APPENDIX H: Determination of Rights in Copyrightable Materials at The University of Alabama

It is the policy of The University of Alabama to encourage the creation of copyrightable works by its faculty and employees. Such works are an important contribution to the University's pedagogical, scholarly, and public service missions.

A. Ownership of Copyright

1. Except as provided below, faculty and employees of the University who are the authors of copyrightable works shall own the copyrights in those works, regardless of whether those works constitute "works for hire" as defined in the Copyright Act. "Employees" include students who receive salaries, grants, or other compensation from the University.

2. "Copyrightable works" includes, without limitation, computer software, online course materials, multimedia, films and videotapes, in so far as they fall within the subject matter of copyright. To the extent that such works embody patentable inventions, rights to those inventions shall be determined by The University of Alabama Patent Policy (Faculty Handbook, April 1999, Appendix G), or as the same is amended.

B. Exceptions

1. If the University contributes extraordinary resources to the creation of a copyrightable work, the respective rights of the author and University to that work shall be negotiated at the time such resources are provided. "Extraordinary resources" means facilities, equipment, funding, release or re-assigned time or other assistance exceeding the resources normally provided to faculty or employees in a particular department. It shall be the responsibility of the dean at the time such "extraordinary resources" are provided, to notify the faculty member and negotiate the terms. Those terms may include assignment of copyright, license of rights, or division of royalties.

2. If a copyrightable work is funded, in whole or in part, by a contract or grant from an agency outside the University, copyright shall be assigned in accordance with the terms of the contract or grant.

3. If a copyrightable work is commissioned by the University, meaning that a faculty member or employee receives supplemental compensation from the University to prepare a specific copyrightable work, rights to that work shall be according to terms negotiated at the time of the commission. Those terms may include assignment of copyright, license of rights, or division of royalties.

4. Copyright in "institutional works" shall be owned by the University. An "institutional work" means either (a) a work prepared at the direction of the University for the use of the University in conducting its own affairs (for example, University handbooks, press releases, and software tools); or (b) a work that cannot be reasonable attributed to a single author or group of authors because it is the result of contributions or revisions by numerous faculty members, employees, or students of the University. Textbooks and other course materials prepared by a faculty member shall not be considered "institutional works".

5. Video or online courses shall not be sold, leased, rented or otherwise used by a current University employee in a manner that competes in a substantial way with the offerings of the University, unless the transaction has received the prior approval of the Office for Academic Affairs.

6. When the University assigns one or more faculty members to create electronic course materials, rights to those materials shall be negotiated at the time of such assignment. Negotiations shall include the
faculty member(s), the appropriate dean(s) and any employee who will make a significant contribution of ideas or expression to the materials. Terms to be negotiated may include assignment of copyright, license of rights, and division of royalties.

7. Any copyrightable work of potential commercial value shall be disclosed at the earliest practicable time by the author to the author's department chair or immediate administrative supervisor. For those works that are owned by the University or in which the University has an interest, the author shall cooperate with officials of the University and of any organization to whom the University assigns rights to such works in the registering of copyrights as well as in licensing the works.

C. Administration

1. Except as otherwise set forth, the administration of these policies shall be the responsibility of the Office for Academic Affairs.

2. The Intellectual Property Rights Committee shall be a standing committee composed of 6 members, equally apportioned between faculty (chosen by the Faculty Senate) and administration (appointed by the president or his/her designee).

The Committee shall:

a. serve as a forum for discussion of University copyright policy, and recommend changes as appropriate, and

b. mediate any disputes over intellectual property rights that may arise.