

University Copyright Policy

Policy Memorandum No. 50

Recommended by: Commission on Research
Approved by University Council: February 20, 1984
Approved by Board of Visitors: April 2, 1984
Effective: Immediately

As a result of the work of a special ad hoc committee and the Commission on Research, modifications in the University's Copyright Policy have been developed to accommodate what is anticipated to be a rapidly expanding area of activity: the developing and marketing of computer software generated by increased computer literacy among faculty, students, and staff. The modifications essentially make the same provisions for computer software as the provisions previously developed for other copyrighted material. In addition, the modifications clarify the meaning of "use of University facilities" as that phrase applies to the policy, and they spell out more clearly the role of the Virginia Tech Foundation in management of copyrights. Finally, the modifications include certain other provisions for reasons of legal sufficiency.

Following is the current University Copyright Policy, reflecting the revisions, as approved by the Board of Visitors on April 2, 1984:

1. Introduction

It has long been a recognized right of members of the faculty to write and produce materials subject to copyright, and to copyright those materials and to receive royalties resulting from their use. Such materials include books, articles, computer software, film, and videotape. The University encourages these activities.

2. Professional Rights Of The University Staff (Including Faculty)

- a. The staff shall retain all rights relating to publication, distribution and classroom use of materials which they have prepared on their own initiative without substantial use of University facilities and resources. This provision includes copyrighting of papers published in journals and scholarly books, unless such books were developed as a specific part of a University assignment.
- b. Proprietary Interests of the University

The University shall obtain the entire right, title and interest in all materials subject to copyright when the materials result from an assigned duty of a member of the staff of the University, when the University provides funds for the production of the materials, or when substantial use of University facilities and resources is made in the production of the materials, including the case when funds and facilities are provided by outside sponsors.

The University will not construe the provision of office, library, laboratory, or computation facilities, as governed by the "University Policy on Use of University Facilities," as constituting significant use of space or facilities, nor will it construe the

payment of salary as constituting significant use of funds, except for those situations where the material was developed as a specific part of a specific University assignment. A faculty member's general obligation to produce scholarly works does not constitute such a specific University assignment.

c. **Consulting Work**

Staff members desiring to perform consulting work for outside organizations are required to obtain prior approval as specified in the FACULTY HANDBOOK. Materials developed solely in the course of consulting work performed for outside organizations for which approval has been obtained shall not be considered as having been made or developed in the course of University employment unless otherwise provided in the President's approval. Accordingly, all rights to such materials, other than those involving the substantial use of University funds or facilities, shall remain with the individual, subject to any agreement he may have with the outside organization.

3. University Ownership Of Copyright

The University shall obtain, as hereinafter provided, the copyright to the materials in which the University possesses a proprietary interest, as referenced in Section 2.b above. The University may assign the rights to the copyright to the Virginia Tech Foundation, Inc. (hereinafter Foundation). The Foundation will have all rights to use, promote, manage, market, sell or in any other way dispose of such material, on such terms and conditions, and for such consideration, if any, as the Foundation shall determine, as hereinafter provided. The Foundation and the University employee shall share equally in any net royalties.

If the University fails to make progress toward obtaining a copyright (and marketing such copyright) of materials in which the employee has a share within a period of 18 months, the employee may formally make a written request to the University Committee on Copyrights, that the ownership of the materials pass to the employee.

Materials in which the University has a proprietary interest but which are the result of the individual initiative of a staff member may be reviewed by the staff member after five years for obsolescence. If he considers the materials to be obsolete, he has the right to refer the matter to the University Committee on Copyrights, with recommendation for disposal of the material.

4. Sponsor-Supported Effort

Funds and facilities provided by governmental, commercial, industrial or other private organizations that are administered and controlled by the University, shall be considered to be funds and facilities provided by or through the University for the purpose of this policy statement. Agreement between the University and the sponsor pertaining to share of royalties and title to copyrightable materials shall be the responsibility of the University

5. The University Committee On Copyrights

A University Committee on Copyrights shall be appointed by the President. The Committee will consist of five faculty members actively involved in copyright matters, and an administrator. The faculty members are to be appointed by the President upon nomination by

the Faculty Senate. All Committee terms are rotating for 3 years, and members may be reappointed.

6. Procedures For Reporting And Committee Action

a. Report of Materials

All materials in which the University may have a proprietary interest under the provisions of this policy shall be promptly reported in writing by University personnel concerned through his department head and dean to the Committee, for the purpose of determining whether and to what extent the University has a proprietary interest in the material.

If more than one individual participated in the development, the report shall be signed by all such participants and identify the percent of interest of each participant. The report shall constitute a full and complete disclosure of the subject matter of the materials concerned and identity of all persons participating in the development. The participants shall furnish such additional information and execute such documents from time to time as the Committee may reasonably request.

b. Action by the Committee

The Committee shall consider promptly all reports of materials and shall determine whether to apply for a copyright on behalf of the University.

In any case where the rights of the University and of any employee appear to be in conflict, the Committee shall make a finding as to ownership and shall report such finding to the Office of the Provost for final resolution. University personnel involved shall be entitled to appear before the Committee and present evidence with respect to the report. The Committee's determination shall be made in writing and shall contain a statement of its findings and grounds of decision.

In any case where the matter of obsolescence is brought to it, the Committee shall make a determination to the extent of obsolescence and also shall make a recommendation for possible correction of the material. University personnel involved shall be entitled to appear before the Committee and present evidence with respect to the recommendation. The Committee's recommendation shall be made in writing and shall contain a statement of its findings and grounds of decision.

c. Review of Committee Action

At the request of any interested party or on his own motion, the University Provost may review any determination of the Committee. He may affirm, modify, or reject any determination of the Committee.

7. Contract Administration

As before noted, all University-owned copyrights may be transferred to the Virginia Tech Foundation, Inc., for purposes of management. The Foundation may negotiate and enter into contracts for the promotion, exercise, sale, maintenance, or other disposition of materials in which the University has a copyright.

President's Policy Memorandum

URL: <http://purl.vt.edu/vtdocs/policies/ppm50>