Administrative Procedures to Implement the University Copyright

(Fall 2000)

These Procedures have been established by the Vice President for Research and Graduate Studies (VPRGS) to implement the Copyright Policy of the University of Virginia, approved by the Board of Visitors as of May 30, 1998.

The goal of the Copyright Policy and these Procedures is to enable the University to recover, to the extent possible, significant University resources which may have been utilized in the creation of a copyrightable work. To this end the copyright to works created utilizing significant University resources shall vest with the University and are not included in the group of scholarly or academic works the copyright ownership to which is ceded to the author(s) by the Copyright Policy. Amendments to these procedures may be made by the VPRGS with approval by the Vice President and Provost.

1. The VPRGS is the only employee of the University with authority to exclude particular works from the group of scholarly or academic works for which copyright ownership is normally ceded to the author(s) by the Copyright Policy. Determination of exclusion is based on whether the work:
   • is the result of a specific assignment
   • was undertaken with special salary support; or
   • utilized significant University resources in its creation.

2. The VPRGS will facilitate disclosure or discovery of situations where significant University resources may have been utilized in creation of a copyrightable work.
   • Investigators should be aware that use of University resources, including support from outside agencies, dedicated to production of a copyrightable work constitutes acknowledgment that copyright ownership in the work vests with the University when those resources are significant as determined by the VPRGS.
   • Authors will report to their chair or division head as soon as feasible, but at least by year-end, situations where significant resources may have already been or are expected to be utilized in creation of a copyrightable work. This includes situations where the resources used are significant only when considered cumulatively or where a copyrightable work is an unexpected result of a project.
   • The chair or division head will forward to the pertinent dean or unit head reports from authors regarding use of significant University resources and is expected to require such reports from authors who the chair or division head discovers has used significant University resources but who has not made such reports on their own initiative.

3. Faculty are advised to obtain from students participating without remuneration on a project utilizing significant University resources release of their right of ownership in the copyright of any resulting copyrightable material. Such students may, however, be listed on a disclosure as co-authors of the work and share resulting revenues. Students who are employed to work on such a project are covered by the University’s Copyright Policy and by Federal statues regarding "work-for-hire."

4. The VPRGS has authority to register on behalf of the University any copyright owned by the University.

5. The VPRGS has authority to approve license agreements for use of materials for which the University owns the Copyright. Negotiation of such agreements will occur only under
6. The VPRGS may decide that the University should:

1) transfer or turn copyright ownership of a work back to the author; or,

2) decline to assert its ownership in a work in favor of the author(s).

This decision is subject to approval by the Vice President and Provost.

• When appropriate, according to SCHEV guidelines, this decision will be forwarded to the Governor’s Office for approval.
• The terms of such a transfer will be negotiated under direction of the VPRGS and may specify that the University share in any future revenue stream resulting from the work.
• The final transfer agreement must be approved by the VPRGS.

7. Revenues resulting from University-owned copyrights shall be distributed to the author(s), the contributing administrative units and the Scholarly Activities Fund according to proportions determined by the VPRGS and approved by the Vice President and Provost. A table of these proportions is available from the Office of the VPRGS.