

**2006-2007 ANNUAL REPORT OF
THE UNIVERSITY COMMITTEE ON COPYRIGHT
TO THE FACULTY COUNCIL**

March 23, 2006

Members: Robert S. Dalton (2009), Leah McGinnis Dunn (chair) (2007), Sarah Michalak (2008), Barbara Moran (2007), Virginia Neelon (2009), John Semonche (2007), Michael Votta (2008)

Graduate student representative: Morgan Stoddard

Ex officio: Deborah Gerhardt, William Fletcher Fairey, Sian Hunter, Sallie Wright

Charge: The committee represents to the chancellor and the University community the concerns of faculty and other users and creators of scholarly information. The committee's functions include:

- 1) monitoring trends in such areas as institutional or consortial copyright use policies, changes in copyright ownership models, and guidelines for fair use of information in all formats;
- 2) identifying areas in which policy development is needed and recommending to the chancellor new or revised institutional policies and guidelines;
- 3) cooperating with the administration to propose and monitor the application of University policies and guidelines regarding ownership and use of copyrighted or licensed scholarly works; and
- 4) assisting in identifying educational needs of the faculty and others related to compliance with copyright policies and guidelines, and advising on appropriate ways to address those needs.

Membership:

Sallie Wright became an ex-officio member of the copyright committee, replacing Jeanne Smythe after her retirement.

Three members' terms will expire this year: Leah McGinnis Dunn, Barbara Moran and John Semonche.

Meeting Dates for 2006-2007:

October 2, 2006

November 6, 2006
December 4, 2006
January 8, 2007
February 5, 2007
March 5, 2007
April 2, 2007

2006-2007 Activities:

The committee engaged in several activities this year:

1) Amendment to Copyright Policy Regarding Commercialization

Cathy Innes, Director of the Office of Technology Development (OTD), approached the Copyright Committee with a proposal to amend the current Copyright Policy in such a way as to provide a greater share of royalties to faculty when the University, through OTD, commercializes their copyrighted works. Under the current policy, if OTD commercializes a work originally copyrighted by a faculty member, the faculty member receives 40% of the revenue that the University receives for such work (such percentage is calculated after the University has paid expenses, if any, it has incurred in commercializing the work). Under the proposed revised policy, such faculty member would receive 70% of such royalty (again such percentage is calculated after the University has paid expenses, if any, it has incurred in commercializing the work). Ms. Innes believes that this policy change will encourage faculty creators of certain kinds of works to use the resources offered by OTD.

The revised policy does not require that faculty commercialize their works through OTD or to commercialize them at all. Faculty owning copyright in their works would continue to be free to choose if and how they make their works available to the public. Also, the revised policy does not require that OTD, if requested, commercialize any particular work; OTD would have discretion to choose the works it commercializes. Generally, OTD would only commercialize those works for which it can provide some expertise, in particular, software and multi-media works.

After discussing this proposal and reviewing drafts of the proposed change (see Exhibit 1 for current draft), the Copyright Committee agreed that such changes would benefit the University community without imposing any new burdens or restrictions on

current practices. Therefore, the Copyright Committee recommends that the Faculty Council approve the resolution attached hereto.

Table 1: Works where copyright is owned by faculty or EPA non-faculty

Note: Percentages are approximate. Revenue distribution is to be applied after University is reimbursed for incremental expenses.

	Current royalty distribution	Proposed royalty distribution
Amount to Office of Technology Development	20%	10%
Amount to creator(s)	40%	70%
Amount to creator's department or unit	40%	20%

Table 2: Works where copyright is owned by University*

Note: Percentages are approximate. Revenue distribution is to be applied after University is reimbursed for incremental expenses.

	Current royalty distribution	Proposed royalty distribution
Amount to Office of Technology Development	20%	20%
Amount to creator(s)	0%	40%
Amount to creator's department or unit	80%	40%

*Jointly Owned Works:

When a Traditional or Non-Directed Work is jointly owned by the University and by University faculty or EPA non-faculty creator, such owners shall meet to determine the ownership interest of each party. A percentage of the work determined by the parties to be owned by the University faculty or EPA non-faculty creator(s) will be distributed

in accordance with Table 1; a percentage of the revenue which is equal to the percentage of the work determined to be owned by the University will be distributed in accordance with Table 2.

See Exhibit 1 hereto for redline showing specific changes to the Copyright Policy.

2) Redesign of the copyright committee's website

The committee redesigned its website to update available copyright resources, and make them appear more prominently on the website; to organize links to make clear which resources are campus, university system, and external resources; to ease navigation of the site; and to make organizationally clear material that is committee-related. The copyright committee's website can be found at:

<http://www.lib.unc.edu/copyright/>

3) Outreach to faculty on copyright issues

To aid in developing a plan to reach faculty regarding copyright issues, the committee reviewed the recently released "Campus Copyright Rights and Responsibilities: A Basic Guide to Policy Considerations" published in coordination with the Association of Research Libraries.

Discussion of this document focused on two issues:

- 1) implications for policy as it relates to infringement on the UNC computer network, which led to discussions with Vice Chancellor of Information Security (see #4 below), and
- 2) classroom use of copyrighted materials.

This document outlines factors to consider when developing a policy regarding fair use of copyrighted materials in the classroom. The committee compared its current policy to this document. The committee found that current policy addresses the factors outlined in this document because current policy a) supports the exercise of responsible, good faith exercise of fair use rights and b) recommends a fair use analysis based on the four factors affecting fair use.

Because every evaluation of fair use is unique and fair use isn't always easily determined, UNC Legal Counsel, referred to in current policy as a resource for guidance in determining fair use, should continue to be promoted as a faculty resource for fair use analysis. Future initiatives will focus on how to disseminate this information to faculty.

Ex-officio member of the Copyright Committee Deborah Gerhardt, attended the Association of Research Libraries Institute on Scholarly Communication and reported on ideas for outreach to faculty both as a copyright committee and in collaboration with the Scholarly Communications Committee.

4) Revising policy regarding copyright infringement on the UNC computer network

Assistant Vice Chancellor for Information Security Sallie Wright outlined her office's role in dealing with copyright violations. Recent initiatives aimed at decreasing downloading violations have not had the full impact that is desired, so she will approach the committee with proposed copyright policy changes that will relate to peer-to-peer sharing.

Submitted by:

Leah McGinnis Dunn, chair
Robert S. Dalton
Sarah Michalak
Barbara Moran
Virginia Neelon
John Semonche
Morgan Stoddard
Michael Votta
William Fletcher Fairey, ex officio
Deborah Gerhardt, ex officio
Sian Hunter, ex officio
Sallie Wright, ex officio