

UC Copyright Ownership Policy Working Group
Conference Call
May 13, 2014

Participants: Jim Whitehead, Kat Fibiger, Eugene Volokh, Jan Carmikle, Sherylle Mills Englander, Joanne Miller

Meeting Notes

Sherylle Mills Englander consulted with Angus MacDonald (OGC) and Wendy Streitz (Research Policy) on the draft of recommendations that was sent to the Working Group. The consensus was that attempting to treat software differently based on its commerciality or likeness to patentable products is very difficult. Instead, Sherylle suggests focusing on the scope of the “designated academic appointee” that is defined in the policy; to perhaps expand that category of copyright owners.

Based on the survey that the group saw last time, the amount of revenue generated across UC from copyrighted material is relatively low, and there can be significant overhead in managing and keeping track of the intellectual property. If the university “opens up” copyright status for faculty, it might yield overall cost savings.

A known limitation on faculty copyright ownership is under grant-funded and sponsored projects. In most cases, the funder requires that the university hold the copyright. (In these cases, is it worth suggesting a default “open license,” where the university would own copyright but would offer non-exclusive use...? This probably would not sit well with funders.)

The second recommendation in the draft paper was automatic grant-back of rights to individual faculty for traditional (aesthetic/scholarly) works that were sponsored by grant funding. This would specifically exclude software, but the area can get complicated when digital media and other cross-over products are considered.

Sherylle suggested thinking about the amount of independent academic effort and how much university effort/support is involved with a given end product. Grants bring unseen expense to the university in the form of accounting and managing, and are therefore not mere “incidental use” of university resources. The recommendations will include clarifying the notion of “incidental” vs. “substantial” or “extraordinary” university resources.

The group also briefly discussed the problem of “split-title,” that occurs when copyright of a work is jointly owned by different individuals, or individuals and the university. Some working group members saw this as more of a problem than others, but problems can occur when the copyright holders don’t agree on the disposition of the work.

Because the current policy delineates who owns the copyright of works created through independent academic effort, split title can occur fairly easily, complicating both the faculty and the university's efforts to publish and disseminate copyrightable works.

Next steps:

The next SLASIAC meeting (our parent group) is on October 2. Sherylle will prepare a draft of the working group’s recommendations by early July so that members have time to make comments before the final draft of recommendations is submitted.