

Copyright Ownership Policy Working Group Notes from Conference Call Feb. 26, 2014

Following up on the email dialog on exceptional use, it was agreed that the Working Group would recommend the definition of “exceptional university resources” from the UC Course Ownership Policy be used in the UC Copyright Ownership Policy, with the addition of “customary publication costs, customary library and research assistant support.”

“Exceptional University Resources: University Resources (including but not limited to University Facilities and University Funds, as described below) significantly in excess of the usual support generally available to similarly situated faculty members. Customary secretarial support, library facilities, office space, personal computers, access to computers and networks, customary publication costs, customary library and research assistant support, and academic year salary are not considered exceptional university resources.”

That leaves the last two proposed recommendations from the Sept. Status Report:

1. Automatically “granting back” ownership

- a. *When Non-Software Traditional Scholarly Works Are Owned By The University, The University Should Consider Automatically Granting Title to The Designated Academic Appointee In Certain Situations.*

ACTION: Sherylle will ask Wendy Streitz and Angus MacDonald what carve outs they feel might be necessary in order for this recommendation to work.

2. Software

Are there examples of UC successfully commercializing software to which it holds the copyright? Copyright to a piece of software is not necessarily worth much; it’s the algorithm and associated development that often provides the value (but algorithms may be patentable). Posing the notion that © is actually not so valuable to the university.

Open source – usually at the discretion of the faculty member. (There is a UC working group.)

Is there a way to distinguish between types of software? (Some university policies distinguish between types of software; e.g., “device-like,” “informational” or just put “computer programs” under the patent policy.)

In reality, tech transfer offices are often not even aware of much of the UC-developed software that is “going out in the world”

What about applying a Creative Commons-type (or blanket) license for faculty as default for non-commercial uses of software. But require permission for commercial uses. That would also trigger a process to see if anything might be patentable.

Big question: Are we going to be able to clearly define what © should be kept by University and what not? It would be useful to:

1. Try to see if we can define, by general description and examples, a category of software that functions more as scholarly works. Then, the policy could apply the same ownership rights to this subset as to traditional scholarly works
2. For all other software, including that which has commercial value, grant faculty the right to use their software for any non-commercial purpose, with some sort of touchstone to require them to engage their campus before they use the software for commercial purposes/private gain.

A sample list of examples would be helpful, so working group members should forward any that they think would help.

Next steps: Committee members will send examples. Sherylle will follow up via email. Next meeting will be scheduled for the end of March.