Copyrighting and Marketing Original Material

OVERVIEW
Generally, WSU is the copyright owner of all works produced by WSU personnel.

Author
For purposes of this policy the term author refers to the individual(s) responsible for the creation of the original work.

Administration
The Intellectual Property Committee administers WSU copyright matters and determines University copyright policy. The Director of the Office of Commercialization (OC) is ex officio secretary for the committee. Direct specific questions on copyright matters to the OC; telephone 509-335-5526.

OWNERSHIP
Ownership and royalty rights to copyrightable materials originated by WSU personnel are set forth in Table I.

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

Prior Approval
The University's prior approval and review process ensures that materials that 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 discloses the material subject to copyright promptly to his or her administrative unit or the OC.

• Include a description of the work and the potential market plus any other information that may assist in evaluating the request.

• Indicate any desired restrictions or limits on production, marketing, or distribution.

WSU Review
The author'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 any reviewing group rejects the work, the author is advised in writing and allowed to remedy the problem. The author may appeal a reviewing groups decision to the Intellectual Property Committee.
### Copyrighting and Marketing Original Material

**TABLE 1 – DETERMINATION OF RIGHTS TO COPYRIGHTABLE MATERIAL**

<table>
<thead>
<tr>
<th>Extent of WSU Support</th>
<th>Initiative and Effort</th>
<th>Description</th>
<th>Ownership Rights*</th>
<th>Royalty Rights</th>
<th>Examples***</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>Individual</td>
<td>Absolutely no use of WSU facilities, time, materials, or services.**</td>
<td>Individual</td>
<td>Individual</td>
<td>A novel or text written at home; preparation cost borne entirely by the author.</td>
</tr>
<tr>
<td>Incidental (less than 25%)</td>
<td>Individual</td>
<td>Incidental use of WSU facilities and time**</td>
<td>Individual</td>
<td>Individual</td>
<td>Text written by a faculty member; utilized WSU office space, library.</td>
</tr>
<tr>
<td>More than 25%</td>
<td>University</td>
<td>Specifically assigned University duty or a duty specifically commissioned in writing. Use of WSU facilities, time, materials or services.</td>
<td>University</td>
<td>University</td>
<td>Materials produced by WSU staff units. WSU publications. Assigned audiovisual productions.</td>
</tr>
<tr>
<td>Variable-- supported by extramural sponsors in whole or in part.</td>
<td>Individual and/or University and/or sponsor</td>
<td>As set forth in the documents and/or regulations governing the sponsored programs.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Articles published by scholarly, professional, and commercial journals are usually copyrighted by the publication. The author, University, or sponsor may be requested to transfer copyright rights. Prior review by the Intellectual Property Committee and WSU departments is not required in such cases.

** Use of WSU clerical support for preparation of these materials is prohibited. All expenses relating to licensing, protection, and sale of these materials are the responsibility of the author. See also the *Faculty Manual*.

*** Examples are included as guidance only and are not to be interpreted to limit any category.

**Final Approval**

The Intellectual Property Committee is responsible to determine 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 the *Faculty Manual*. 
Copyrighting and Marketing Original Material

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

- If the author is authorized to market the work and if the work is developed with WSU facilities, the OC and the author may negotiate an amount to reimburse WSU.
- If the author 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.

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.

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.

Accounting for Proceeds
The University distributes the proceeds generated from the sale or rental of copyrighted materials in accordance with the procedures outlined in 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 includes placing the word Copyright, the abbreviation copr., or the symbol ©; the year of first publication of the work; and the copyright owner's name in such a location so as to provide reasonable notice of claim of copyright. Usually this notice is placed on the title page. (17 USC 401)
Copyrighting and Marketing Original Material

Copyright Notice (cont.)
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.