

Copyright Policy

ROWAN UNIVERSITY POLICY

Title: *Copyright Policy*

Subject: *Research*

Policy No: *Res: 2015:04*

Applies: *University-Wide*

Issuing Authority: *President*

Responsible Officer: *Vice President for Research*

Adopted: *10-07-2015*

Last Revision:

Last Reviewed:

I. PURPOSE

The purpose of this policy is to outline the University's adherence to the Federal copyright laws.

II. ACCOUNTABILITY

Under direction of the President, the Vice President for Research shall implement and ensure compliance with this policy.

III. APPLICABILITY

This policy applies to all faculty, employees and students in the University.

IV. DEFINITIONS

1. **Academic Work** - Academic work shall mean a scholarly, pedagogical, or creative work, such as an article, book, textbook, novel, work of visual art, dramatic work, musical composition, course syllabus, test, or class notes.
2. **Copyright Protection** - Copyright protection subsists in original works of authorship fixed in a tangible medium of expression, as defined by United States copyright law.
3. **Directed Work** - Directed work shall mean a work agreed upon between the University and the faculty creator(s) or author(s), the creation of which is based on a specific request by the University and which is supported by University resources beyond those customarily provided to faculty in the respective discipline and University-owned and operated units.
4. **Faculty** : Faculty shall mean employees of the University holding faculty appointments. In general, they are those who teach or conduct research at the University with a level of -responsibility and self-direction similar to that exercised and enjoyed by faculty in a similar activity. Postdoctoral fellows, researchers, and scholars have the same ownership rights as faculty and they are covered under this policy.
5. **Student** - Student shall mean a registered student at the University.
6. **Work** - Work shall mean a work protected under United States copyright law.

V. REFERENCES

1. Copyright Law: Title 17 of the United States Code (U.S. Code - Title 17 - Copyrights)
2. Fair Use 17 USC Section 107: Limitations on exclusive rights: Fair use
3. Copyright Office Circular 21: Fair Use (Reproduction of Copyrighted Works by Educators and Librarians). <http://www.copyright.gov/circs/circ21.pdf>.
4. Digital Millennium Copyright Act (DMCA) in U.S. Code - <http://www.copyright.gov/legislation/dmca.pdf>.

5. Technology, Education and Copyright Harmonization Act of 2002, TEACH Act <http://www.copyright.com/media/pdfs/CR-Teach-Act.pdf>.

VI. POLICY

1. General

- a. Federal copyright law prohibits the reproduction, distribution, public display or public performance of copyrighted materials without permission of the copyright owner, unless fair use or another exemption under copyright law applies. The U.S. Copyright Act (Title 17, U. S. Code) has granted specific rights and control to the creators of creative work for them to gain financial benefit when others use their work. When others use copyrighted material, they must obtain copyright permission before using or reproducing the copyrighted work.
- b. In general copyright protects any creative work including books, magazines, journals, maps, charts, photographs, graphic materials, printed materials, and unpublished materials such as confidential reports, computer programs, software, sound recordings, movies, video films, sculptures and any other artistic works.
- c. For an individual creator or author copyright protection of a work extends for the author's life plus 70 years. For employers, copyright protection of a work extends for 95 years from the date of publication as of November, 1998. The only exception to the copyright is the use of creative material for academic purposes.
- d. In accordance with the copyright law and commitment to higher education, Rowan University has made serious commitment to sharing knowledge through education for a diverse community and application of such knowledge to the benefit of the society. Rowan University encourages faculty and students to exercise their interests in ownership and use of their copyrighted material in a manner that provides the greatest possible scholarly and public access to their work.
- e. The University acknowledges the importance of intellectual freedom and autonomy in the creation, use and dissemination of such scholarly works. The University and University faculty, other employees, and students shall execute necessary or desirable written instruments or agreements to evidence and protect ownership of copyright licenses consistent with this policy.

2. Ownership of Academic and Scholarly Work

- a. Consistent with academic tradition, all works that have traditionally belonged to the employee scholarly work and esthetic copyrighted works such as books, articles, artistic works, dramatic works and performances, choreographic works, popular fiction, and non-fiction works, poems lectures, lecture notes, course outlines, handouts exercise and tests developed by employees to support their own teaching activities including materials developed for distance learning courses, copyrightable property embodied in a storage medium such as films, videos, audio recordings, multimedia materials will continue to belong to Rowan employees and Rowan University makes no claim.
 - i. Copyrightable material that has been released by the College/University to the creator shall belong to the Rowan employee.
 - ii. Works produced by students, either alone or with the assistance of Rowan faculty are included in the above exemption.
- b. The University shall own the copyright in the following works created by University Faculty, other employees or students acting individually or jointly with others:
 - i. directed work;
 - ii. works created or developed by University faculty, staff or other employee within the scope of his or her employment ("work for hire"). The University is considered the author of such works, and is the owner of the associated copyright unless both the University and the employee have signed a written agreement specifying otherwise. University faculty and students shall own the copyright in the works they create;
 - iii. works specially ordered or commissioned by the University and for which the University has agreed in writing, to specifically compensate or provide other support to the creator(s) or author(s);
 - iv. works created with more than the incidental use of university facilities or financial support
 - v. works created in connection with an outside administration of the University;

- vi. works created pursuant to a contract with an outside sponsor that provides University ownership of the copyright in the works or unless otherwise provide;
 - vii. courseware created by non-faculty employees as part of their assigned work or duties fall into the category of works for hire or works created by an employee within the scope of employment; thus, copyright in such works is owned by the university and
 - viii. courses created jointly by faculty authors and others whose contributions would be works for hire will be jointly owned by the employee author and the university.
 - ix. the copyrighted property that is created in the course of research supported by the College /University which is funded by the College/University and/or a sponsor pursuant to a grant or research agreement, confidential disclosure agreement or other legal obligation ownership will be governed by the terms of such grant or agreement, as approved by the College/University. The College/University will own copyright to such property.
- c. Copyright Protection
- i. The University and University faculty, other employees, and students shall execute necessary or desirable written instruments or agreements to evidence and protect ownership of copyright licenses consistent with this policy.
 - ii. Copyright protection may be sought to recognize authorship and protect the integrity of the work. Notice of copyright must be affixed to the copyrightable material as shown: "Copyright © 20XX Rowan University. All rights reserved". Works may be registered with the United States Copyright Office.
- d. Royalties
- i. Employees shall receive all royalties that may accrue from the commercialization of courses they create on their own initiative. However, the College/University reserves the right to use the copyrightable property royalty-free as long as it is a viable course, unless the creator has specifically demonstrated that such royalty-free use significantly impairs the creator's right to commercialize the copyrightable property he or she owns.
 - ii. On the other hand, the university retains all royalties and other benefits that may accrue from the commercialization of courses created by faculty members pursuant to contract or as a work for hire, including courses created as a condition of employment or as enumerated under Section VII.D "Ownership of Academic and Scholarly Work," unless there is a mutual agreement between the creator and the College/University regarding shared ownership of copyright to such work.
- e. Exceptions
- Nothing in this policy shall be construed to preclude the University and faculty and students from entering into written agreements governing the use, licensing, or sharing of licensing revenues with each other with respect to works, whether such works are owned by the University, the faculty, or students under this policy.
- f. Disputes
- Any disagreements about ownership rights will be resolved by the university Copyright Ownership Rights Committee appointed by the President. The committee shall make recommendation to the Provost/Vice President for Research, who shall render a decision on behalf of the College /University. The employee may appeal the decision of the Provost/Vice President for Research.