

## UC Davis Policy and Procedure Manual

### Chapter 250, Intellectual Property

#### Section 01, Copyright

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Responsible Department: Office of Research—Technology Transfer Services

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#### I. Purpose

This section provides guidance regarding copyright ownership, the use of copyright-protected materials in University teaching and research, and distributing copyright-protected materials owned by the University or created using University resources.

#### II. Definitions

Definitions for additional terms used in this document are available on the [University of California copyright web site](#).

- A. Copyrights—exclusive legal rights of copyright owner to copy works, distribute copies, make derivative works such as translations and modifications, publicly perform works, publicly display works, or digitally transmit sound recordings.
- B. Copyright infringement—exercising copyrights without permission (a license) of the copyright owner unless there is a statutory exception.
- C. Statutory exception—a right to exercise copyrights without permission from the copyright owner which is explicitly granted by federal copyright law.

#### III. Policy

- A. The University has the sole right to approve and determine the specifics of distribution outside the University for copyright-protected works owned by The Regents or in which The Regents has a proprietary interest.
- B. Privacy and publicity rights of individuals identifiable in recordings must be considered (see <http://marketingtoolbox.ucdavis.edu/documents/ConsentToRecord.pdf> for a generic UC Davis “consent to record” form). Alterations should be approved by Technology Transfer Services.

#### IV. Roles and Responsibilities

- A. Technology Transfer Services
  - 1. Reviews and approves distribution of copyright-protected works that belong in whole or in part to The Regents, or for which university resources have been or will be used.
  - 2. Coordinates registrations with the US Copyright Office for Regents-owned works.
  - 3. Signs publication or other distribution agreements for Regents-owned works.
- B. University instructors, researchers, and students are responsible for ensuring they comply with federal and state law and University policies regarding copyright.

#### V. Procedures

- A. Use of copyright-protected materials
  - 1. Requests to use materials for teaching, research (including academic articles or textbooks) or academic coursework must be handled by the individual wishing to use them.

2. University funds may not be used to pay for editing, licensing or other production costs when copyright will belong to the individual author/artist rather than university absent a specific, written authorization of the Chancellor, Vice Chancellor or Dean, which should be attached to the [Requisition Document](#).
  3. When using materials for university activities, such as on/in an official UC Davis website or publication:
    - a. Contact the copyright owner directly describing the material and planned use (see <http://copyright.universityofcalifornia.edu/use/obtaining-permission.html>).
    - b. Request the signature of the copyright owner on the request, verifying permission to exercise copyrights of the material.
      - 1) If additional terms are requested or an alternative license form is provided, contact Technology Transfer Services for review and authorized signature.
      - 2) The department may choose to pay required license fees. Technology Transfer Services may assist with assessing the reasonableness of the fee.
  4. Copy machines and computer lab printers
    - a. Departments must post a warning notice in the immediate vicinity of any copy machine or lab printer (see <http://research.ucdavis.edu/industry/ia/researchers/policies-forms/>).
    - b. Failure to post this notice could cause the department to be liable for copyright infringement by anyone using that printer.
  5. Campus reproduction facilities
    - a. Customers must certify in writing that they have either obtained the copyright owner's permission or believe that copying is "fair use".
    - b. Campus facilities may refuse to reproduce materials they believe may infringe copyright; (e.g., making copies of off-air presentations for library reserves, scanning and posting extensive sections of print materials on a password-protected university website).
  6. Software
    - a. The campus maintains site licenses for commonly-used commercial software (see <http://it.dss.ucdavis.edu/purchasing/software/software-tier-1>).
    - b. Commercial software for which a site license is not maintained can be purchased through the Materiel Management--Purchasing department.
    - c. Non-commercial software licenses, such as research and beta licenses, must be sent to Technology Transfer Services for prior review and authorization, including when presented with online point-click licenses.
    - d. Unless specifically allowed by the terms of the license agreement, departments must remove software from computer hardware prior to disposal.
    - e. Each department using computer software must maintain records of its software licenses and documentation.
- B. Distribution of materials owned by The Regents

1. Prior to distribution, prepare a proposal for distribution and submit it to Technology Transfer Services (see <http://research.ucdavis.edu/industry/ia/researchers/copyright/distributing-work/>).
  2. Technology Transfer Services will work with the department to determine whether distribution is within University policy, which permissions are required, and whether disclaimers are necessary.
  3. No distribution may occur before the proposal has been approved.
  4. Copyright-protected materials owned partly or wholly by The Regents must include a copyright notice such as the following:
    - a. The word “Copyright” or abbreviation “Copr.”, and the symbol “©.”
    - b. The full legal name of the university corporation (The Regents of the University of California) or the abbreviation “UC Regents.”
    - c. The phrase “Davis campus.”
    - d. The year first published and years of any subsequent publications.
    - e. The phrase “All Rights Reserved.”
    - f. A permanent email address to which questions about the work can be addressed is advisable. [Copyright@ucdavis.edu](mailto:Copyright@ucdavis.edu) may be used.
- C. Ownership of copyright for works created by independent contractors or consultants
1. To ensure that The Regents can make use of resulting copyright-protected works, purchase orders or business contracts to obtain materials or services from non-university individuals must include university-standard copyright terms such as are on purchase orders issued by Material Management—Purchasing.
  2. If a non-university creator wants to own the copyright to the work, an Independent Contractor or Consultant Agreement should not be used as-is. Contact Technology Transfer Services for license information.
  3. The contractor/consultant must sign the agreement before work begins.

## VI. Further Information

- A. The [copyright-info listserv](#) is a forum for the free exchange of information and ideas related to copyright as it affects the University of California, Davis campus.
- B. Contact Technology Transfer Services ([copyright@ucdavis.edu](mailto:copyright@ucdavis.edu)) for additional information.

## VII. References and Related Policies

- A. Office of the President
  1. [University of California copyright website](#).
  2. [Policy on Copyright Ownership](#).
  3. [Policy on Ownership of Course Materials](#).
  4. [Policy on Use of Recordings of Course Presentations](#).
  5. [Copyright and Fair Use](#).
  6. [Policy for Off-Air Recording of Broadcast Programming for Educational Purposes](#).

7. [Standards of Ethical Conduct relating to use of university resources for privately-owned materials.](#)
- B. [UC Davis Policy and Procedure Manual](#)
1. Section 210-80, Sales of Instructional Materials.
  2. Section 230-10, Publication Rights.
  3. Section 250-05, Digital Millennium Copyright Act.
  4. Section 310-23, Electronic Communications – Allowable Use.
  5. Section 310-65, Use of the University's Name, Seal, and Other Trademarks.
  6. Section 310-70, World Wide Web Standards.
- C. [University of California, Davis copyright website.](#)
- D. Federal copyright law
1. [US Copyright Office.](#)
  2. [Circular 3 – Copyright Notice.](#)