

4. Non-permitted use is prohibited – Revision of the CASQA product by agencies or organizations not permitted use rights by CASQA is prohibited.
5. For profit use prohibited – Permission to revise a CASQA product is only granted to a public agency or non-profit organization, not a private or for-profit entity. Revision of CASQA products for profit is prohibited.
6. Acknowledgment – Any revised version of the referenced CASQA product produced by the agency or organization permitted use rights by CASQA must include an acknowledgment of or accreditation to CASQA, unless space or time constraints in the revised version make it infeasible. The specific acknowledgment of or accreditation to CASQA will be determined by CASQA in consultation with the requestor on a case-by-case basis.
7. CASQA identity – The CASQA logo, name, and any reference to CASQA, other than as an acknowledgment, accreditation, or as general information, must be deleted from the revised version of the CASQA product.
8. Right to review – CASQA may require that any revised version of the referenced CASQA product produced by the agency or organization permitted use rights by CASQA be reviewed and approved by CASQA prior to its distribution. If this condition is exercised, CASQA will confine its review and approval to substantive changes and to aspects of the revised product that directly affect CASQA, its members, or its contractors. If this condition is exercised, the user shall not distribute the revised version of the CASQA product without the prior approval of CASQA.
9. Copy – A copy of the revised version must be provided to CASQA for its files.