




National University of Health Sciences General Policies

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| Date Adopted: 01/17/91 | Date(s) Revised: | 03/01/13 | | |
|  _____ President | | 3-1-13 | _____ Date | |

POLICY STATEMENT

National University of Health Sciences (NUHS) will provide an incentive for creative intellectual effort; protect and promote traditional academic freedom in matters of publication; produce an equitable balance between the rights of University employees and the rights of the University; and ensure to the greatest possible extent the dissemination of creative works for the benefit of the public.

Procedures

The focus of this policy is to assist and encourage its faculty, administrators, support staff, students and others in the employ of the University to produce copyrightable material in unrestricted form(s), including, but not limited to computer programs, diagnostic tests, books, articles, pamphlets, manuals, audio visual materials, and general educational materials. For the purposes of this policy, such copyrightable material is referred to as "creative work".

Individual Works:

Copyrightable creative works produced by employees of the University shall be property of those employees if there is no significant utilization of other University employees during their working hours, or significant utilization of any University physical facilities, money, equipment, services, or other University resources, and the creative works are not produced pursuant to the terms of a contract or grant as a specific employment assignment. Utilization, as described in the NUHS Intellectual Property Policy, of source materials housed in the Learning Resource Center (LRC) shall not be deemed significant utilization.

The University reserves the right to use copyrightable individual works in its internally administered programs of teaching, research and public service, and may obtain copyright of individual works by mutual written agreement with the person(s) who produced the individual work.

University-Assisted Works:

Copyrightable creative works produced by employees of the University shall be the property of the University if there is significant utilization of other University employees during their working hours or significant utilization of any University physical facilities, money, equipment, services, or other University resources. University defined utilization of source materials housed in the LRC shall not be deemed significant utilization. The usual facilities and services provided University employees, such as office space, secretarial service, stationary, office supplies, and telephone privileges in accord with University policy, do not constitute significant utilization of other University employees during their working hours, or significant utilization of University physical facilities, money, equipment, services or other University resources.

The University reserves the right to obtain copyrights in its name for University-assisted works, and all employees of the University shall make full disclosure to the University of all such University-assisted works and shall do all such acts and execute, acknowledge, and deliver all such instruments in writing as may be necessary to vest in the University the copyright.

All employees of the University covenant and agree to assist the University, or its nominee(s), if any, in all legal ways to prepare and present all applications for copyright of University-assisted works in order to secure such copyright wherever possible, as well as reissues, renewals, and extensions thereof, and in order to obtain the record title to such copyright so that the University, or its nominee(s), if any, shall be the sole and absolute owner(s) thereof in all countries in which the University, or its nominee(s), if any, may desire to have copyright protection.

University-Assigned Works:

Copyrightable creative works produced by employees of the University as part of their assignment, regardless of the nature and extent of utilization of other University employees during their working hours, University physical facilities, money, equipment, services, or other University resources, shall be the property of the University, and University employees engaged in the production of such University-assigned creative work shall do all such acts and execute, acknowledge, and deliver all such instruments in writing as may be necessary to vest in the University the copyright.

All employees of the University covenant and agree to assist the University, or its nominee(s), if any, in all legal ways to prepare and present all applications for copyright of University-assigned works in order to secure such copyright wherever possible, as well as reissues, renewals, and extensions thereof, and in order to obtain the record title to such copyright so that the University, or its nominee(s), if any, shall be the sole and absolute owner(s) thereof in all countries in which the University, or its nominee(s), if any, may desire to have copyright protection.

Sponsor-Supported Works:

Ownership of copyrightable creative works produced as a result of work supported partially or fully by an agency, organization, or a person(s) external to the University through a contract with, or grant to, the University or a University employee acting as an authorized agent of the University, shall be disposed of in accord with the terms of the contract or grant. In the absence of such terms, the creative work shall be the property of the University, and net royalties, if any, received by the University shall be distributed as prescribed in the next section of this policy.

Distribution of Income:

Except for written agreements between a University employee and the University to the contrary, the author of a creative work shall receive fifty percent (50%) of the net royalties, if any, after University expenses, which the University receives resulting from a University-assisted or University-assigned creative work, it being understood that no University employee shall undertake a University-assisted or University-assigned work without having first entered into such a written agreement. It shall be the responsibility of the University's Vice President for Business Services to arrange, execute, and manage such written agreements, and to determine the utilization of the University's portion of any net royalties.

The University reserves the right, at its sole discretion, to deduct from any gross royalty income, prior to any distribution of royalty income, expenses properly attributable to production and protection of the creative work, including, but not limited to, litigation, and expenses incurred in enforcing or defending, or both, the copyright, or in licensing the copyrightable work.

Administration of This Policy:

Administrative responsibility for this policy shall be vested in the Vice President for Business Services – the "Administrator". All University employees are responsible for advising the Administrator of their intention to engage in copyrightable creative work, the nature thereof, and the nature of and extent to which University resources, if any, are to be utilized, for determination by the Administrator relative to which category the work belongs, and for entering into, as appropriate, a formal written agreement between the employee and the University, or its nominee(s), if any, relative to copyright and royalty, if any.