

Faculty Senate

Houston, TX 77204-2173

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RECEIVED JAN 29 2007

MEMORANDUM

TO: Jay Gogue
University of Houston System Chancellor and
University of Houston President

Donald Foss
University of Houston System Senior Vice Chancellor and
University of Houston Senior Vice President for Academic Affairs and Provost

Donald L. Birx
University of Houston System Vice Chancellor and
University of Houston Vice President for Research

FROM: Steven G. Craig
President, University of Houston, Faculty Senate

DATE: January 10, 2007

SUBJECT: Copyright in Works of Authorship

At its October 18, 2006 meeting, the Faculty Senate approved the attached proposed policy, Copyrights in Works of Authorship drafted by the UH System Intellectual Property Committee, by majority vote. This information is for your consideration.

cc: Dona Hamilton
George Fox
Paul Janicke
Joseph Kotarba
Marsha A. Daly

attachment

Faculty Senate

[Proposed] 21.08.4 Copyrights in Works of Authorship

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A. In a university setting, works of authorship are created frequently. These include, for example, books, articles, class notes, teaching aids, plays, motion pictures, music, and computer programs. Copyright generally exists in such works automatically, from the time they are created, provided the work has some element of originality, i.e., was not copied. Registering the copyright provides additional benefits, but is optional.

B. Questions sometimes arise as to whether the copyright in a work of authorship is owned by the individuals who created it or by the University. This policy is designed to answer such questions.

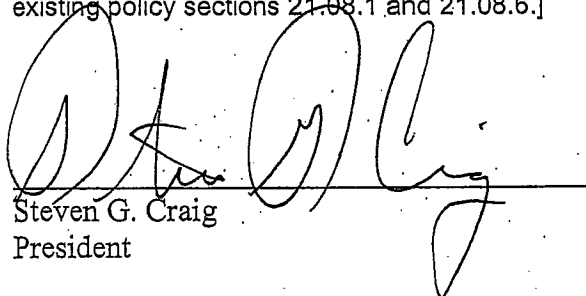
C. If the University provided extraordinary support for creation of the work, the University will own the copyright. Extraordinary support means provision of funds or facilities beyond the normal resources allocated to faculty or staff. Normal resources would include office space, normal support staff help, development leave, telephone, personal computer, email server, copy machines, and other items usually provided to faculty or staff persons at the University. If the University does not provide extraordinary support, the copyright will be owned by the authors and the University will have (i) a nonexclusive, royalty-free license to make and distribute up to fifty copies for use in educational, research, or other University of Houston purposes, and (ii) any other rights the University would have under the fair use provisions of the copyright law. Authors and administrators are encouraged to agree in advance in writing the level of support to be provided for each work. In the absence of such a writing, the level of support will be deemed ordinary.

D. The provisions of paragraph C will be overridden in situations where there is a written contract, approved by an authorized representative of the University, specifying a different allocation of copyright ownership. Such contracts may be appropriate in the case of grant-funded or other outside-funded work.

E. Laboratory notebooks, and electronic versions thereof, constitute a special category of works. These notebooks reflect research carried on at the University or under its auspices, and the University often needs access thereto to establish the details of such research in the course of factual investigations or legal proceedings. In order to assure such access, the University will own the original notebooks and the persons who made entries therein will have the right to make copies thereof for any legitimate purpose.

F. Revenues from works of authorship will be retained by the authors where they own the copyright under the above policy provisions, and in a manner determined by the Chancellor where the University owns the copyright.

[Administrative note: Upon adoption of this new policy, copyright language will be taken out of existing policy sections 21.08.1 and 21.08.6.]


Steven G. Craig
President

1-10-07
Date