

COPYRIGHT POLICY

Regional University System of Oklahoma (Excerpt from the RUSO Policy Manual)

5.13.2 Copyright Policy.

POLICY. RUSO recognizes and encourages faculty, staff, and students to participate in creative and scholarly activities as an inherent part of the educational process. It is the broad policy of RUSO to promote creativity and scholarly activities and to expand the frontiers of human attainment in those areas to which the pursuits of the senior regional universities are dedicated.

BASIC OBJECTIVES. Copyrights are created by the Constitution and the laws of the United States to promote the progress of science and the useful arts by securing for limited times to authors the exclusive rights to their works and writings. The basic objectives of the Board policy concerning copyright include the following:

- A. to maintain the broad academic policy of encouraging research and scholarship as such without regard to potential gain from royalties or other income;
- B. to make copyrightable materials created pursuant to university objectives available in the public interest under conditions that will promote their effective utilization;
- C. to provide adequate incentive and recognition to faculty and staff through proceeds derived from their works.

COPYRIGHT OWNERSHIP AND ROYALTY DISTRIBUTION.

- A. Under the Copyright Revision Act of 1976, 17 U.S.C. § 101 et seq. (1976), works of original authorship are protected by copyright from the time they are fixed in a tangible medium of expression, now known, or later developed.
- B. All RUSO personnel, in accordance with the Board policy and basic objective of promoting creative and scholarly activities, are free to develop, create, and publish copyrightable works.
- C. Copyrighted works produced by the RUSO faculty and staff are the property of the creator of that work. All rights afforded copyright owners

under § 106 of the Act reside with the creator unless he/she has assigned or licenses any of the enumerated rights. Decisions relative to registering of these works with the Copyright Office are left to the individual creator.

- D. Copyright in works specifically commissioned by the university under § 201 (b) of the Act shall belong to the university. As copyright owner, the university shall make decisions relative to registering commissioned works. Royalties for university-commissioned copyrighted works may be shared by the university and the creator(s) of the work. The terms of any grant or contract relative to royalties shall take precedence over this policy should there be a conflict between them. Disputes arising over royalty sharing for university-commissioned works shall be referred to the general counsel for the Board.
- E. Works produced under a specific contract or grant agreement between the university and a governmental or other agency or organization are subject to the terms of the grant or contract for purposes of copyright. If copyright ownership is not specified, such rights shall reside in the creator.
- F. Where university service units (such as a media production department) are involved with the production of a substantially completed copyrightable product, royalties shall be distributed between the copyright owner, i.e., faculty or staff creator, and the university as provided for in a written agreement concluded prior to work being done.

COPYRIGHT OWNERSHIP AND ROYALTY DISTRIBUTION.

However, in those instances in which a written agreement has not been finalized prior to the completion of the copyrightable product, the standard distribution of royalties will be provided to creator with 50 percent of the net income when mass production and distribution are accomplished by the university; 50 percent of the gross income when mass production and distribution are accomplished by an outside entity. If this standard is unacceptable to either party, the matter shall be referred to the university president.

September 2006