

3361:10-19-02 Patents and copyrights: copyright policy.

(A) Applicability.

(1) Scope.

This policy shall be applicable to all units of the university, including its colleges, schools, departments, centers, institutes, and libraries, and to all of the University's faculty and staff, and to any other persons, including students, who are aided by the significant use of university facilities, staff, or funds. This policy applies to "original works of authorship" protectable under state and federal intellectual property laws irrespective of the format or medium of expression.

(2) Effective date.

This policy shall apply only to copyrightable material completed on or after the date of its initial adoption.

(B) Rights and obligations of the parties.

(1) Traditional works.

This policy does not change the traditional relationship between the university and authors of textbooks and other scholarly and artistic works. Unless the production of such materials is subject to paragraphs (B)(2) to (B)(4) of this rule, the university disclaims ownership of copyrights in textbooks, monographs, papers, articles, musical compositions, works of art and artistic imagination, unpublished manuscripts, dissertations, theses, popular nonfiction, novels, poems and the like that are created by its faculty, staff and students.

(2) Externally sponsored works.

The ownership of any material that may be developed as the result of externally sponsored works will be determined as part of the ordinary contracting process that relates to externally sponsored projects. In any such agreements, the university shall not waive

the right to publish results of research, but may agree to reasonable delays. If the agreement contains no provision for copyright, the university shall own any work created. The ownership of works that are created by the recipients of scholarships and fellowships shall be as specified in the applicable donor agreements; if there is no specification for ownership, ownership shall be in the recipients of the scholarships and fellowships.

(3) University sponsored works.

The university claims ownership as works for hire under the copyright laws of the intellectual property rights that arise from works created as the result of specific assignments; works supported by a direct allocation of university funds for the pursuit of a specific project; and works that are specially commissioned by the university. A faculty member's general obligation to produce scholarly works does not constitute a specific university assignment, nor is the payment of regular salary, the use of office and library facilities, or the provision of incidental clerical support or reasonable data and word processing considered a direct allocation of university funds for the purposes of this paragraph.

(4) University supported work.

The university claims copyright to works produced with significant use of its resources. The payment of regular salary, the use of office and library facilities, or the provision of incidental clerical support or reasonable data and word processing is not considered a significant use of university resources for purposes of this paragraph. All proposals for use of university resources that exceed the normal amount of resources available to faculty, staff and students for the performance of their normal functions must be approved in advance by the vice president for research ~~and university dean for advanced studies.~~

Proposals for the use of significant university resources should specify how projected income from the work would compensate the university for its expenditures, including costs associated with obtaining the copyright and in its licensing, sale, enforcement and use and how net income from any projected copyright royalties would be distributed.

- (5) Creator rights and obligations.
 - (a) To report promptly all copyrightable works to which the university claims ownership under this policy to the office of the vice president for research.
 - (b) To assign title to the work to the university.
 - (c) To cooperate:
 - (i) In executing any legal documents;
 - (ii) In any litigation arising out of the work;
 - (iii) In reasonable marketing efforts related to the work.
 - (d) After disclosure to the university of a work, to receive notice within a reasonable time of the university's intention to retain title to the work.
 - (e) To receive a share of any royalties or licensing fees that may be due in accordance with an applicable agreement.
 - (f) To receive title to any work for which the university chooses not to retain title.
 - (g) To the right of timely publication of the work, consistent with any applicable licensing agreement.
- (6) University's rights and obligations.
 - (a) To keep the faculty, staff and students apprised of the university's policy on copyrightable works and of any university-wide agreements with external sources that may be in effect regarding the evaluation and/or marketing of such works.
 - (b) After a work is reported, to act in a timely manner to determine whether the university chooses to retain title.

- (c) To give notice to a creator of the intention of the university to retain title to a work.
- (d) To assign to the creator title to any work subject to this rule and for which the university chooses not to retain title.

(7) Income.

Unless otherwise provided in the agreements or authorizations referred to in paragraphs (B)(2) to (B)(4) of this rule, net royalty income retained by the university after meeting costs directly attributable to a copyrighted work shall be used for research or scholarly activity, with preferential consideration being given to the field of activity in which the copyrightable material was generated.

(C) Administration.

- (1) The office of the vice president for research shall have overall responsibility for administration of the university's copyright program, including assuring that valuable property rights are not lost to the university. Specific responsibilities of this office shall be:
 - (a) To provide information on copyrights and the university copyright policy to the university community.
 - (b) In consultation with the general counsel and vice president for legal affairs, to determine the rights of the university in any copyrightable works created or to be created with university resources.
 - (c) To develop and approve agreements for the use of university resources in the creation of copyrightable works.
 - (d) To provide assistance in securing the copyright to any works in which the university has rights.
 - (e) To exercise responsibility for marketing, licensing or distributing copyrightable works in which the university retains title.

- (f) To arrange distribution of royalty income.
- (g) Subject to the supervision of the contracting officer, to approve terms for licensing, sale, assignment, transfer or other disposition of the university's property rights in copyrightable materials.

(2) University intellectual property committee.

The university intellectual property committee shall have the responsibilities for copyright program administration that are set forth in rule 3361:10-19-01 of the Administrative Code and in addition shall advise the vice president for research on the administration of university copyright policy.

(3) Copyright notice.

The following notice on university owned material shall be displayed on copyrighted material:

Copyright © (year), university of Cincinnati, Ohio. All rights reserved.

Replaces: Former rule 3361:10-19-02.

Effective: March 21, 2005

Certification: Donna Christos signature
Donna Christos

Date: March 9, 2005

Promulgated under: R.C. Section 111.15
Statutory authority: R.C. 3361.
Rule amplifies: R.C. 3345.14;

R.C. 3361.03.

Prior effective dates: December 16, 1986
August 23, 1991
January 10, 2000
October 17, 2001