



Copyright Ownership

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Responsible Office:	AP - Academic Personnel & Programs
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Scope:	This Presidential policy applies to all employees and students of the University of California and at all University of California locations, including the campuses, medical centers, the Office of the President, Lawrence Berkeley National Laboratory, and Agriculture and Natural Resources.

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I. POLICY SUMMARY

The University fulfills its mission in part through the creation of original works of authorship and the free expression and exchange of ideas. This policy establishes a framework for copyright ownership of such works created at the University of California (“University”). This policy transfers copyright ownership to certain University employees for their scholarly and aesthetic works.

II. DEFINITIONS

Academic Authors means Employees who have a general obligation to create copyrightable scholarly or aesthetic works.

Contracted Facilities Works means works created (1) by non-University personnel or by University personnel acting outside the course or scope of their employment, (2) through the use of University Facilities, and (3) generally pursuant to a written agreement.

Employees means all individuals employed or appointed by the University in any capacity regardless of whether they are (1) faculty, non-faculty academic personnel, staff, administration, or students, or (2) employed full-time, part-time, or in a temporary capacity.

Independent Academic Effort means inquiry, investigation, or research carried out to advance knowledge or the arts where the specific choice, content, course, and direction of the effort is determined by the Academic Author without direct assignment or supervision by the University.

Scholarly & Aesthetic Works means all copyrightable works authored by Academic Authors within the scope of their employment as part of or in connection with their teaching, research, or scholarship. Common examples of Scholarly & Aesthetic Works include, but are not limited to, journal articles, scholarly papers, books (e.g., monographs, textbooks, and other books), short stories, poems, case examples, course materials (including lecture notes), musical compositions/arrangements and recordings, lyrics, architectural drawings, software, visual works of art, sculptures, dance choreography, and other artistic creations, among others, regardless of the medium in which those works are fixed or disseminated.

Significant University Resources means University Resources beyond the usual support provided by the University and generally available to similarly situated Academic Authors or, as applicable, students. For the purposes of this definition, “usual support provided by the University and generally available to similarly-situated Academic Authors” includes customary administrative support, library facilities, office space, personal computers, access to computers and networks, and salary.

Sponsor means an organization or agency that provides funding, equipment, or other support for the University to carry out a specified project pursuant to a written agreement. Sponsors include federal, state, and local governmental entities as well as private industry entities, educational institutions, and private foundations.

Sponsored Works means works created by or through the University in the direct performance of a written agreement between the University and a Sponsor. Sponsored works generally do not include journal articles, lectures, books, or other works created through Independent Academic Effort and based on the findings or deliverables of the sponsored project, unless the relevant agreement with the Sponsor states otherwise.

University Facilities means buildings, equipment, and other facilities under the control of the University that are designated by the appropriate Chancellors, Laboratory Directors, or Vice Presidents as requiring an advance agreement, from either non-

University personnel or University personnel acting outside the scope of their employment, concerning the disposition of any copyrightable works created with the use of these facilities.

University Resources means either (1) University Facilities or (2) funds, regardless of source, that are administered by – or under the control, responsibility, or authority – of the University.

III. POLICY TEXT

A. Copyright Ownership by Category of Works

1. **Scholarly & Aesthetic Works.** To fulfill its teaching, research, and public service mission, and in support of academic freedom, the University of California encourages the creation and dissemination of creative works. With this policy, the University hereby transfers any copyrights it may own in Scholarly & Aesthetic Works to Academic Authors who prepared those works using Independent Academic Effort.

Notwithstanding the previous sentence, the University does not transfer the copyrights in Scholarly & Aesthetic Works that: (a) are either Sponsored Works, Commissioned Works (as that term is used Section III.A.5 below), or Contracted Facilities Works; (b) would put the University in violation of, or conflict with, an applicable contract, policy, or law; or (c) were created with Significant University Resources.

2. **Personal Works.** As between the University and its Employees, copyright ownership of works prepared by Employees outside the course or scope of their University employment and without use of Significant University Resources resides with the Employees, unless a relevant agreement states otherwise. For purposes of this policy, works created through non-University consulting activities may be considered a Personal Work so long as such non-University consulting activities do not use Significant University Resources and are not prohibited by terms of the University's employment contract or other applicable agreements or policies.
3. **Student Works.** As between the University and its students, copyright ownership of works prepared by University students (including graduate students) resides with such students, unless the work: (a) was created primarily in the course or scope of the student's University employment; (b) involved the use of Significant University Resources; (c) is a Sponsored Work, Contracted Facilities Work, or Commissioned Work; or (d) was created under a separate agreement that specifies a different copyright owner. For the purposes of this section, a student's financial aid is not considered Significant University Resources. Absent extraordinary circumstances, copyright ownership of theses or dissertations authored by University students resides with such students.

4. **Sponsored Works.** Ownership of copyrights to Sponsored Works resides with the University, unless the relevant agreement with the Sponsor states otherwise. For any agreement providing ownership of Sponsored Works other than by the University, the University generally requires the University be granted a free-of-cost, nonexclusive, worldwide license to use such works for the term of the copyright consistent with the University's teaching, research, and public service mission.
5. **Commissioned Works.** When the University commissions the creation of a work, ownership of the copyright to that work generally must reside with the University (absent compelling circumstances) and must be specified in a written agreement. For any agreement providing ownership of such commissioned work by a person or entity other than the University, the University generally requires a free-of-cost, nonexclusive, worldwide license to the commissioned work consistent with the University's missions of teaching, research, and public service.
6. **Contracted Facilities Works.** Ownership of copyrights to a Contracted Facilities Work generally must be governed by a contract between the University and the user of the University Facility regarding use of the specified University Facility. In the absence of an agreement, the University generally owns the copyright to the Contracted Facilities Works.
7. **Institutional Work.** Except as otherwise provided in this policy or by written agreement, the University owns all copyrights to works either (a) prepared by its Employees within the course or scope of their employment, or (b) when Significant University Resources were used for the creation of the work.

B. Copyright Ownership of Jointly Created Works

Copyright ownership interests in jointly-created works involving University Employees or University students will be determined by assessing the Category of Works and resulting ownership rights pursuant to Section III.A above for each person who qualifies as a co-author of the works. The copyright rights among joint copyright owners are governed under U.S. copyright law.

C. Release of University Rights

The University may release its copyright ownership rights to the creators of the works when, as determined by the University: (1) there are no overriding or special obligations to a Sponsor or other third parties; and (2) the best interests of the University would be served by releasing its ownership rights. Such release of ownership rights must be contingent on an agreement by the creator(s) that no further effort on, or development of, the work will be made using University Resources and that the University is granted a free-of-cost, nonexclusive, worldwide license to the work consistent with the University's missions of teaching, research, and public service.

D. Licensing and Royalties

The University may assign or license its copyrights to others. Royalty or other income received from such transactions may be shared with the creators of such works, as determined by the appropriate Chancellor, Laboratory Director, or Vice President (or their delegates) and/or by local policies. The determination of an appropriate income distribution, if any, back to the creators should take into account each creator's contribution, the University's costs, any provisions imposed by Sponsors or other funding sources, and any other applicable agreements concerning the copyright.

E. Union Employees

If an inconsistency exists between this policy and a union agreement governing copyright ownership by Employees represented by a union, the copyright ownership provisions of such union agreement in effect at the time the work was created prevails.

F. Patent Policy

This policy is not intended to change or affect the rights provided in the University of California's policies regarding patent ownership. If an inconsistency exists between the University's patent and copyright policies over a particular work, the ownership principles of the patent policies prevail.

IV. COMPLIANCE / RESPONSIBILITIES

For copyrightable works under their respective jurisdictions, the University's Chancellors, Laboratory Directors, and Vice Presidents are authorized to do (or to delegate the authority to do) any of the following:

- A. issue guidelines, implementing procedures, and supplementary local policies consistent with this policy – including directives regarding licensing, distribution of royalty income, and other rights related to copyrights;
- B. identify certain projects or University Facilities as having special copyright obligations and issue guidelines, implementing procedures, local policies, or copyright assignments in works created through such projects or University Facilities;
- C. register copyrights, accept copyrights from third parties, and sell, assign, or grant licenses in copyrights; and
- D. release the University's copyright ownership rights pursuant to Section III.C.

V. PROCEDURES

Academic Authors participating in a sponsored project must have an agreement on file with the appropriate campus office (e.g., sponsored projects office or the industry contracts office) that acknowledges: (1) individual and joint responsibility to create and deliver Sponsored Works to the Sponsor (as required by the terms of the sponsored

project agreement) or to the University when so requested, and (2) that copyright ownership of Sponsored Works will reside with the University, unless reserved to the Sponsor or otherwise provided for in the sponsored project agreement pursuant to Section III.A.4 above.

VI. RELATED INFORMATION

- University of California policy on “Ownership of Course Materials” (9-25-2003)
- University of California policy on “Copyright and Fair Use” (7-9-2015)
- University of California policy on “Open Access” (10-23-2015)
- Open Access Policy of the University of California’s Academic Senate (7-24-2013)
- University of California’s “Copyright” website, available at <http://copyright.universityofcalifornia.edu/>
- U.S. Copyright Act of 1976 and subsequent amendments, available at 17 U.S.C. § 101 *et seq.*
- University of California policy on “Use of Recordings of Course Presentations” (9-23-2005)

VII. FREQUENTLY ASKED QUESTIONS

Frequently Asked Questions may be accessed at:

<https://copyright.universityofcalifornia.edu/resources/copyright-ownership-faqs.html>

VIII. REVISION HISTORY

February 1, 2021: The policy was substantively revised to expand eligibility to own copyright; clarify the pool of works eligible for copyright ownership; update and add definitions; add clarity regarding graduate student and represented employee copyright ownership; and deletes unnecessary provisions. This policy was also reformatted to meet Web Content Accessibility Guidelines (WCAG) 2.0.

June 1, 2012: The policy was reformatted into the template for systemwide policies.

August 19, 1992: The last substantive revision of this policy occurred in 1992 when the previous policy was issued.

August 1, 1975: The original systemwide policy, titled “University Copyright Policy,” was issued.

November 1, 1962: The Office of the President issued another systemwide regulation concerning “the administration of copyrights obtained in the name of The Regents of the University of California.”

April 24, 1961: The Office of the President issued a systemwide regulation regarding the University’s policy on copyright ownership.