Reason for Policy: To describe the copyright rules applied at the University and to encourage the production of copyrightable works that contribute to the professional stature of their author(s) and that advance the University’s scholarly, academic and Graduate Studies missions.

Policy Summary: The “work-for-hire” rule in the Copyright Act gives the University ownership of the copyright to works produced by it employees within the scope of their employment. However, in the case of scholarly and academic works produced by academic and research faculty, the University cedes copyright ownership to the author(s), except where significant University resources (including sponsor-provided resources) were used in creation of the work.

Definition of Terms in Statement: Copyright: A form of protection provided by the laws of the United States to “original works of authorship” including literary, dramatic, musical, artistic and certain other intellectual works, whereby copyright owners may claim, for a limited time, certain exclusive rights to specified works. This protection is available to both published and unpublished works and gives the copyright owner the exclusive right to reproduce, distribute, sell, perform, display or prepare derivatives of the work, and to protect a copyright against infringement. Copyright protection does not extend to an idea, procedure, process, slogan, principle or discovery.

Work-for-Hire Rule: The “work-for-hire” rule, defined in the Copyright Act, provides that when an employee produces a copyrightable work within the scope of employment, the copyright to that work belongs to the employer and not to the author.

“Significant” University Resources: The use of University resources is “significant” when it entails substantial and dedicated use of University equipment, facilities, or personnel. The use of a computer in a faculty office, incidental supplies and occasional use of University personnel or shared facilities would typically not be considered significant use. In contrast, utilization of University laboratories or special instrumentation, dedicated assistance by University employees, special financial assistance or extensive use of shared facilities would constitute significant use.
**Sponsor-Provided Resources:** Funds and facilities provided by governmental, commercial, industrial or other private organizations which are administered and controlled by the University shall be considered University resources for purposes of this policy.

**Policy Statement:**

This policy governs the respective ownership rights of the University and its employees in copyrightable material produced within the scope of employment. The University asserts its ownership interest in copyrightable works if significant University resources (including sponsor-provided resources) are used in the creation of the work and: (a) the work generates royalty payments; or (b) the work is of commercial value that can be realized by University marketing efforts. In such cases, the University will share royalties with the author(s).

The University share of royalties from copyrightable works will be used by the Vice President for Research and Graduate Studies to support research, teaching and scholarly activities. In cases where the provisions of this policy state that the University cedes copyright ownership to the author(s), it is the intention that such ownership will be ceded to the author(s) by operation of this policy without further action by the University.

1. **Employee Ownership**
   The employee owns the rights to any work created at his or her own initiative and outside the scope, time and place of employment. The University cedes copyright ownership to the author(s) of scholarly and academic works (such as journal articles, books and papers) created by academic and research faculty who use generally available University resources. However, the University asserts its right of copyright ownership if significant University resources (including sponsor-provided funds) are used in the creation of such works, and: (a) the work generates royalty payments; or (b) the work is of commercial value that can be realized by University marketing efforts.

   Use of the University’s name in connection with the commercialization of a faculty work, must be approved in advance by the University.

2. **University Ownership**
   By operation of the copyright law, the University owns in the name of The Rector and Visitors of the University of Virginia (the University’s corporate name) all rights, title and interest in copyrightable works created by University employees while acting within the scope of their employment. The University cedes copyright ownership to the author(s) of scholarly and academic works (such as journal articles, books and papers) created by academic and research faculty who use generally available University resources. However, the University asserts its right of copyright ownership if significant University resources (including sponsor-provided funds) are used in the creation of such works, and: (a) the work generates royalty payments; or (b) the work is of commercial value that can be realized by University marketing efforts.

   Even in cases where the University retains copyright ownership under this policy, it may cede such ownership to the work’s author(s) by written agreement signed by the Vice President for Research and Graduate Studies and approved by the appropriate Provost.

   The University retains a non-exclusive, royalty-free right to use for non-commercial purposes works produced by its employees while acting within the scope of employment even if copyright ownership is ceded to the author(s).

   The University may assign its copyright ownership for purposes of commercialization to licensees, publishers or other parties.

3. **Sponsors and Contracts**
When under the terms of a contract with the University, a sponsor obtains copyright ownership in any copyrightable work that may result from the sponsored effort, that contract takes precedence over this policy. If the sponsor does not assert an ownership interest, copyright ownership is vested with the University as provided in this policy.

4. **Responsibilities**

   A. **Vice President for Research and Graduate Studies**
      
      The Vice President for Research and Graduate Studies is responsible for the implementation and administration of this copyright policy and for securing and marketing copyrights in the University’s name and shall:
      
      - Develop standards and procedures appropriate for the implementation of this policy.
      - Determine if significant University resources have been used in the creation of a copyrightable work.
      - Determine whether and under what conditions to cede copyright ownership to the author(s) of a work owned by the University under this policy.
      - Promptly advise authors of decisions regarding copyright ownership.
      - Determine whether copyrights owned by the University are marketable, and if so, ensure that appropriate marketing steps are taken on behalf of the University.
      - Establish guidelines for distribution of royalties when the University owns a copyright.
      - Distribute royalties accruing to the University as a result of the implementation of this policy.
      - Make a finding as to ownership in any case where the rights of the University and of an employee appear to be in conflict and report such finding to the appropriate Vice President and Provost for final resolution.

   B. **The Vice President and Provost**
      
      The Vice President and Provost of the University shall:
      
      - Approve standards and procedures developed by the Vice President for Research and Graduate Studies for implementation of the copyright policy.
      - At the written request of an aggrieved party or on the Provost’s own motion, review determinations by the Vice President for Research and Graduate Studies of ownership of a copyright.
      - Affirm, modify or reject determinations of copyright ownership made by the Vice President for Research and Graduate Studies, or make such determinations outright if the Vice President for Research and Graduate Studies does not resolve the matter in a timely manner.
      - Conduct an annual review of the copyright program with the Vice President for Research and Graduate Studies.

**Procedures:**  Procedures to Implement the University Copyright

**Related Information:**

**Policy Background:**

**Major Category:** Research Administration

**Category Cross Reference:**
Process:

Next Scheduled Review:

Approved By, Date: Policy Review Committee, 04/01/04


Supersedes (previous policy): Copyright Policy XV.E.1