COPYRIGHTS

Policy Objectives

The University encourages the publication of scholarly works as an inherent part of its educational mission. In this connection, it acknowledges the right of faculty, staff, and students to prepare and publish, through individual initiative, articles, pamphlets, books, and other materials that are copyrighted by the authors or their publishers and that may generate royalty income for the authors.

The following statement of University policy on ownership and use of copyrightable materials is provided to clarify the respective rights and responsibilities of individuals and the University in this important area. The policy will be administered by the University's Intellectual Property Committee.

Policy Statement

University faculty, staff, and students retain all rights in copyrightable materials they create, except when the following special circumstances or contractual arrangements prevail:

1. There exist grant or contract limitations;

2. The work is commissioned by the University;

3. The creation of the work involves significant use of University personnel, funds, or facilities;

4. The work is patentable and the University may assert ownership under its patent policy;

5. There exists an agreement in writing to the contrary between the University and the creator of the work.

Guidelines

Interpretations and implementation of the University's copyright policy shall be in accordance with the following principles.

1. Grant and Contract Obligations. The University shall have the right to perform its obligations with respect to copyrightable works, data, prototypes, and other intellectual property under any contract, grant, or other arrangement with third parties, including sponsored research agreements, license agreements, and the like. Such arrangements may require, for example, that ownership vest in the sponsor, or that the material be published without copyright.

2. University-initiated or -directed Work. The University may assert ownership rights in all cases in which the work is initiated or directed by the University (or one of its colleges, schools, departments, or other units). Normally work developed as a part of the author's regularly compensated duties (for example, work resulting from released-time arrangements for faculty or assigned tasks for staff members) will belong to the University. However, "University-initiated or -directed" specifically does not refer to a faculty member's general obligation to produce scholarly works.

In the case of works created by nonemployees, the copyright may vest with either the University or the contractor, depending on the terms of the agreement negotiated with the contractor. University personnel shall therefore generally require contractors to agree in writing that ownership shall vest
in, or be assigned to, the University. Units wishing to utilize nonemployees are encouraged to consult
the Director of Patents, Copyrights and Trademarks concerning the treatment of copyrights.

3. Significant Use of the University Resources. It is the University's responsibility to protect the
interests of the state of Washington. Uncompensated use of state resources in significant amounts by
University employees for personal purposes is prohibited. However, the University will not construe
the provision of office, library, laboratory, or computation facilities per se as constituting significant
use of space or facilities, nor will it construe the payment of salary per se as constituting significant
use of funds.

Whether the creation of a work has involved significant use of University personnel, funds, or
facilities (e.g., clerical services, office supplies, or computer time) shall be determined by the head of
the author's administrative unit (e.g., the department chair). Administrative heads are referred to
section 35.35.1 of the Business Policies and Procedures Manual of the University concerning the
definition of significant use. (Note: This section of the Business Policies and Procedures Manual will
be rewritten to conform with the present policy, particularly in areas pertaining to the distribution of
royalty income.) They are encouraged to consult the Director of Patents, Copyrights and Trademarks
for any needed clarification. It is the author's responsibility to inform the head of his or her
administrative unit of any unit resources used in the creation of a work, and the administrative head's
responsibility to inform the author of what constitutes significant use of those resources. When use is
significant, the University may assert ownership rights. (This may entail, for example, reimbursement for use of facilities or a percentage of royalties. Normally the University will release
rights when compensated.)

Materials developed by faculty members for courses may be used by them in the preparation of
textbooks or other works. Under this policy the resulting works are the property of the faculty
members, notwithstanding the fact that University facilities may have been used in the preparation of
the course materials.

Determination of when use of University resources is significant is a matter of judgment that must be
based on: practices in particular disciplines, schools, or departments; the degree of pressure for other
uses of any scarce resources involved; and the general context. However, the University does not
intend to hamper the free exercise of individual initiative and creativity in cases where the University
does not incur significant real costs as a result of such work.

4. Patentable Works. Some works, particularly certain types of computer programs, may qualify for
patent as well as copyright protection. An author, upon recognizing that one of his or her works is of
this kind, is responsible for disclosing it to the Intellectual Property Committee for a determination
of (i) ownership and (ii) whether the University wishes to seek patent protection should ownership be
vested in the University. These determinations will be made by the Intellectual Property Committee
following the procedures set out in the University's patent policy. If ownership of such a work is
vested in the University under the patent policy, but the University decides not to patent the work,
ownership and disposition of the work is then determined in accordance with this copyright policy.

5. Written Agreements. It is desirable to reach agreement in writing as to the rights of the
University and of participants in a creative effort before work begins whenever (i) there is a question
as to whether ownership of the materials created will lodge with the University or with the author(s),
(ii) it is likely that the creation of the work will result in significant use of University facilities, or
(iii) copyrightable materials are likely to result from the joint efforts of persons in academic
departments and University service departments.
Administration of Policy

1. *Determination of Policy and Ownership in Unclear Cases.* Such determinations will be made in the University's Intellectual Property Committee and will follow the guidelines set out in the University's patent policy. Either the University or the author may initiate this review.

2. *Marketing of Materials Owned by WSU.* Please see section 35.35.1 of the University's *Business Policies and Procedures Manual.* (Note: This section of the *Business Policies and Procedures Manual* will be rewritten to conform with the present document, particularly in areas pertaining to the distribution of royalty income and the determination of ownership.)

3. *Distribution of Royalties.* See the following section of this document.

4. *General Advice and Assistance.* Contact the Director of Patents, Copyrights and Trademarks in the Patents, Copyrights and Trademarks Office, Research and Technology Park, zip 1802, telephone 335-2202.

**Division of Royalties**

When ownership of a work is vested in the University, the royalty income generated by the work shall be distributed according to the following schedule:

<table>
<thead>
<tr>
<th>Cumulative Net Income</th>
<th>Author</th>
<th>WSU Research Foundation</th>
<th>Unit (e.g., Department)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1 - $10,000</td>
<td>100%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>$10,001 - $40,000</td>
<td>50%</td>
<td>20%</td>
<td>30%</td>
</tr>
<tr>
<td>Above $40,000</td>
<td>30%</td>
<td>35%</td>
<td>35%</td>
</tr>
</tbody>
</table>

In the case of multiple authors, the cumulative net royalty income shall be distributed equally among them unless their initial disclosure specified an unequal distribution.

Royalty income allocated to authors goes to them directly as personal income.

Net royalty income to the Washington State University Research Foundation (WSURF) from patents, copyrights, and other intellectual properties administered by such agencies as Battelle Development Corporation, Research Corporation, or Washington Research Foundation, etc., or by WSURF itself, is defined as the sum received less a five percent administrative charge to be retained by WSURF.

Nothing in this policy shall be construed as abridging a faculty member's academic freedom in the classroom.