COPYRIGHT POLICY

1. OBJECTIVES

The objectives of the University's copyright policy and administrative procedures are to enable the University to 1) maintain traditional incentives for scholarly productivity and dissemination of the same through publications or other appropriate means, 2) comply with the law and carry out its contractual obligations, 3) protect the rights and equities of individuals and the University with respect to copyright protection, 4) establish principles and procedures for equitably sharing income derived from materials under University copyright, and 5) guard the imprimatur of the University by providing for responsible control of the use of the University's name in the notice of copyright.

2. POLICY

a. It is the general policy of Stanford University to claim copyright in cases where, under copyright law, it is the author of a work. Under copyright law the University is the author and entitled to both common law and statutory copyright where:

(1) A University employee creates a copyrightable work upon the order or the request of the University in the course of discharging the obligations of his employment, or

(2) A person acting as an independent contractor creates a copyrightable work upon the order or request of the University.

b. In cases (other than noted above) where creation of a copyrightable work involves the substantial use of University personnel, facilities, supplies, or equipment, it is the policy of the University that the ownership of copyright and rights and equities in the work be negotiated between the University and the individual author(s).

c. The University shall have the right to claim title for copyright in cases where such a claim is necessary to comply with the requirements of an outside agency.

d. Copyright in a work published by the University under contract with an author may be taken in the name of the University, provided the use of the University's name has been approved by established procedures (see Guide Memo 76.1).

3. GUIDELINES

Procedures implementing the University copyright policy must be in accordance with the following guidelines:

a. Materials prepared by a faculty member in connection with that person's teaching assignments or participation in research projects should be viewed as flowing from individual initiative and shall not be construed as having been produced in the course of discharging the obligations of employment.

b. The University shall not claim copyright in cases where under University policy there is uncertainty regarding copyright ownership as between the University and faculty, staff, students, or student organizations, provided no substantial use has been made of University personnel, facilities, supplies, or equipment in the creation of the copyrightable materials. Except as noted in paragraph "d" below, the University shall not claim copyright for works which are generated as a result of individual initiative and which do not make substantial use of University personnel, facilities, supplies, or equipment.

c. The determination of when use of University personnel, facilities, supplies, or equipment is "substantial" is a matter of judgment, which must be based on the context of the situation, practices in particular disciplines, schools, or departments, and the degree of pressure for alternative uses of any scarce resources involved. However, the policy is intended not to hamper the free exercise of individual initiative and creativity in cases where the University does not incur significant real costs as the result of such work.

d. As may be necessary for the University to comply with contract or grant terms, in all cases involving copyrightable materials created under, or in the course of, University research, development, education, or training contracts and grants, the University or the research sponsor, as the case may be, shall have the copyright as well as the right to require publication without copyright. Unless the provisions of a grant or contract state otherwise, the ownership of copyrightable materials created thereunder, and the right to copyright them, belong to the sponsor under copyright law.