PURPOSE

The purpose of this general order is to establish the respective right of A.T. Still University of Health Sciences (ATSU) and its employees with regard to copyrights.

POLICY

A. Definition: Copyright material includes all items and materials prescribed and covered by federal and state copyright law and specifically include the following:
   1. Books, journal articles, texts, glossaries, bibliographies, study guides, laboratory manuals, syllabi, tests, proposals, and lectures.
   2. Films, film strips, charts, transparencies, and other visual aids.
   3. Video, audio tapes, and cassettes.
   4. Live video or audio broadcasts.
   5. Programmed instruction materials.
   6. Computer programs.
   7. Nucleic acid sequences (DNA and RNA) which have been modified from those found in nature.

B. Levels of interest: Copyright interests are assigned into the following four categories: (1) individual efforts, 2) ATSU-assisted individual efforts, (3) ATSU-assigned efforts, (4) sponsor-supported efforts.
   1. Individual efforts: Copyrightable materials produced by employees of ATSU shall be the exclusive property of the employees if there is no significant use of ATSU personnel or facilities (libraries excluded) and the materials are not prepared in accordance with the terms of a contract, grant, or specific assignment. A faculty member’s general obligation to produce scholarly and creative work does not constitute a specific assignment.
   2. ATSU-assisted individual efforts: Copyrightable materials produced by employees of ATSU shall be copyrighted by the employee and ATSU as coauthors if there is significant use of ATSU personnel or facilities (libraries excluded) and the materials are not prepared in accordance with the terms of a contract or grant as a specific assignment. Division of income from royalties and other use shall be agreed upon by employees and appropriate administrative personnel in accordance with the proceeds section of this policy in advance of the use of ATSU personnel or facilities.
   3. ATSU-assigned efforts: Copyrightable materials produced by ATSU employees shall be copyrighted by ATSU if ATSU has paid a direct fee to the employee for writing or production of the specific materials the employee is specifically assigned to write or produce the materials. ATSU will bear the expense of registering the copyright as described in the cost section of this policy.
   4. Sponsor-supported efforts: Rights to copyrightable materials developed as a result of work supported partially or fully by an outside agency through contract or grant shall be disposed of in accordance with the terms of the contract or grant. In the absence of any clause assigning the copyright to the grantor, the copyright of any sponsor-supported efforts shall belong to ATSU and this policy will apply.
5. ATSU may, at the option of ATSU administration, quit its interest in a copyright in which case all expense of the copyright procedure will be borne by the employee.

C. Proceeds: Royalty/other income derived from copyrights granted under the ATSU-assisted individual efforts section of this policy shall be shared between employee and the institution. Based on annual net proceeds, the employee(s), or their heirs, shall receive annual remuneration from the proceeds, less applicable expenses, accumulating from the earnings on copyrights equal to but not in excess of:
   1. 50% of the first $20,000 per year
   2. 40% of the next $20,000 per year
   3. 30% of all over $40,000 per year

D. Cost: If the institution elects to obtain a copyright granted under the ATSU assigned efforts category of this policy, all costs of the copyright procedures will be borne by the institution.

RESPONSIBILITY

For the purposes of this copyright policy, the definition of the terms “paid a direct fee,” “significant use,” “specifically assigned,” and “specific assignment” shall be those definitions as determined and stated by the dean of the relevant ATSU school or college.