

DRAFT NOTES

UC Copyright Ownership Working Group Conference Call

August 16, 2013

Members participating:	Sherylle Mills Englander (chair), Kat Fibiger, Brian Kolner, Eugene Volokh, Jim Whitehead
Members absent:	Jan Carmikle
Consultant:	Martha Winnacker
Staff:	Joanne Miller (Katie Fortney absent)

Working Group chair Sherylle Englander started the meeting by discussing some possible recommendations that the Working Group could bring to SLASIAC. One of the suggestions was the formation of a different group to further explore the outcomes of the UC survey, such as a group with more expertise in commercializing technology (faculty, tech transfer staff, etc.) to discuss the copyright policy’s approach to assigning copyright ownership to software.

However, the group determined that creating yet another group was not the way to go. Instead, the existing Working Group will call upon experts to expand our knowledge in areas of academic titles (e.g., someone from Academic Personnel for “Designated A Academic Appointee”) and software commercialization.

For SLASIAC, the group will draft a set of recommendations for next steps that would include consulting with experts and expanding the timeline.

There was much discussion about what recommendations to make about software, including creating distinctions for potentially commercial works, having a “threshold” for monetary value, carving out an exception for all software, and whether open source should be addressed. Right now, each campus makes its own decisions about how to deal with open source software, but systemwide guidelines are in development at the Office of the President. Other factors that were noted about software included the evolutionary nature of its development and the idea that some “software” comes from the arts and humanities, such as digitally-based artwork.

Working group members brought up other issues, such as the right of University to keep using works (software or otherwise) developed by faculty. Others noted that the policy was confusing, and that plain language or explanation would be helpful.

Sherylle mentioned the use of guidelines that are issued by UCOP to help participants comply with UC’s Patent Policy and other regulations. Perhaps the Copyright Ownership Policy could include accompanying guidelines. Example scenarios were also mentioned as something that would be helpful.

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Next steps:

1. Write a status report for SLASIAC.
2. Schedule experts to talk to the Working Group.

Include: Faculty who have started companies with software developed at UC; someone who can speak to academic personnel issues.

3. Frame issues discussed today further. Determine which issues are most critical.
4. Working Group members should send example scenarios to Sherylle, with situations that reflect their concerns. Sherylle will send an initial draft in September.