

Creation of Copyrighted Materials Policy

(Revision of Current Policy)

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Committee Members

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Charge

Review and revise, as appropriate, the current AU
Copyright policy

Rationale

1. Current AU Copyright Policy was last updated in **1984**
2. Increase in Distance Education efforts
3. Compliance with Federal Law (TEACH Act, for example)

Committee Work to Date

1. Thoroughly reviewed current policy: Inadequate
 - A. Fails to address many common questions
 - B. Extremely out of date
 - C. Fails to address use of copyrighted materials
2. Revised policy into two documents
 - A. Creation of copyrighted materials
 - B. Use of copyrighted materials (a.k.a. “Fair Use” policy at some institutions)
3. Creation Policy completed (pending approval)
4. Use policy still in development
5. Educational Materials Website in development

Creation Policy in a Nutshell

(ownership)

- “...Auburn University disclaims ownership of works by faculty, staff, doctoral fellows and students, except as defined in the Policy Procedures...”
- 1. *Assigned Tasks, “where the assignment explicitly states in writing that the work will be owned by Auburn University...” “Absent an explicit written statement of work for hire, the work is presumed to be the property of the author.”
- 2. *Sponsored Agreements, “...ownership...will be determined by the applicable terms of the funding agreement.”
- 3. **Patentable Works, “...the University Patent Policy will apply...”
- 4. *Commitment of Auburn University Resources ...

Policy Nutshell (cont.)

(ownership)

4. Commitment of Auburn University Resources,
 - “When Auburn ...makes substantial commitment of resources...[it] may be entitled to some...ownership share...”
 - “...specific determination of ‘substantial resources,’ as well as ...contractual details... should be determined...before the work is published or otherwise distributed.”
 - In other words... Negotiate and specify in writing BEFORE the project is begun (ideally), but certainly before completion and/or distribution of the project.

Policy Nutshell (cont.)

(Royalties/Remuneration)

1. If author hasn't used substantial university resources, the work is the sole property of the author(s).
2. If AU has no ownership and/or investment, ... AU makes no claim on the Exclusive Rights of the copyright owner.
3. Where AU has made substantial commitment of resource... [it] may request the reservation of certain exclusive rights or income sharing. This shall be done according to written contract determined prior to publication/distribution.
4. Absent a written contract it shall be presumed that the University and the authors are co-owners of the work, and AU is entitled to recoup its contribution before any distribution of royalties.

Questions/Comments?
