

UC Davis Policy and Procedure Manual

Chapter 250, Intellectual Property

Section 01, Copyright

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Responsible Department: Office of Research—Technology Transfer Center

Source Document: UC Copyright Policies

I. Purpose

This section contains a compendium of systemwide policies and guidelines in the area of copyright as well as campus-specific policy. The compendium is for the use of the University community in carrying out the University mission. Individuals who, after considering these policies and guidelines, still require assistance can reach the Technology Transfer Center/Copyright at copyright@ucdavis.edu.

II. Concepts

Information on copyright terms relevant to this section may be found on the UC Copyright Web site (<http://www.universityofcalifornia.edu/copyright>).

A. What is a copyright?

Copyrights are the exclusive legal rights authors have over their works for a limited period of time. The current Act gives authors exclusive rights to copy the works, distribute and sell copies, modify and adapt the works, convert the works into other formats, and publicly perform or display the works. Currently, the author's rights begin automatically when a work is created. Copyrighted works are not limited to those that bear a copyright notice or are registered. These rights prohibit others from using the works without permission or profiting from the sale or performance of these works for a fixed period of time (see D below).

B. What works are protected by copyright?

Copyright protects "original works of authorship" that are "fixed in any tangible medium of expression." Expression refers to the way in which an author describes, expresses, or illustrates something. Copyrightable works now include a vast array of creative expressions, including: writings, musical works, plays, pantomimes, choreography, artwork, photography, sculptures, architecture, motion pictures, audiovisual works, sound recordings, web pages, and computer programs.

C. What works are not protected by copyright?

Material that is not eligible for copyright protection includes ideas, facts, discoveries, items that meet patent and trademark requirements, works containing no original authorship, works with expired copyrights, and U.S. government works. Material that is ineligible for copyright, patent, or trademark protection, or that is not kept confidential as a trade secret is in the public domain.

D. How long do copyrights last?

For works created after 1978, copyrights generally last for the life of the author plus 70 years. For works made for hire or owned by a corporation, the copyright term is the shorter of 95 years from publication, or 120 years from creation. For joint works the term is the lifetime of the last living author plus 70 years. In the case of anonymous or pseudonymous works, copyrights lasts 95 years after publication or 120 years after creation, whichever comes first.

E. Who owns copyrights?

Under copyright law, the creator of the original expression in a work is its author. The author is also the owner of copyright unless there is a written agreement by which the author assigns the copyright to another person or organization such as a publisher. In cases of works made for hire, the employer or commissioning party is considered the author. Copyright ownership is typically addressed in higher education through institutional policy or written agreements. The University of California has policies that clarify who owns the copyrights to original works created at UC and how the rights of ownership and royalties are allocated between the authors and the University.

III. Copyright Notice

A. All copies of copyright-protected materials owned partly or wholly by The Regents should have, in locations as required by federal and state law, a copyright notice. The notice to be used should include the following:

1. the word "Copyright" or abbreviation "Copr;"
2. the symbol "©;"
3. the full legal name of the University corporation (The Regents of the University of California) or the abbreviation "UC Regents" if space is tight;
4. the phrase "Davis campus;"
5. the year first published and years of any subsequent publications; and
6. the phrase "All Rights Reserved."

B. Examples:

Copyright © The Regents of the University of California, Davis campus, 2003-04. All Rights Reserved.

Copr © UC Regents Davis campus, 2005. All Rights Reserved.

IV. References and Related Policies

A. Office of the President

1. UC Copyright Web site (<http://www.universityofcalifornia.edu/copyright>).
2. Policy on Ownership of Course Materials, 9/25/03 (<http://www.ucop.edu/ucophome/coordrev/policy/9-25-03copyright.html>)
3. Guidelines for Compliance with the Online Service Provider Provisions of the Digital Millennium Copyright Act, 12/1/99 (<http://www.ucop.edu/ucophome/coordrev/policy/12-01-99att.pdf>).
4. Patent Policy, 10/1/1997 (<http://www.ucop.edu/ott/patentpolicy/patentpo.html>).

5. Policy on Copyright Ownership, 8/19/92 (<http://www.ucop.edu/ucophome/coordrev/policy/8-19-92.html>).
 6. Policy and Guidelines on the Reproduction of Copyrighted Materials for Teaching and Research, 4/29/86 (<http://www.ucop.edu/ucophome/coordrev/policy/4-29-86.html>).
 7. Policy for Off-Air Recording of Broadcast Programming for Educational Purposes, 9/24/85 (<http://www.ucop.edu/ucophome/coordrev/policy/9-24-85.html>).
 8. Publication Policy and Guidelines on Rights to Results of Extramural Projects or Programs (Chapter 1: Academic Policy, Section 410) (<http://www.ucop.edu/raohome/cgmanual/chap01.html#1-410>)
- B. UCD Policy and Procedure Manual (<http://manuals.ucdavis.edu/PPM/about.htm>):
1. Section 250-02, Copyright Registration.
 2. Section 250-03, Use of Copyright-Protected Materials.
 3. Section 250-04, Distribution of Copyright-Protected Materials Produced under University Auspices.
 4. Section 250-05, Digital Millennium Copyright Act.
 5. Section 210-80, Sales of Instructional Materials.
 6. Section 310-16, Electronic Communications Policy.
 7. Section 310-20, Printing and Duplicating.
 8. Section 310-35, Publications.
 9. Section 310-45, Guidelines for Multimedia Productions of University Programs and Activities.
 10. Section 310-65, Use of the University's Name and Seal.
 11. Section 330-86, Course Materials Fees.
 12. Section 330-95, Misuse of University Resources.
 13. Section 350-26, Acquisition of Computers, Computing Equipment, and Commercial Software.
 14. Course Lecture Notes on the Internet (UCD Directive 99-134).
- C. Campus Listservs
1. Copyright-info.

The copyright listserv is a moderated forum for the exchange of information related to

copyright as it affects the University of California, Davis campus. The moderation feature is intended to help as a spam filter and to limit the forum on this very broad subject to UC Davis; otherwise, a free exchange of information and ideas related to copyrights at the campus is desired. To help keep the information related to the campus, membership is limited to official members of the campus community (students, staff and faculty).

2. DMCA-info.

The Digital Millennium Copyright Act ((DMCA) informational listserv is a moderated forum for the exchange of information related to the DMCA as it affects the University of California, Davis campus. Membership is limited to official members of the campus community (students, staff and faculty).

D. Federal law

1. US Copyright Office (<http://www.copyright.gov>).
2. Circular 3 – Copyright Notice (<http://www.copyright.gov/circs/circ03.pdf>).
3. U.S. Code, Title 17, Copyrights (<http://www.access.gpo.gov/uscode/title17/title17.html>).