

TO: Fort Wayne Senate

FROM: Educational Policy Committee

DATE: March 19, 2012

SUBJ: Protecting Your Intellectual Property

DISPOSITION: For Information Only

The Educational Policy Committee has reviewed the following document and is submitting it for information only.

Protecting Your Intellectual Property

Author Rights

The University permits authors to retain the copyright to Instructional Copyrightable Works and Scholarly Copyrightable Works

(http://www.purdue.edu/policies/pages/teach_res_outreach/viii.4.1.htm). Under the U.S. Copyright Law (17 USC 106) (<http://www.copyright.gov/title17/92chap1.pdf>) the owner of the copyright has the exclusive rights to do and to authorize any of the following:

- (1) to reproduce the copyrighted work in copies or phonorecords;
- (2) to prepare derivative works based upon the copyrighted work;
- (3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- (4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;
- (5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and
- (6) in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

Retaining or Assigning Copyright

Authors retain the copyright to their works until they assign it to someone else. Many times publishers will want authors to assign their copyright to them in exchange for publishing the work. The decision to assign copyright is serious and impacts any future use of your work.

It is up to you whether to assign all of your rights, some of them or none of them to a publisher. You might want to retain some of your rights so that you can use your works in the following ways:

- To post your work on your website
- To distribute copies to colleagues
- To reuse portions of the work or all of it in future publications
- To add to your institutional repository

Copyright Management Options

Managing your copyright effectively will benefit you now and in the future. There are several options that you might want to consider when making your copyright decisions.

1. Research which publishers have the best agreements for your needs.

The copyright policies of many journals and publishers can be found at the [Sherpa/Romeo](#) website. Investigate which policies match your goals as a scholar.

2. Negotiate the terms of the publishing agreement

There are many publishers who are willing to negotiate the publishing agreement. Determine what terms of the agreement are amenable to you and which are not and then negotiate for the terms you are willing to accept. Always keep in mind the outcomes that you need as a scholar. In the end only you can make the decision as to whether or not to sign the agreement.

3. Attach the CIC author's addendum to the publisher agreement

The Committee on Institutional Cooperation (CIC) is a consortium of [12 research universities](#) who collaborate on various initiatives. One such initiative is to provide options to faculty to assist them in management of their copyrights. The CIC developed an [addendum](#) that can be attached to publishing agreements. The addendum allows the author to retain the rights to their work for teaching and research purposes. Although IU and Purdue do not require their faculty to use the addendum, it is strongly recommended that they consider doing so.

4. Retain copyright and license specific rights to publisher

Rather than assigning copyright to the publisher, grant them an exclusive or non-exclusive license. An exclusive license is when the copyright holder grants to the publisher sole permission for using the work for a certain period of time. A non-exclusive license is when the copyright holder allows multiple people to use the work. For examples of non-exclusive licenses, check into [Creative Commons](#) licenses.

Reporting Alleged Copyright Infringement

Unless you have expressly given permission, your work may not be reproduced, distributed, publicly performed or displayed or derivative works created from your work.

The Digital Millennium Copyright Act (DMCA) provides a procedure for requesting the removal of or the disabling of access to material posted on the Internet without your permission. All take-down requests to the site owner must follow the DMCA format. Failure to do so may result in a delay or non-compliance with the processing of your request.

In accordance with the DMCA (Pub. L. 105-304), all infringement claims must be in writing and must include the following information:

1. Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site" (17 U.S.C. § 512(c)(3)(A)(ii)).

2. Information reasonably sufficient to permit the service provider to locate the material (17 U.S.C. § 512(c)(3)(A)(iii)), preferably the specific document URL (i.e., not school, department or course URL) of the allegedly infringing content.
3. Information reasonably sufficient to permit the site owner to contact you, such as an e-mail or home/work address, and telephone number (17 U.S.C. § 512(c)(3)(A)(iv)).
4. A statement that you have "a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law" (17 U.S.C. § 512(c)(3)(A)(v)).
5. A statement that the information in your letter is accurate, and under penalty of perjury, that you are "authorized to act on behalf of the owner of an exclusive right" (17 U.S.C. § 512(c)(3)(A)(vi)).
6. A physical or electronic signature of the person authorized to act on behalf of the copyright owner (17 U.S.C. § 512(c)(3)(A)(i)).

Other University Resources Available for Protecting your Work

Institutional Protections

IPFW's *Ethical Guidelines for IPFW Information Technology (IT) Users*

<http://new.ipfw.edu/offices/its/policies/ethical-guidelines/ethical-guidelines.html> defines the rights and responsibilities of IT users in regard to intellectual property and the procedures in place to deal with copyright violations.

The Higher Education Opportunity Act (HEOA PUB. L. 110-315) added provisions requiring institutions to take steps to combat the unauthorized distribution of copyrighted materials through illegal downloading or peer-to-peer distribution of intellectual property. IPFW annually sends a letter to enrolled students informing them of institutional policies and sanctions related to the unauthorized distribution of copyrighted materials.

Faculty Resources

Faculty can remind students in class, on their syllabus, in Blackboard, etc. that "The materials for this course are only for the use of students enrolled in this course and may not be further disseminated," and that unauthorized distribution of copyrighted materials is subject to university disciplinary action.

IPFW's Center for the Enhancement of Learning and Teaching (CELT)

(<http://www.ipfw.edu/celt/contact.shtml>) provides workshops on IPFW's Media Vault which is now available to house media developed for a course and distribute that media to students over a secure network that prevents redistribution. CELT can also provide guidance on other technological measures available to prevent or discourage redistribution of copyrighted materials.

Information about copyright law and guidance on copyright issues is available on campus through the Helmke Library Copyright Information Web site (<http://copyright-information.lib.ipfw.edu/>) and by contacting the Dean at truesdel@ipfw.edu.

Monday, March 26, 2012