

Name of Policy: Copyright Policy Number: 3364-70-14 Approving Officer: President Responsible Agent: Vice President, Research and Innovation Scope: All University of Toledo campuses		 Effective date: September 15, 2026 Original effective date: June 1, 2009	
Keywords:			
	New policy		Minor/technical revision of existing policy
X	Major revision of existing policy		Reaffirmation of existing policy

(A) Policy statement

- (1) The University of Toledo (“UToledo”) recognizes and supports the creation of scholarly, instructional, and creative works by its employees. Except as otherwise provided herein, a copyrightable work created by an employee shall be owned by the employee-author when the work is created independently and without Significant University Support.

Employee-owned works include, but are not limited to:

- Books;
- Journal articles;
- Research papers and scholarly publications;
- Musical and artistic works;
- Syllabi;
- Lecture notes;
- Examinations and tests;
- Workbooks;
- PowerPoint slides;
- Educational and instructional materials; and

- Other traditional scholarly, academic, and creative works.
- (2) A copyrightable work shall be owned by UToledo when:
- (a) The work is created within the scope of employee's assigned duties or responsibilities;
 - (b) The work is specially ordered or commissioned by UToledo pursuant to a written agreement providing that the work is a work made for hire or assigning ownership to UToledo;
 - (c) The work is created with Significant University Support;
 - (d) The work consists of institutional, administrative, operational, promotional, accreditation, compliance, or other materials developed on behalf of UToledo;
 - (e) Ownership is otherwise vested in UToledo pursuant to applicable law, contract, grant, sponsored research agreement, license agreement, or other UToledo policy.
- (3) Notwithstanding paragraphs (A)(1) and (A)(2), ownership of software and technology-based intellectual property shall be governed by UToledo policy 3364-70-04.

Software and technology-based intellectual property includes, but is not limited to:

- Computer software;
- Source code and object code;
- Mobile applications;
- Databases;
- Artificial intelligence models;
- Machine learning systems;
- Algorithms;
- Digital platforms;
- Research software tools; and
- Related documentation

Such materials developed within scope of employment, through sponsored research, with Significant University Support, or in connection with UToledo-owned intellectual property shall be disclosed to UToledo and shall be subject to UToledo's intellectual property ownership, protection, licensing, and commercialization, and revenue-sharing provisions.

- (4) UToledo may enter into sponsored research, grant, cooperative, or other agreements that establish ownership, licensing, access, publication, or

commercialization rights in copyrightable works. To the extent required by such agreements, the provisions of those agreements shall supersede the default ownership provisions of this policy.

- (5) Under extraordinary circumstances and to ensure continuity of instruction, UToledo shall receive a limited, nonexclusive, royalty-free license for up to one year to use and reproduce employee-owned instructional materials reasonably necessary to complete courses assigned to the departing faculty member. Such use shall be limited solely to educational and instructional purposes.

(B) Purpose of policy

Provide a guideline for copyrightable subject matter developed at UToledo.

(C) Definition

“Significant University Support” means UToledo provided resources that substantially contribute to the creation of a work beyond the ordinary resources routinely available to employees.

Examples include but are not limited to:

- Dedicated UToledo funding;
- Grant-funded support personnel;
- Course releases specifically provided for development activities;
- Specialized laboratories, studios, or equipment;
- Extraordinary computing resources;
- Contracted development services;
- Other resources whose value exceeds fifty percent of the cost of creating the work in its final form.

Routine office space, standard desktop computing equipment, library access, internet access, and normal salary support shall not, by themselves, constitute Significant University Support.

(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 for review and approval.
 - (b) Once those approvals are received, the employee will forward the request to the head of technology transfer, who will review the material, make a recommendation, and send to the vice president, research and innovation for a final decision, in consultation with the provost.
 - (c) The decision of the vice president, research and innovation will thereafter be promptly transmitted to the person initiating the request.
- (E) Legal title to all UToledo-owned copyrightable works shall vest upon creation, either by operation of law, as a work made for hire under applicable copyright law, or by written assignment from the creator.
- (F) Marking

Employees will use the following notice when displaying UToledo-owned copyrighted material: "copyright or © 20--_, The University of Toledo. All rights reserved."
- (G) Division of income

Net income from any licensed copyrightable work or materials is defined as earnings received by UToledo from a license with a third party for copyrightable work after payment of all costs incurred by UToledo 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 UToledo's non-exclusive license, net income from any licensed copyrightable work or material that is licensed to a third party will be shared between UToledo and the employee(s) who created it. Forty percent of the net income will belong to the employee(s) or upon an employee's death, to the deceased employee's estate or another person or entity legally entitled to receive the deceased employee's share. The remaining sixty percent of the net income

will be the property of UToledo and will be distributed in accordance with the following schedule.

Distribution schedule			
Employee(s) research account*	Employee(s) college	Employee(s) department	UToledo
10%	5%	5%	40%
Will be used solely to support the author(s) ongoing UToledo activities.	Will be used by the dean(s) of the college(s) in which the author(s) has (have) primary appointment.	Will 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 UToledo.

* If the University inventor(s) is no longer employed by UToledo, the 10% directed to UToledo inventor(s) research account will be retained by UToledo.

Approved by: President Date: Review/revision completed by: - Vice President, Research and Innovation - Associate Vice President, Technology Transfer	Policies superseded by this policy: None Original effective date: June 1, 2009 Review/revision date: September 1, 2011 March 13, 2012 September 17, 2015 March 16, 2020 September 15, 2023 September 15, 2026 Next review date: September 15, 2029
--	--