


<p><b>Name of Policy:</b> <a href="#">Copyright policy</a></p> <p><b>Policy Number:</b> 3364-70-14</p> <p><b>Approving Officer:</b> President</p> <p><b>Responsible Agent:</b> Office of Research Development</p> <p><b>Scope:</b> all University of Toledo campuses</p>	 <p><b>Original effective date:</b> September 4, 2009</p>
<input type="checkbox"/> New policy proposal	<input checked="" type="checkbox"/> Minor/technical revision of existing policy
<input type="checkbox"/> Major revision of existing policy	<input type="checkbox"/> Reaffirmation of existing policy

(A) Policy statement

- (1) A copyrightable material or work shall be owned by the employee when it is originated by the employee without significant support from the university. Such materials or works shall 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 shall be owned by the 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 the university and the employee to create or produce the materials for which the employee received compensation from the university other than and in addition to normal assignment or salary from sources administered by the university, as a work made for hire that provided for the transfer of copyright to the university.
  - (c) Employees shall use the following notice when displaying university-owned copyrighted material: "Copyright or © (20\_ \_), The University of Toledo. All rights reserved."
  - (d) Notwithstanding the above, the 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 section (A)(1) above.
- (3) University license under extraordinary circumstances  
In the event a faculty member leaves the university under adverse conditions, the university shall be entitled to a one-year royalty-free license to use and reproduce the 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 the University.

(C) Definition

"Significant Support" shall mean 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 percent (50%) of the cost of creating the work in its final form.

(D) Procedure

- (1) Any employee involved or 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 vice president of research development. That employee shall prepare a written request including the relevant background information and forward it through the appropriate staff supervisor, department chair and dean to the vice president for research development, who shall then submit review the material and make a recommendation, which shall then be sent to the president for the final decision. Both the recommendation of the vice president for research development and the decision of the president shall 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 the external use of a university-sponsored material or work, the employee shall submit a similar written request, as in (D) (1) above, giving the relevant background information to the vice president for research development, who shall attempt to negotiate an agreement between the university and the employee.

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

(F) Division of income

The net income from any licensed copyrightable work or materials, notwithstanding the university's non-exclusive license, will be shared between the university and the employee(s). Forty percent (40%) of the net income will belong to the employee(s) or the heirs and the legatees of the employee(s). The remaining sixty percent (60%) of the net income will be the property of the university and will be distributed in accordance with the following schedule.

<b><u>Distribution Schedule</u></b>			
<b>Employee(s) Research Account</b>	<b>Employee(s) College</b>	<b>Employee(s) Department</b>	<b>Research Development Tech Fund</b>
10%	5%	5%	40%
Shall be used solely to support the author(s) ongoing university activities.	Shall be used by the dean(s) of the college(s) in which the author(s) has (have) primary appointment	Shall be used for departmental purposes by the chair(s) of the department(s) in which the author(s) has (have) primary appointment	Will accrue to the university and be used as a gap fund that can be utilized by the office of research development

Net income from any licensed copyrightable work or materials shall be earnings received by licensees of the university of the licensed or copyrightable work after payment of all costs incurred by the university in connection with the licensed copyrightable work or materials. If there is a plurality of employees that 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.

<p>Approved by:</p> <p><u>/s/ laj</u> Lloyd A. Jacobs, M.D. President</p> <p><u>September 4, 2009</u> Date</p> <p><i>Review/Revision Completed by: Vice President for Research Development Director, Technology Licensing and Contracts Research Council</i></p>	<p><b>Policies Superseded by This Policy:</b></p> <ul style="list-style-type: none"> <li>• <i>I-2-9 Patents and Copyrights (former Main Campus Policy, adopted 2/10/99)</i></li> </ul> <p>Initial effective date: September 4, 2009</p> <p>Review/Revision Date:</p> <p>Next review date: September 4, 2012</p>
--	---