

# THE UNIVERSITY OF ALABAMA IN HUNTSVILLE

## COPYRIGHT POLICY

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| <b><u>Number</u></b>   | 07.03.02  |
| <b><u>Division</u></b> | Office for the Vice President for Research and Economic Development   |
| <b><u>Date</u></b>     | MM/DD/2016  |
| <b><u>Purpose</u></b>  | UAH supports the creation and dissemination of scholarly and/or creative works. In particular, the university recognizes and reaffirms the right of its faculty, students, and staff to publish the results of their intellectual or creative labor without undue restriction. At the same time, where institutional resources are involved in the production of a Copyrightable Work, the university has equities in it that must be recognized. The purpose of this policy is to clarify the respective rights of the university, its employees, and third-party sponsors regarding Copyrightable Work. |

### **Policy**

#### **General Definitions**

(a) Copyright: Grant to an author of a Copyrightable Work or other copyright proprietor, of the exclusive right to publish, reproduce, distribute, sell, perform, or display the work.

(b) Copyrightable Work: Any original work of authorship in tangible form, including written works, such as software codes, books, journal articles, study guides, manuals, syllabi, lecture notes, programmed instructional materials, proposals, musical and dramatic compositions; pantomimes and choreographic works; pictorial, graphic and sculptural works, such as fine, graphic and applied art, photographs, prints, art reproductions, maps, globes, charts, technical drawings, diagrams, and models; films, filmstrips, and other audiovisual works; sound recordings; and computer programs. U.S. copyright protection for works created on or after January 1, 1978, begins at creation and lasts until 70 years after the author's death. If the creator of the work is an employee or in cases where the work has been specially commissioned as instruction, as a test, or answer material for a test, copyright protection lasts for 95 years from the date of first publication or 120 years from the date of creation of the work, whichever date expires first. Copyright protection covers both published and unpublished works. That a work is out of print does not affect its copyright. Copyright begins at the moment the work is created according to the Copyright Act of 1976. Registration with the Copyright Office in Washington D.C. is recommended for certain rights and advantages.

(c) **Scholarly Copyrightable Work:** Copyrightable Work created by any person subject to this policy primarily to express and preserve scholarship as evidence of academic advancement or academic accomplishment. Such works may include, but are not limited to, scholarly publications, journal articles, text books, research bulletins, monographs, books, teaching material, plays, poems, musical compositions and other works of artistic imagination, and works of students created in the course of their education, such as exams, projects, theses or dissertations, papers and articles.

(d) **University Employee:** Any full-time, part-time, or on-call faculty or staff member of the university; any student of the university who is employed by the University as a graduate teaching assistant, graduate research assistant or other worker; or any other person with whom the university has an employment relationship.

(e) **University Resources:** funds, personnel, equipment, and /or facilities administered by the university or under its authority or control.

Determination of respective interests in a Copyrightable Work produced by a University Employee will be made in accordance with the following principles.

(a) **Individual efforts:** The copyright in a Copyrightable Work produced by an employee on his or her own initiative shall be the exclusive property of such employee unless the work was specifically commissioned or assigned.

(b) **University assigned efforts:** The copyright in a Copyrightable Work prepared by an employee in the course of his or her regular employment duties or by special direction or commission shall be the property of the university. A University Employee's general obligation to produce Scholarly Copyrightable Work does not constitute a university assigned efforts in the context of this paragraph. University Employee shall own all copyrights to Scholarly Copyrightable Work. However, University shall have a perpetual nonexclusive, royalty-free license from its University author(s) to the University to use, duplicate and distribute the Scholarly Copyrightable Work for all research and educational purposes of the University.

(c) **Sponsor supported efforts:** Copyright ownership in copyrightable materials developed during work supported partially or in full by an outside sponsor through a contract or grant with the university is determined by the applicable provisions of such contract or grant. In the absence of any governing provision, the copyright shall be the property of the university.

(d) University assisted individual efforts: Where a copyrightable work is developed with use of University Resources and is not sponsor-supported, shall be the property of the university.

(e) Video, online, or electronic course material: Copyright in video, online, or electronic course material for instructional purposes shall belong to the University Employee. However, University Employee, while employed by the University, shall not sell, lease, rent, or otherwise use such material in a manner that competes with the offerings of the University. University shall have a perpetual nonexclusive, royalty-free license from its University author(s) to the University to use, duplicate and distribute the video, online, or electronic course material for all research and educational purposes of the University.

Scholarly Copyrightable Work produced by currently enrolled student of the University, who do not meet the definition of a University Employee as set forth in definition paragraph (d) above, shall belong to the student unless the preparation involved other than the *de minimis* use of University Resources. However, University shall have a perpetual nonexclusive, royalty-free license to use, duplicate and distribute the Scholarly Copyrightable Work produced by such students for all research and educational purposes of the University.

## **Procedure**

The respective equities of the parties in Copyrightable Works and the extent of their participation in the income derived from such works shall be governed by the university policy on Distribution of Income from Patents, Inventions and Discoveries (07.03.03) that may be modified from time to time. Income from materials produced by the individual initiative of an employee shall belong entirely to the employee.

The name and/or logo of the university may not be used in connection with the publication, display, or distribution of a work where the copyright is in the name of an employee, except upon prior approval of the university. The Vice President for Research and Economic Development has the responsibility for administering the principles and policies stated herein. Actual implementation shall be handled primarily by the Patent Administrator.

With the exception of Scholarly Copyrightable Works, University Employees shall disclose to the university all Copyrightable Works. Such disclosure shall be made at the earliest point at which the likelihood of university interest becomes reasonably apparent.

The Patent Administrator will determine the classification of the work under these policies, the respective equities of the parties to be reflected in a sharing of royalties or other financial arrangement, and any rights in regard to revision or withdrawal of the work and the use of the university name and logo.

If the University Employee and the Patent Administrator cannot reach agreement, the matter will be submitted to the Vice President for Research and Economic Development. The Patent Administrator will review all the relevant circumstances and recommend to the Vice President for Research and Economic Development on all issues requiring determination. In the event the employee is not satisfied with the decision of the Vice President for Research and Economic Development, appeal may be made to the President, whose decision is final.

The Patent Administrator provides advice and assistance in copyright and related matters to University Employees upon request. Those responsible for carrying out programs that may generate copyrightable materials with significant support by the university or a sponsor should seek clarification in advance from the administrator concerning all questions of equities, copyright ownership, and rights as to such material.

### **Review**

This policy will be reviewed every four (4) years or as needed or when there is a change in laws.

### **Approval**

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|--|---------------|
| _____<br>Chief University Counsel                                  | _____<br>Date |
| _____<br>Provost and Executive Vice President for Academic Affairs | _____<br>Date |
| _____<br>Vice President for Administration and Finance             | _____<br>Date |
| _____<br>Vice President for Advancement                            | _____<br>Date |
| _____<br>Vice President for Diversity                              | _____<br>Date |
| _____<br>Vice President for Research and Economic Development      | _____<br>Date |

**APPROVED:**

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President, The University of Alabama in Huntsville

Date