Marymount University
Intellectual Property Policy

Marymount University (the “University”) encourages the production and dissemination of creative and scholarly research, works and inventions, known broadly as intellectual property. Intellectual property is created by individuals, or by groups of individuals, who are entitled to choose the course of disclosure; academic freedom of individuals is a higher priority than possible financial rewards. The products of this scholarly or creative work may create rights and interests on behalf of the creator, author, inventor, public, sponsor and the University.

Copyright in the University environment has many different facets. Copyright protection governs original works of authorship fixed in any medium of expression. The University Copyright Ownership Policy defines who at the University owns Scholarly Works and Classroom Works. With certain exceptions, as described below, works are owned by the author who created them.
Marymount University
Copyright Ownership Policy

I. Definitions

A. **Covered Individuals** under this policy are employees of Marymount University, including all classifications of faculty, staff, administration, or student, whether they are employed full-time, part-time, or in a temporary capacity. Students engaged in **Scholarly Works**, whether or not for compensation, from which an invention or copyrightable work is developed are also covered individuals.

B. **Students** are individuals enrolled in the University who are acting to complete coursework.

C. **Faculty** are full-time and part-time employees as defined in the Faculty Handbook.

D. **Independent Contractors and Consultants** are non-employees hired by the University.

E. **Scholarly Works** are works authored by Employees as part of or in connection with their responsibilities, if any, in teaching, research, or scholarship. Common examples of Scholarly Works include: lecture notes, case examples, course materials, textbooks, works of nonfiction, novels, journal articles, scholarly papers, poems, lyrics, musical compositions and recordings, architectural drawings, software, visual works of art, and other artistic creations, among others, regardless of the medium in which those works are fixed or disseminated.

F. **Work Made for Hire** is defined by the Copyright Act (Title 17 of the U.S. Code) in two parts: (1) a work prepared by an employee within the scope of his or her employment or (2) a work specially ordered or commissioned for use: (a) as a contribution to a collective work; (b) as a part of a motion picture or other audiovisual work; (c) as a translation (d) as a supplementary work; (e) as a compilation; (f) as an instructional text; (g) as a test; (h) as answer material for a test; or (i) as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire.

G. **Classroom works**: For purposes of this policy Classroom Works are defined as any student work created to complete coursework at the University.

H. **University resources**: For purposes of this policy University Resources are defined as any University funds, facilities (including laboratories, equipment, supplies), or information (including computer programs, computer time, and computer databases).

I. **VPAA**: Vice President for Academic Affairs
II. Copyright Ownership Policy

A. Introduction

This policy, in conjunction with the University Patent Policy, seeks to support and reward research and scholarship, help covered individuals identify, protect, and administer intellectual property matters, and define the rights and responsibilities of all involved.

Under the Copyright Act, (Title 17 of the U.S. Code) copyright protection is afforded to any work of authorship fixed in a tangible medium of expression. Copyright protection extends to text, pictures, photographs, visual arts, architectural works, music, and other works, whether in paper, electronic or other media. Ideas are not protected under this policy but may be covered by University’s Patent and Trademark Policy; copyright law protects only the creative expression embodied within a particular work.

B. Applicability

This policy applies to intellectual property created by covered individuals who create works on behalf of the University unless a written agreement exists to the contrary. It does not apply to intellectual property created by University students while enrolled at the University, including work created as a condition of completing course requirements, unless it is subject to specific limitations described in the policy below.

This policy applies to all schools, departments, and administrative units of the University.

The conditions enumerated in this policy shall be deemed to be a part of the terms of employment of University faculty, administrators and staff, and the terms of enrollment of University students.

C. Policy on Who Holds Copyright

Generally, under the “Work for hire” doctrine, an employer is considered the author even if an employee actually created the work.

However, this policy is not intended to disturb the customary relationship between the University and the author of Scholarly Works. As a default, the University does not claim “work for hire” status under the Copyright Act for such works, except as set forth in Sections III.D and III.E below.

It is the standard practice of the University to require that independent contractors and consultants transfer, in writing, the copyright in works they create for, in conjunction with, or on behalf of the University.

D. Scholarly Works and Copyright

The University does not claim “work for hire” status for scholarly works authored by Covered Individuals with the following conditions/exceptions:

Covered Individuals who collaborate with each other, with students, or with non-University third-parties should clearly determine in advance the disposition of the copyright before authoring the work.
1. Conditions - The University reserves the right to:
   
   a. use **Scholarly Works** for educational, administrative or research purposes consistent with its educational mission and academic norms;
   
   b. host **Scholarly Works** in institutional repositories;

2. Exceptions - Under this policy, the University:
   
   a. does not claim copyright if the development of the Scholarly Work was funded as part of externally sponsored programs under an agreement which allocates rights to the funding entity or the University. Scholarly Work created using sponsored program funding, see also the University's *Intellectual Property Addendum: Policies and Procedures for Sponsored Programs*;
   
   b. claims copyright of **Scholarly Works** when a Covered Individual was assigned, directed, or specifically funded by the University to develop the Scholarly Work, and the University has negotiated in writing copyright with the author;

   c. claims copyright of **Scholarly Works** when the Scholarly Work was transferred in a writing which the Covered Individual signed as a condition of employment.

In the case of each exception, the University may, at its option, grant licenses or royalties or both to the author(s) on such terms as the University considers to be reasonable under the circumstances.

**E. Classroom Work and Copyright**

In general, Students own the intellectual property they create while enrolled at the University, including intellectual property created as a condition of completing course requirements, with the following conditions/exceptions:

1. Conditions:
   
   a. The University reserves the right to use **Classroom Works** for educational, administrative or research purposes consistent with its educational mission and academic norms;

   b. The University reserves the right to host **Classroom Works** in institutional repositories;

   c. The University requires that Students waive any claims against the University, its employees, or fellow Students arising out of the reproduction, excerpting, and/or distribution of Student-authored postings to University-sponsored courseware Web sites or course management systems as needed for the academic, research, and archival purposes of the University.

   d. Students enrolled in a class may take class notes for their personal use and for sharing with other students for legitimate academic purposes; but notes in or recordings of a course shall not be taken or disseminated for commercial purposes, unless approved...
in writing by the instructor.

2. Exceptions:

1. When Students author works as Covered Individuals or transfer their copyright in writing;

2. When Students author collaborative work, it may result in a “joint work” in which all the rights holders jointly have nonexclusive rights to use the work.

F. Policy Interpretation and Dispute Resolution

Voting members of the Academic Policy, Budget, and Planning committee shall monitor and review the University’s Copyright Ownership Policy annually. This committee shall also resolve disputes related to this policy.

G. History/Revision Dates

Origination Date: 2007
Last Amended Date: March 22, 2017 (Faculty Council approval on March 29, 2017)
Next Review Date: December 31, 2018

Several portions of this policy have been adapted with permission from the following institution’s intellectual property policies: Catholic University, Georgetown University, and William and Mary University.