Copyright Policy

Office of Business and Finance

POLICY
I. Mission and Philosophy
   A. The purpose of The Ohio State University is to advance the well-being of the people of Ohio and the global community through the creation and dissemination of knowledge.
   B. The university encourages faculty, staff, and students to engage in the free and creative expression and exchange of ideas. The Ohio State University is committed to creating a culture and infrastructure that nurtures these activities and highlights the capacity of its faculty, staff, and students to contribute to society. The university recognizes the importance of intellectual freedom and autonomy of faculty, staff, and students.

PURPOSE OF THE POLICY
II. This policy establishes rules regarding ownership, distribution, and commercialization of copyrightable works created by faculty, staff, and students. In doing so it also:
   A. guides decision-making on the university’s protections and incentives to encourage the dissemination of new knowledge, its transfer for the public benefit, and its use for economic growth;
   B. enhances recognition and reputational benefits for the creators of copyrightable works; and
   C. preserves both the university’s and its employees’ and students’ freedom to conduct research and to disseminate copyrightable works arising from such research.

III. Nothing in this policy will be constructed to limit the university from entering into specific written agreements:
   A. with any faculty, staff, or students that will specify different terms regarding the ownership, distribution, and commercialization of copyrightable works; or
   B. with third parties in connection to sponsored research, which may specify different terms regarding the ownership, distribution, and commercialization of copyrightable works that resulted from such sponsored research.

If any term in any such agreement conflicts with any term of this policy, the term of the agreement will govern.

IV. This policy replaces the university’s current Policy on Patents and Copyrights with respect to copyrightable works.

V. Policy governing patentable software is contained in The Ohio State University Patent Policy.

DEFINITIONS
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<th>Term</th>
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<td>Commissioned work</td>
<td>A copyrightable work prepared under a written agreement between the university and the creator when the creator is not a university employee, or the creator is a university employee but the work to be performed falls outside the normal scope of the creator’s university employment.</td>
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<tr>
<td>Copyrightable works</td>
<td>Original works of authorship that have been fixed in a tangible medium of expression, including books, articles, artwork, music, software, traditional or electronic correspondence, and on-line instructional materials, that are likely to be subject to protection under United States copyright law.</td>
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<td>Institutional Works</td>
<td>Institutional works include copyrightable works that are supported by a specific allocation of university funds or that are created at the direction of the university for a specific purpose.</td>
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<td>Work for hire</td>
<td>A work prepared by a university employee within the scope of his or her employment. Consistent with United States copyright law, the university is considered the author of works for hire. For more information, see <a href="http://www.copyright.gov/eco/help-author.html">http://www.copyright.gov/eco/help-author.html</a></td>
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**POLICY DETAILS**

VI. Ownership

A. The university supports longstanding academic tradition that faculty own the copyright to works resulting from their research, teaching, and writing. Copyright protects works of creatorship that have been expressed in a tangible form which are subject to copyright law. It is the policy of the university that all rights in copyright shall remain with the creator unless the work is a work-for-hire (and copyright vests in the university under copyright law), is supported by a direct allocation of funds through the university for the pursuit of a specific project, is commissioned by the university, is created through significant use of university resources, or is otherwise subject to contractual obligations.

B. In accord with academic tradition, except to the extent set forth in this policy, the university does not claim ownership to instructional, scholarly, or artistic works, regardless of their form of expression. Such works include those of students created in the course of their education, such as dissertations, papers and articles. The university claims no ownership of popular nonfiction, novels, textbooks, poems, musical compositions, or other works of artistic imagination which are not institutional works or commissioned works, or are not created with significant use of university resources or the services of university non-faculty employees working within the scope of their employment.

C. Creators of instructional works hereby grant the university the right to use the instructional works and to make and use derivative works thereof in university’s internally administered programs of teaching, research, and public service on a perpetual, royalty-free, non-exclusive basis.

D. All faculty, staff, student employees, graduate students and postdoctoral fellows, as well as non-employees who participate or intend to participate in teaching and/or research or scholarship projects at the university are bound by this policy. Except as described in VI.A. above, this policy hereby assigns rights to such copyrightable works resulting from university projects to the university and those subject to this policy are deemed to assign their rights to such copyrightable works.

E. Under the Copyright Act, copyrightable works of non-employees such as consultants, independent contractors, etc. generally are owned by the creator and not by the
university, unless there is a written agreement to the contrary. As it is the university’s policy that the university shall retain ownership of such copyrightable works (created as institutional rather than personal efforts), the university will generally require a written agreement from non-employees that ownership of such works will be assigned to the university. Examples of works which the university may retain non-employees to prepare are:

- reports by consultants or subcontractors,
- computer software,
- architectural or engineering drawings,
- illustrations or designs,
- artistic works.

F. Unless provided otherwise by a written agreement, copyright in copyrightable works prepared by students as part of the requirements for a university degree program are recognized to be the property of the student, subject to the following provisions:

i. The university has a perpetual, nonexclusive, royalty-free license to use the copyrightable works in any way (including but not limited to duplicate, perform, reproduce, modify, distribute, and create derivatives of the work) for administrative purposes, such as assessment of the work, accreditation purpose, and to prevent fabrication, falsification, and plagiarism.

ii. The university has a perpetual, nonexclusive, royalty-free right to retain copies of a student’s thesis or dissertation for archival use.

iii. The University may require the student to provide a copy of the thesis or dissertation for non-commercial library use.

G. Online instructional materials are considered copyrightable works not owned by the university, unless these were:

i. specifically commissioned by the university from a faculty member or any other person,
ii. created with significant use of university resources, or
iii. created by non-faculty staff within the scope of their employment.

For clarity, this policy only applies to the aspects of the online instructional materials that are separable from other protected intellectual property that is incorporated into or utilized by the online materials. Faculty creators of instructional materials that are provided to students electronically (including through the internet) may commercialize such works, so long as the university’s name is not used other than to identify the faculty member’s position at the university.

H. If the creator of a copyrightable work makes such work through significant use of university resources, he or she shall disclose the work to the Technology Commercialization Office and assign title to the university.

I. When copyright is assigned to the university because of the provisions to this policy, the creator of the copyrightable work may make a request to the Vice President of the university office responsible for administration of this policy that such ownership be reconveyed back to the creator. Such a request can at the discretion of the Vice President, granted it does not: (i) violate any legal obligations of or to the university, (ii) limit appropriate university uses of the materials, (iii) create a real or potential conflict of interest for the creator, or (iv) otherwise conflict with university goals or principles.

VII. Proceed Distributions

A. Royalty income received by the university for copyrightable works will normally be distributed in accordance Section VII of the university’s Patent Policy except that a creator of the applicable copyrightable work (including employee-creators of works for
hire) shall be treated as a creator under the Patent Policy for the purposes of proceeds distributions made thereunder. For clarity, income derived from student tuition shall not be considered royalty income received by the university.

VIII. Policy Interpretation and Dispute Resolution

A. This policy and its implementation may require interpretation and review. University constituents (such as Creator(s), employees, and TCO) should make every attempt to resolve disputes informally among themselves and, if needed, with the assistance of the Office of Academic Affairs and/or the Office of Legal Affairs.

B. If informal procedures and consultation do not provide resolution of a dispute regarding this policy, the following actions may be taken:

i. Any person or entity directly affected by decisions or actions of any other person or entity in connection with this policy, may appeal such decisions or actions to the IPPC if such person or entity (hereby, the claimant) believes such decisions or actions are inconsistent with this policy.

ii. Any person or entity directly affected by decisions or actions of any other person or entity in connection with this policy, may appeal such decisions or actions to the IPPC if such person or entity (hereby, the claimant) believes such decisions or actions are inconsistent with this policy.

iii. Proceedings will be informal, but all parties will have adequate notice and an opportunity to be heard. The IPPC may establish additional procedures for resolving such disputes, and may designate a sub-committee of its members for such procedures.

iv. After considering all relevant information and within 30 days of receipt of the complaint, the IPPC will prepare and send to the senior vice president for business and finance and the provost a report of its findings on the issues raised by the complaint and any corrective actions it recommends, within the scope of this policy.

v. Within 30 days of receipt of the IPPC report, the senior vice president for business and finance and the provost will review the IPPC report and make a final decision on behalf of the university and provide this decision to all the parties involved and the IPPC.

IX. Policy Review and Revisions

A. Unless provided otherwise by the University Rules, this policy shall be reviewed from time to time by the IPPC which will issue written reports to the senior vice president for business and finance, the vice president of research, and the provost. Such reports shall form the basis for any revision to the policy.