SAINT LOUIS UNIVERSITY
COPYRIGHT OWNERSHIP POLICY

Policy Number: FA Classification: 
Version Number: 1.0 Effective Date: January 22, 2008
Responsible University Official: Provost

1.0 INTRODUCTION

The University enables an academic environment which values and promotes free, active, and original intellectual inquiry among its faculty, staff, and students. It encourages and supports innovative scholarship in all fields of the humanities, the natural, health and medical sciences; the social sciences, law, business, aviation, and technology.

2.0 PURPOSE

The purpose of this policy is to encourage creativity among faculty, staff, and students and to provide clear guidelines as to ownership of materials developed by employees and students of Saint Louis University.

3.0 PERSONNEL AFFECTED

Employees and students

4.0 DEFINITIONS

4.1 Copyright. The exclusive legal right granted for a specified period to an author, designers, etc., or another appointed person to print, publish, perform, film, or record original literary, artistic, or musical material.

4.2 Intellectual Property. In law, intellectual property is an umbrella term for various legal entitlements which attach to certain names, written and recorded media, and inventions. The holders of these legal entitlements may exercise various exclusive rights in relation to the subject matter. The term intellectual property reflects the idea that this subject matter is the product of the mind or the intellect. The term implies that intellectual works are analogous to physical property and is consequently a matter of some controversy.

4.3 Patent. Government authority to an individual or organization conferring a right or title, especially the sole right to make, use, or sell some invention.
4.4 Substantial Use. The use of University resources is “substantial” when the work entails the use of University resources not normally available to University employees including, but not limited to:

a. use of University funds designated for a specific project;
b. use of University released time designated for specific project or task;
c. use of University-owned, administered, or leased computer facilities, and/or associated equipment beyond that customarily found and supported in offices or laboratories;
d. use of copyrighted materials owned by the University as part of a new derivative work or computation; or
e. use and/or assistance of one or more University faculty, programmers, or equivalent support personnel who are assigned to a project specifically to assist in the creation of the work. Informal consultations, for example, will not be considered a substantial University contribution.

5.0 POLICY

5.1 Copyrightable Materials

Copyright protection is available for works reduced to tangible forms of expression, such as books; manuscripts; artistic, literary, musical, and dramatic works; electronic chip designs; computer software; printed and electronic course materials; and web pages. The application and scope of copyright laws continues to change over time with rapidly changing technologies. In some instances, patent protection may be available for some works, as opposed to copyright protection. Any interest that a faculty member may have in a potential patent in connection with his/her employment by the University will be governed by the Patent and Intellectual Property Policy, which is available on the web site of the Office for Research.

5.2 Ownership

The following guidelines will be applied to determine copyright ownership of works developed by faculty, staff, and students.

a. The University does not make any claim to copyright ownership of materials created by faculty, staff, and students outside the scope of the employment or student relationship with the University.

b. All copyrightable works created or developed by University faculty, staff, or students as part of their regular duties with support from outside sponsors shall be governed by specific terms establishing copyright ownership set forth in the grant or contract with the sponsor.

c. Faculty are the copyright owners of all the works that they create or prepare in the course of their employment except where the faculty member and the
University agree in writing that the copyright will be owned by the University, or where ownership rights are otherwise established in a written policy implemented by the University, a College, School, Library, or Department after consultation with affected faculty. When a faculty member is for any reason unable to perform his/her current or prospective University obligations, the University may, for a period of one year, and at no cost to the University, make use of that faculty member’s materials that are necessary to the performance of those obligations.

d. The University shall hold the copyright ownership for any materials created by staff and students arising out of and within the scope of their employment with the University. This rule shall apply regardless of where the copyrightable work was created and even though no specific instruction or request to create the work was made of the employee or student.

e. Whenever staff or students create copyrightable materials that involve “substantial use” of University resources, the University shall own the copyright.

### 6.0 PROCEDURES

Whenever the University specifically hires or directs faculty to create a copyrightable work that involves substantial use of University resources, the University and the creator shall execute a written agreement signed by both parties that clearly establishes the terms of the arrangement, including copyright ownership. The University will ordinarily retain exclusive copyright ownership, subject to mutually agreeable compensation or other arrangements with the faculty member. Conversely, the faculty member who desires to make substantial use of University resources to create a copyrightable work that is outside the scope of the employment relationship may contact the appropriate University administrator to obtain approval to enter into a mutually agreeable arrangement to compensate the University and retain copyright ownership. In some instances, the University and the faculty member may elect to own the copyright jointly or enter into other licensing arrangements as part of the written agreement. Failure to execute a written agreement in cases involving substantial use of University resources shall result in joint ownership by both the University and the faculty member.

### 7.0 REFERENCES

*Patent and Intellectual Property Policy*, found at [www.slu.edu/provost](http://www.slu.edu/provost)

### APPROVAL SIGNATURES

This policy was reviewed by the Office of Legal Counsel, CADD, the Faculty Senate, the Executive Committee, and the President’s Coordinating Council on January 22, 2008.

**This policy has been approved by:**

Joe Weixlmann, Ph.D.

Provost

Saint Louis University