

POLICY ON COPYRIGHTS

I. POLICY

The objective of this policy is to encourage the development of copyrighted works as well as to set forth the parameters by which copyright ownership is achieved. All rights in copyright for works arising from the use of any University resources shall belong to the University.

It is the policy of Morgan State University that copyrights arising from aesthetic, scholarly, or other work developed through independent efforts and not part of a directed institutional or University assignment shall reside with the originator. Independent effort is defined as the product of inquiry, investigation, or research to advance truth, knowledge, or the arts where the specific choice, content, course, and direction of the effort is determined by the individual without assignment or supervision by the University.

In conformity with this policy, the President is authorized to enter into agreements with respect to ownership, licensure, disposition of royalty income, resolution of disputes, and other rights related to copyrights. The President is authorized to register copyrights, accept copyrights from third parties, and to sell or grant licenses or assignments in the name of the University for any rights to copyrights under University jurisdiction.

II. OWNERSHIP BY CATEGORY OF WORK

A. Scholarly/Aesthetic

In keeping with traditional academic practice and policy, ownership of copyrights to scholarly or aesthetic works that are prepared through independent effort and not part of a directed assignment shall reside with the originator except as otherwise provided in this Policy. The general obligation of faculty to produce scholarly works does not constitute such a directed assignment.

B. Personal

The copyright to any work that is prepared outside the scope of employment and without the use of University resources by an employee shall be

the property of the employee.

C. Sponsored/Contracted

The University asserts its right to copyrightable works created under sponsorship or contract. Copyright ownership of sponsored works and contracted works shall be governed by such agreements or contracts. Any sponsored work agreement which provides for ownership by other than the University shall also provide the University with a free-of-cost, non-exclusive, world-wide license to use and reproduce the copyrighted work for research and education purposes, except where prohibited by law or government regulation.

D. Commissioned

When the University commissions the production of a work, title normally should be with the University. In all cases, copyright ownership shall be specified in the written contract. Any commissioned work agreement which provides for ownership by other than the University shall also provide the University with a free-of-cost, non-exclusive, world-wide license to use and reproduce the copyrighted work for research and education purposes, except where prohibited by law or government regulation.

E. Acquired by Assignment or Will

The University may acquire copyrights by assignment or will pursuant to the terms of a written agreement or testament.

III. REVENUE SHARING

The University may assign or license its copyrights to others. The University shall share with the originator(s) revenue which it receives through copyrights. Specific provisions of grants or contracts may govern rights and revenue distribution. Consequently, revenues received from such copyrights may be exclusive of payments of royalty shares to donors or contractors. Moreover, the University may contract with outside persons or organizations to obtain, manage and defend copyrights, and any royalty share or expenses contractually committed to such persons or organizations may be deducted before revenues accrue or before the originator's share is distributed.

The net revenues from a copyright will be applied first to reimburse the University for expenses in generating the copyright and in marketing, licensing and defending the rights. After reimbursement of such expenses, such revenues

shall be shared as follows: (1) the first \$5,000 shall be paid to the originator(s); (2) thereafter the originator(s) shall receive seventy-five percent of such revenues. Applicable laws, regulations or provisions of grants or contracts may require that a lesser share be paid to the originator.

To the extent consistent with State and University policies, any net revenue received on account of a copyright, after sharing with the originator(s), will be dedicated to research and to the promotion of original works. If practicable, eighty-five percent of the University's share of new revenue from each copyright will be designated for research in the originator's department or unit up to \$100,000 in a fiscal year.

If use of such funds for research within the originator's department or analogous unit is not practicable, the funds should usually be designated for research in a related department or unit. The remaining part of the net revenues shall be devoted to research and incentive for creative works as directed by the President, or designee.

IV. DEFINITIONS

For purposes of interpretation of this policy, the following definitions shall apply:

A. Aesthetic Work

A work that is a result of original artistic expression.

B. Commissioned Work

A work produced for the University by others pursuant to a contract at the institution's expense.

C. Contracted Work

Work produced by and for others at the others' expense, using University facilities pursuant to a contract.

D. Copyright

The intangible property right granted by statute providing the owner the following exclusive rights over a work: to reproduce, to prepare

derivative works, to distribute, to perform publicly, and to display publicly.

E. Direct University Assignment

Any written or oral instruction or task assigned to an originator.

F. Independent Effort

Independent effort is defined as the product of inquiry, investigation, or research to advance truth, knowledge, or the arts where the specific choice, content, course, and direction of the effort is determined by the individual without assignment or supervision by the University.

G. License

A contract in which a copyright owner grants permission to exercise one or more of the rights under copyright.

H. Originator

A person who produces a work by his own intellectual effort, including a student employee.

I. Royalties

A payment made to an owner of a copyright for the privilege of practicing a right under the copyright.

J. Scholarly Work

Work such as, but not limited to, books, articles, other such publications, lectures, and computer software resulting from independent effort.

K. Software

Statements or instructions used in a computer to bring about a certain result and any associated documentation containing operational instructions. (In cases where software is found to be patentable, the Patent Policy will govern.)

L. Sponsored Work

A work produced by or through the University pursuant to a contract, grant, or other agreement.

M. University Resources

All buildings, equipment, services, funds (regardless of source), and other facilities under the control of the Board of Regents.

N. Work

Any copyrightable expression including, but not limited to writings, lectures, musical or dramatic compositions, sound recordings, films, videotapes, computer software, architectural designs, and works of art.