

3364-70-14 **Copyright policy.****(A) Policy statement**

- (1) A copyrightable material or work will be owned by the university of Toledo “university” employee when it is originated by the employee without significant support from university. Such materials or works include employee-authored books, journal articles, research studies, musical works, syllabi, distance learning courses, workbooks, examinations, tests, lectures, lecture notes and power point slides whether or not this material is published on the intranet for student use.**

- (2) A copyrightable material or work will be owned by university if:**
 - (a) The work is prepared by an employee, entirely as a part of the employee’s designated duties as an employee.**

 - (b) The employee has been specially ordered or commissioned in a signed agreement between university and the employee to create or produce the materials for which the employee received compensation from university other than and in addition to normal assignment or salary from sources administered by university, as a work made for hire that provided for the transfer of copyright to university.**

 - (c) Employees will use the following notice when displaying university-owned copyrighted material: “copyright or © 20-- , the university of Toledo. All rights reserved.”**

 - (d) Notwithstanding the above, university may contract for sponsored research or investigation, which includes the use of its facilities and/or employee’s services and in which the ownership of copyrightable subject matter resulting from such sponsored research is at variance from paragraph (A)(1) of this copyright policy 3364-70-14.**

- (3) University license under extraordinary circumstances**
In the event that a faculty member leaves university under adverse conditions, university is entitled to a one-year royalty-free license to use and reproduce any of the faculty member’s copyrighted

works necessary to teach and conduct the faculty member's assigned course(s).

(B) Purpose of policy

Provide a guideline for copyrightable subject matter that is developed at university.

(C) Definition

“Significant support” means the use of university-owned facilities/services and/or university financial support in the form of money or released time beyond the normal assignment or salary, which constitutes over fifty per cent of the cost of creating the work in its final form.

(D) Procedure

- (1) Any employee involved or wishing to be involved in the creation or production of a material or work, who is uncertain as to its status as a university-owned or university-sponsored material or work, may request a review and decision on this question through the following process:
 - (a) The employee will prepare a written request including all relevant background information and forward it through his/her staff supervisor, department chair and dean.
 - (b) Once those approvals have been received, the employee will forward the request to the head of technology transfer, who will review the material and make a recommendation, which he/she will send to the president for a final decision.
 - (c) Both the recommendation of the head of technology transfer and the decision of the president will thereafter be promptly transmitted to the person initiating the request.
- (2) In the event that there is a disagreement between the employee and university regarding the extent of internal use or terms for external use of a university-sponsored material or work, the employee will submit a similar written request, as in paragraph (D) (1) (a) of this

policy 3364-70-14, including the relevant background information to the head of technology transfer, who will attempt to negotiate an agreement between university and the employee.

(E) Legal title to all university-owned copyrightable works and materials are vested in the university upon creation. Such title shall be vested either by operation of law or by express assignment of copyright by the author.

(F) Division of income.

Net income from any licensed copyrightable work or materials is defined as earnings received by university from a license with a third party for copyrightable work after payment of all costs incurred by university in connection with the licensed copyrightable work or materials. If more than one employee contributed to the licensed copyrightable work or materials, that part of the net income accruing to the employees will be distributed on a pro-rata basis, unless another percentage disbursement of the employees' share is specifically requested in writing by the employees.

Notwithstanding university's non-exclusive license, net income from any licensed copyrightable work or material that is licensed to a third party will be shared between university and the employee(s) who originated it. Forty per cent of the net income will belong to the employee(s) or the heirs and the legatees of the employee(s). The remaining sixty per cent of the net income will be the property of university and will be distributed in accordance with the following schedule.

<u>Distribution schedule</u>			
<u>Employee(s) research account</u>	<u>Employee(s) college</u>	<u>Employee(s) department</u>	<u>University</u>
<u>10%</u>	<u>5%</u>	<u>5%</u>	<u>40%</u>
<u>Will be used solely to support the author(s) ongoing university activities.</u>	<u>Will be used by the dean(s) of the college(s) in which the author(s) has (have) primary appointment.</u>	<u>Will be used for departmental purposes by the chair(s) of the department(s) in which the author(s) has (have) primary appointment.</u>	<u>Will accrue to the university.</u>

Effective: 3/23/2018

CERTIFIED ELECTRONICALLY

Certification

03/13/2018

Date

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