

**2014-2015 University Committee on Copyright  
Report to UNC-Chapel Hill Faculty Council  
March 20, 2015**

**Membership**

Lee Bollinger, University Counsel, Ex-Officio; Victoria Ekstrand, Journalism, Michael Fern, Computer Science; Deborah Gerhart, Law; Anne Gilliland, University Library; Sandra Hughes-Hassell, Library Science; Carol Hunter, University Library; Paul Jones, Journalism; Anne MacNeil, Music; Steven Melamut, Law Library; Rashmi Patel, Graduate representative; John Sherer, UNC Press, Ex-Officio; and David Weber, Medicine.

**Charge**

The Committee is responsible for monitoring trends in such areas as institutional or consortial copyright policies, changes in copyright ownership and guidelines for fair use; identifying areas in which policy development is needed; monitoring the application of University policies and guidelines regarding ownership and use of copyrighted or licensed scholarly works; assisting in identifying educational needs of the faculty and others related to compliance with copyright policies and guidelines and to advise on appropriate ways to address those needs.

**Executive Summary**

The University Committee on Copyright spent this academic year reviewing the [UNC-Chapel Hill Copyright Policy](#). That policy was last updated in 2009. The committee also continued work from the 2013-2014 academic year to compare UNC's copyright policy with other university and UNC system-wide policies on intellectual property. With the appointment of Judith Cone as Interim Vice Chancellor of Commercialization and Economic Development, the committee is recommending that it begin conversations with Vice Chancellor Cone and her new office to help clarify and harmonize intellectual property policies across campus. The committee feels this moment provides a unique opportunity for pro-active intellectual property development at UNC and may require a broader intellectual property advisory committee for the vice chancellor's work. The committee looks forward to working with Vice Chancellor Cone to explore that possibility and begin this important dialogue.

**Details**

During the 2014/15 school year, the University Committee on Copyright met six times and reviewed the [UNC-Chapel Hill Copyright Policy](#). Since the policy was last updated in 2009, the committee felt that it was ripe for review in light of changes in both technology and in the law and increased interest in intellectual property development at UNC. This assessment also continued work the committee began in 2013/14 to compare UNC's copyright policy with other university policies nationwide and to identify and attempt to resolve discrepancies between UNC's copyright policy and its [Policy on Patents and Inventions](#). The committee also discussed the importance of making clear the rules on use of and permissions for UNC trademarks.

Most of the committee's study pertained to three subject areas of the copyright policy: ownership, commercialization, and dispute resolution.

### Ownership and Commercialization

The university has adopted two policies that pertain to intellectual property created at UNC: the Copyright Policy and the Policy on Patents and Inventions. The two policies have different standards for determining ownership of work created by employees in the course of their employment. They also have different default procedures for allocating royalties and revenue from commercialization. There is also some overlap in the subject matter of the two policies.

The Copyright Policy deals with copyrightable material (a variety of types of creative expression fixed in tangible media). The Policy on Patents and Inventions deals with both patents and inventions. The latter may include "software," "complex multimedia works," and "tangible research results," all of which may be legally copyrighted or have aspects or parts that might be copyrighted. The patent policy defines an invention as an invention or discovery that is patentable or commercializable. The scope of the Policy on Patents and Inventions is wider than the Copyright Policy, leaving the committee with questions about the scope and subject matter for both policies.

Who decides which policy applies for copyrightable materials? The question of which policy applies has ramifications for determining ownership, commercialization, and allocation of revenue. Under the Copyright Policy, the creator often owns the work created, particularly if it is a work of traditional scholarship created by a faculty member or EPA employee. Under the Patent and Invention Policy, the creator only owns the work if it falls outside the creator's scope of employment activities or qualifies as an external professional activity invention. The committee also noted that UNC has elected to handle intellectual property ownership of Massive Open Online Courses (MOOCs) in a way that is different from either policy.

The Copyright Committee's examination of the section of the policy on commercialization also yielded many questions. Some software and other inventions are not suitable for commercialization or are best shared and improved upon with open licenses. The committee noted the need to learn more about how these decisions are made from the Office of Technology Development.

### Dispute Resolution

Any discussion of ownership and revenue sharing is not complete without also having a discussion of dispute resolution. The Copyright Committee felt that some aspects of dispute resolution could be clarified with some wording changes. Other dispute resolution issues would involve some wider policy discussions than the Copyright Committee can undertake alone. There is some confusion about what university entity

deals with dispute resolution where an invention involves an overlap of copyright and patent.

**Conclusion**

The Copyright Committee keenly felt the difficulty of doing its work without input from the Office of Technology Development and others with intellectual property expertise and interests on campus. A broader conversation regarding intellectual property policy at UNC may be warranted. With the appointment of Judith Cone as Vice Chancellor of Commercialization and Economic Development, the committee is recommending that it begin conversations with Vice Chancellor Cone and her new office to help clarify and harmonize intellectual property policies across campus. The committee feels this moment provides a unique opportunity for pro-active intellectual property development at UNC and may require a broader intellectual property advisory committee for the vice chancellor's work in the future. The committee looks forward to working with Vice Chancellor Cone to explore that possibility and begin this important dialogue.

Report submitted by Carol Hunter, Deputy University Librarian, chair