



## BOARD OF REGENTS POLICY: *Copyright*

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### SECTION I. SCOPE.

This policy applies to copyrighted works created by faculty; post-doctoral fellows, researchers, and scholars; students; and other employees of the University of Minnesota (University).

### SECTION II. DEFINITIONS.

#### **Subd. 1. Copyright Protection.**

*Copyright protection* subsists in original works of authorship fixed in a tangible medium of expression, as defined by United States copyright law.

#### **Subd. 2. Work.**

*Work* shall mean a work protected under United States copyright law.

#### **Subd. 3. Academic Work.**

*Academic work* shall mean a scholarly, pedagogical, or creative work, such as an article, book, textbook, novel, work of visual art, dramatic work, musical composition, course syllabus, test, or class notes.

#### **Subd. 4. Faculty.**

*Faculty* shall mean members of the faculty as defined by Board of Regents Policy: *Employee Group Definitions*, along with individuals who are not so defined but who are University employees holding faculty-like appointments (namely, University employees who teach or conduct research at the University with a level of responsibility and self-direction similar to that exercised and enjoyed by faculty in a similar activity). Postdoctoral fellows, researchers, and scholars shall have the same ownership rights as faculty and are covered under this policy.

#### **Subd. 5. Student.**

*Student* shall mean a registered student at the University.

#### **Subd. 6. Directed Work.**

*Directed work* shall mean a work agreed upon between the University and faculty creator(s), the creation of which is based on a specific request by the University and which is supported by substantial University resources beyond those customarily provided to faculty in the respective discipline and University unit.

### **SECTION III. GUIDING PRINCIPLES.**

- (a) The University's mission articulates a commitment to sharing knowledge through education for a diverse community and application of that knowledge to benefit the people of the state, the nation, and the world. In this spirit, the University encourages faculty and students to exercise their interests in ownership and use of their copyrighted works in a manner that provides the greatest possible scholarly and public access to their work.
- (b) The University shall maintain the strong academic tradition that vests copyright ownership of academic works in the faculty.
- (c) The University recognizes the importance of intellectual freedom and autonomy in the creation, use, and dissemination of scholarly works.
- (d) The University is committed to promoting a culture in which access, exchange, and lawful use of materials are regarded as fundamental to both the process and goals of scholarly inquiry.

### **SECTION IV. COPYRIGHT OWNERSHIP.**

#### **Subd. 1. Ownership of Academic Works.**

Consistent with academic tradition, University faculty and students shall own the copyright in the academic works they create, except for academic works described below in Section IV, subd. 2(b)-(e), or unless otherwise provided in a written agreement between the creator(s) and the University.

#### **Subd. 2. University Ownership.**

The University shall own the copyright in the following works created by University faculty, other employees, or students, acting individually or jointly with others:

- (a) works created by University employees acting within the scope of their employment, except for academic works created and owned by faculty under this policy;
- (b) directed works;
- (c) works specially ordered or commissioned by the University and for which the University has agreed, in writing, to specially compensate or provide other support to the creator(s);
- (d) works created in connection with the administration of the University; and
- (e) works created pursuant to a contract with an outside sponsor that provides University ownership of the copyright in the works.

#### **Subd. 3. Written Acknowledgments.**

The University and University faculty, other employees, and students shall execute necessary or desirable written instruments or agreements to evidence and protect ownership of copyright and copyright licenses consistent with this policy.

#### **Subd. 4. Ownership under Sponsored and Other Outside Funded Agreements.**

The ownership of copyright in works created under an agreement with an outside sponsor shall be determined consistent with the terms of the agreement and applicable law.

#### **Subd. 5. Works Created by Independent Contractors.**

Copyright ownership in works created by independent contractors shall be determined consistent with applicable law and the contract between the University and the independent contractor. In most instances, the University shall enter into appropriate written contracts with independent contractors before services are provided to the University that may result in the creation of copyrighted works.

## **SECTION V. EXCLUSIONS.**

Nothing in this policy shall be construed to preclude the University and faculty and students from entering into written agreements governing the use, licensing, or sharing of licensing revenues with each other with respect to works, whether such works are owned by the University, the faculty, or students under this policy.

## **SECTION VI. IMPLEMENTATION.**

The president or delegate shall implement this policy and maintain appropriate policies and procedures to administer it.

## **REVISION HISTORY**

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**Adopted:** December 14, 2007

**Supersedes:** Portions of Intellectual Property adopted October 8, 1999.

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