

New York University

University Policies

Title:	Statement of Policy on Copyrights
Effective Date:	January 24, 1972
Supersedes:	N/A
Issuing Authority:	Office of the General Counsel
Responsible Officer:	Senior Vice President, General Counsel and Secretary

Purpose of this Policy:

This policy was approved by the Board of Trustees, January 24, 1972, to establish consistent copyright guidelines.

Scope of this Policy:

This policy applies to the NYU academic community.

Procedures for Implementation:

With certain exceptions, faculty members are free to copyright their lecture notes, manuscripts, and other writings developed from their scholarly activities, even though performed as part of their regular duties in the University. Copyright may be secured in the name of the individual faculty member or, by special arrangement, in the name of the University. Royalties normally accrue to the author, but in certain cases, royalties are assigned by the copyright holder in whole or in part to the support of the scholarly program of a particular department or school.

The principal exception to this permissive policy relates to programs financed by grants or governed by contracts imposing express obligations upon the University.

A recent major policy statement from the United States Office of Education, Department of Health, Education and Welfare, relating to copyright protection states in part: "... [W]ith respect to some materials [developed under governmental grants and contracts] the public interest will best be served by disseminating those materials without copyright. However, with respect to other materials, copyright protection may be desirable during development or as an incentive to promote the effective dissemination of such materials...."

Specific procedures are set forth by the United States Office of Education whereunder the University would be required to request authorization to secure copyright protection for works arising out of government-sponsored programs. Where such protection is authorized, a time limit of five years would generally be imposed and royalties generally would have to be shared with the Office of Education. Also the United States Government would receive "a royalty-free, nonexclusive and irrevocable license to

publish, translate, reproduce, deliver, perform, use and dispose of all such materials for United States Government purposes.”

Accordingly, it is desirable to set forth procedures to be followed by University personnel whose activities are supported in whole or part by any sponsor outside the University:

- 1.If the matter of copyright protection is not explicitly made a part of any contractual document or grant between the sponsor and the University, the University staff whose activities are covered by such documents are free to seek copyright protection in accordance with the practice described in the introductory paragraph of this statement.
2. If the contractual or granting document covering any research or training program at the University has explicit reference to copyright protection, the University staff whose activities are so covered are bound by those conditions and are obligated to do all things necessary to enable the University to fulfill its obligations.
- 3.The University shall notify each research project director of obligations with respect to copyright which may exist by virtue of contract provisions relating to his or her particular activities.
- 4.If, in any particular case, it seems desirable to obtain copyright protection, the matter should be referred to the Office of Sponsored Programs at Washington Square. A decision based upon the particular facts presented will be made after consultation between personnel of that office and the research project director in charge of the matter in question.

Policy Definitions:

N/A

Related Policies:

Notes

1. Dates of official enactment and amendments: 01/24/72
2. History:
3. Cross References: