

# University of Alabama at Birmingham

## COPYRIGHT POLICY

September 18, 2006

See also: Board of Trustees Rule 509 “Patent Policy” (The terms of this Copyright Policy are subservient to the Patent Policy)

UAB Computer Software Policy (Approved January 14, 1986, Corrected May 28, 1986 and Edited February 26, 1996, for job title changes)

### **Purpose**

The University of Alabama at Birmingham (the “University”) is dedicated to instruction, research and service to benefit society and encourages its faculty, staff and students to carry out scholarly endeavors in an open and free atmosphere, and to publish the results of such work without restraint, consistent with applicable law and policy. The University is committed to complying with all applicable laws regarding copyright. The purpose of this policy is to clarify individual rights and institutional rights associated with ownership of copyrights and with the distribution of benefits that may derive from the creation of various types of intellectual property. This policy applies to creators of copyrightable works, whether such creators are University faculty, staff or students.

### **Information and Education**

To carry out the purposes of this policy, the University shall:

- Provide the University community with information about copyright law, with emphasis on the application of fair use in academic setting, and such information shall be provided in accordance with the provisions of the Technology, Education and Copyright Harmonization (TEACH) Act and such other applicable laws and regulations.
- Provide web-based resources on copyright laws in general and on the application of fair use in specific situations.
- Make copyright and fair use informational resources available in the University’s libraries.

### **Ownership**

Ownership of the various rights associated with copyright is dependent upon several factors, listed below. As a general rule, creator(s) retain all rights to copyrightable works, unless subject to the conditions discussed in this section.

## COPYRIGHT POLICY

September 18, 2006

Page Two

A. Individual efforts: The copyright in a copyrightable work produced by faculty, staff or students on their own initiative shall be the exclusive property of such individual(s) unless the work was specifically commissioned or assigned (refer to Section B), or unless the work was prepared under the terms of a contract or grant, or unless preparation involved substantial use of University resources. Except in the cases covered in paragraphs B through E below, the ownership of books, scholarly articles/monographs, trade publications, maps, charts, articles in popular magazines and newspapers, novels, nonfiction works, supporting materials, artistic works, syllabi, lecture notes, and like works will reside with the creator(s) and any revenue derived from their work will belong to the creator(s).

B. University assigned efforts: The copyright in a copyrightable work prepared by faculty, staff or students in the course of their regular employment duties or by special direction or commission shall be the property of the University. Such condition of employment or such directions shall be in writing and shall be agreed to in advance by both the University and the individual. A faculty member's general obligation to produce scholarly and creative works does not constitute a University assignment in the context of this paragraph. Works created by students in the normal course of their coursework, such as a term paper, thesis/dissertation or similar scholarly work, does not constitute a University assignment in the context of this paragraph. A copyright agreement providing for the sharing of royalties, as discussed later in this policy, may, at the discretion of the University, be entered into by the University and the individual in regard to the work.

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 ownership of any copyright shall be determined in accordance with paragraphs A, B, D or E herein.

D. University-assisted individual efforts: A copyrightable work that is developed with substantial use of University resources and is not sponsor-supported shall be the property of the University. "Substantial use" of institutional resources may include the commitment of staff, faculty or material support in the creation of the copyrightable work, but does not include the ordinary use of the University's libraries, faculty time, faculty offices, departmental office equipment, routine secretarial support or University owned personal computers. Should a question arise as to whether substantial use of University resources has occurred or may occur, a determination will be made by the Provost or his or her designee.

E. Distance Learning: With respect to distance learning materials, ownership of such materials shall be determined in accordance with the provisions of paragraphs A through D above.

## COPYRIGHT POLICY

September 18, 2006

Page 3

G. Shop Rights: “Shop Rights” means a non-exclusive, non-transferable, royalty-free license to reproduce, distribute, publicly perform, publicly display, or make derivative works of the copyrighted work, for educational or research purposes only. Except for textbooks and articles published in scholarly journals, the University shall have shop rights to copyrighted materials developed by its faculty, staff and students, pursuant to paragraph A above, and faculty, staff and students of the University shall have shop rights to copyrighted materials owned by the University, pursuant to paragraphs B and E above; provided, however, that no faculty, staff or student shall use any shop rights hereunder in competition with the University while such individual is employed by the University.

### **Disclosure**

There is no mandatory disclosure requirement for works created by faculty, staff or students for works that meet the criteria set for in paragraph A above. For works that meet the criteria set forth in paragraphs B, C, or D, the creator must disclose the existence of the work during or immediately after its creation. Disclosure shall be made in writing to the creator’s unit leader and to The UAB Research Foundation. If any questions exist regarding whether disclosure is required, contact The UAB Research Foundation.

### **Commercialization/Distribution of Net Revenues**

All costs and revenues from the commercialization of any intellectual property hereunder, owned by the University, shall be distributed in accordance with the University’s Patent Policy (*approved by the Board of Trustees on February 23, 1980, and revised on January 14, 1986*). Nothing contained in this policy shall be construed to supersede the University’s Patent Policy or Computer Software Policy (*approved on January 14, 1986, corrected on May 28, 1986, and edited February 26, 1996*), and the terms of the University’s Patent Policy and Computer Software Policy shall control in the case of any conflict between those policies and this policy.