Copyrighting and Marketing Original Material

OVERVIEW

Generally, WSU is the copyright owner of all works produced by all persons employed by the University, participating in University research, or contributing to the creation of original works under contractual relationship with the University.

See also Executive Policy Manual EP38.

Author

For purposes of this policy the term "author" is defined as any individual receiving compensation for service, or any individual volunteering services for the benefit of the University, who makes an editorial contribution to a creative work.

Inventor

For purposes of this policy the term "inventor" is defined as any individual receiving compensation for service, or any individual volunteering services for the benefit of the University, who makes a technical contribution to a creative work.

Contributor

A University "contributor" is defined as any individual receiving compensation for service, or any individual volunteering services for the benefit of the University, who does not qualify to be an author or inventor but participates in a manner, in the absence of which, the work could not have been created.

Administration

The Office of Commercialization (OC) administers WSU copyright matters and determines University copyright policy. Direct specific questions on copyright matters to the OC; telephone 509-335-5526.

OWNERSHIP

Ownership rights to copyrightable materials originated by University authors, inventors, or contributors are provided in EP38, Section III.B.

Royalty rights to copyrightable materials originated by University authors, inventors, or contributors are provided in EP38, Sections III.E, F, and G.

MARKETING

The OC and individual WSU administrative units approve WSU-owned materials for copyright registration.

Prior Approval

WSU's prior approval and review process ensures that materials which are copyrighted, published, and marketed by the University have achieved acceptable technical and content quality standards.

• Before initiating distribution and/or registering the copyright, the author or inventor discloses the material subject to copyright promptly to his or her administrative unit or the OC.
Copyrighting and Marketing Original Material

**Prior Approval (cont.)**
- Include a description of the work and the potential market plus any other information which may assist in evaluating the request.
- Indicate any desired restrictions or limits on production, marketing, or distribution.

**WSU Review**
The author/inventor's administrative unit and the OC act as a team to review and approve the work.

Producers of audiovisual and instructional television materials from the College of Veterinary Medicine seek approval from Biomedical Communications.

**Rejection**
If the work is rejected by any reviewing group the author or inventor is advised in writing and allowed to remedy the problem. The author or inventor may appeal a reviewing group's decision to the OC.

**Final Approval**
The OC is responsible for determining a dispute on approval.

**Acceptance**
The OC may accept the work. If the OC accepts the work, the OC manages the copyright in accordance with EP37 and the *Faculty Manual*.

**Released to Author**
The Committee may release the material to the author or inventor which allows the author or inventor to market the work without WSU affiliation.

- If the author or inventor is authorized to market the work and if the work is developed with WSU facilities, the OC and the author or inventor may negotiate an amount to reimburse WSU.
- If the author or inventor uses WSU facilities to produce or market the work a continuing payment may be negotiated.
- WSU retains nonexclusive royalty-free license to use the work. Such license includes associated instructional material.

**Responsibility for Copyright Registration and Marketing**

Audiovisual Materials and Instructional Television Programs

**Marketing**
Biomedical Communications is responsible for marketing materials produced by administrative units within the College of Veterinary Medicine.
Copyrighting and Marketing Original Material

Copyright Registration

WSU service departments (e.g., Biomedical Communications) are responsible for registering copyrights for those materials for which they have marketing responsibility.

Other WSU-Owned Materials

The appropriate WSU administrative unit or commercial agency as indicated in the contract coordinates production and marketing. The OC may register the copyright.

Accounting for Proceeds

The University distributes the proceeds generated from the sale or rental of copyrighted materials in accordance with the procedures outlined in EP38 and the Faculty Manual.

Obtaining Federal Copyright Protection

Statutory copyright protection occurs as soon as an original work is fixed in tangible form, whether published or unpublished. (17 USC 102)

Copyright Notice

Proper notice for creative works owned by WSU includes placing the following in such a location so as to provide reasonable notice of claim of copyright:

- The word "Copyright,"
- The symbol © or the abbreviation "copr.;"
- The year of first publication of the work;
- The phrase "All Rights Reserved;" and
- The copyright owner's name (e.g., Washington State University)

Usually the copyright notice is placed on the title page. (17 USC 401)

The University obtains copyright in the name of the Board of Regents of Washington State University.

Registration of Copyright

Unpublished as well as published work may be registered for additional copyright protection.

Registration of the copyright with the U.S. Copyright Office increases the owner's control and improves the prospects of recovering damages in cases of unauthorized use.

Instructions and forms may be obtained from the OC; telephone 509-335-5526.