

**RUTGERS ROBERT WOOD JOHNSON MEDICAL SCHOOL  
NEW BRUNSWICK, NEW JERSEY**

**GRADUATE MEDICAL EDUCATION MANUAL**

**POLICY#:** XI.1

**SECTION:** INSTITUTIONAL POLICIES RELEVANT TO GME

**SUBJECT:** INTELLECTUAL PROPERTY COPYRIGHTS & ROYALTIES

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**I. PURPOSE**

To set policy regarding copyrights and royalties for all copyrightable material created by University personnel related to or within the scope of their employment at the University.

**II. STATEMENT OF PRINCIPLES**

The University encourages the dissemination of knowledge and development of creative work that fulfills its educational, research and service missions and benefits the public it serves. The University supports the preparation and publication of copyrightable works resulting from the teaching, research, scholarly and artistic endeavors of faculty, staff and students as part of their roles at the University. The University seeks to foster an intellectually stimulating environment in which creative efforts and innovations are encouraged and rewarded, the careers of its members are enhanced, and the University's reputation and prestige are furthered. The University respects, acknowledges and promotes the intellectual property rights in works created by its members. The University strives to maintain a balance among the interests of Creators, sponsoring bodies and the University in copyrightable material and income resulting from such works.

All University personnel are encouraged to retain ownership of the copyright to Traditional Works of Scholarship (as defined herein) or to obtain a perpetual license from the copyright owner to reproduce, distribute, perform, and/or display the work and to make Derivative Works there from.

**III. ACCOUNTABILITY**

Under the direction of the President, the Vice President for Academic Affairs and the Vice President for Legal Management shall ensure compliance with this policy. The Director, Office of Patents and Licensing shall implement this policy. The Deans shall ensure that each new faculty member receives a copy of this policy or is directed to it on the University's web site.

**IV. APPLICABILITY**

This policy shall apply to the following persons: full-time and part-time faculty, postdoctoral appointees, housestaff, non-faculty employees and student employees.

**V. DEFINITIONS**

- A. "Creator": Person who transforms ideas into a tangible form of expression thereby creating Copyrightable Material.
- B. "Copyrightable Material": Material that is subject to U.S. copyright laws, including, but not limited to, literary works, musical works, dramatic works, choreographic works, graphic works, photographic works, cardiographic, radiographic and pictorial works (e.g., x-rays, images), sculptural works, audiovisual and videotaped works, sound recordings, films, theses, and works in electronic media (e.g., digitized works and

network transmission of digitized works, multimedia broadcast, web-based products, recorded materials, remote transmission of information, instructional software, CD-ROMs).

- C. "Derivative Works": Copyrightable Material based on or derived from one or more already existing copyrighted works. Derivative works include, but are not limited to, new versions, translations, dramatizations, fictionalizations, reproductions, compilations, revisions and condensations.
- D. "Traditional Works of Scholarship": Copyrightable Material reflecting research and/or creativity which is considered evidence of accomplishment in the Creator's academic discipline or professional field, and is specifically created for predominant use by persons or entities other than the University and/or its students. Such works include, but are not limited to, books, book chapters, journal articles, abstracts, student theses, plays, poems, pictorial and sculptural works, films, cassettes, musical compositions and other literary works.
- E. "Institutional Works": Copyrightable Material created (1) specifically or predominantly for use by or at the University, or (2) at the request or behest of the University, or (3) under the specific direction of the University, or (4) by a person acting within the scope of his or her employment at the University, or (5) under a written contract between the Creator and the University, or (6) under a contract between the University and an external agency. "Traditional Works of Scholarship" will not be considered "Institutional Works" for the purposes of this policy.
- F. "Instructional Materials": A type of "Institutional Work," including textbooks and study guides, used for the instruction of RUTGERS Robert Wood Johnson Medical School students, housestaff and/or postdoctoral fellows.
- G. "Other Intellectual Property": Any Copyrightable Material other than Traditional Works of Scholarship, Institutional Works and Instructional Materials.
- H. "University Resources": Tangible resources provided by the University to a Creator, including funds, office space, lab space, equipment, electronic network resources (hardware and software), support personnel, secretarial support, research, teaching and lab assistants, assistance from medical students or residents, media specialists or illustrators, supplies, utilities. Funds include grants and contracts or awards made to the University by an extramural sponsor.

## V. REFERENCES

- A. **Rutgers Biomedical and Health Sciences Policy - Patents** 00-01-90-45:00
- B. **Rutgers Biomedical and Health Sciences Policy - Educational Use of Copyrighted Works** 00-01-90-50:05

## VII. POLICY

- A. Copyright Ownership
  - 1. Institutional Works and Instructional Materials as defined herein shall be deemed as having been created within the scope of employment of the Creator. Copyright ownership of such works shall vest with the University unless otherwise agreed in writing. Rights associated with copyright ownership become enforceable where the University has sought and obtained a copyright, which shall be done where the University determines that the material is commercially viable.

2. Traditional Works of Scholarship as defined herein shall be deemed as having been created outside the scope of employment of the Creator. Copyright ownership of such works shall vest with the Creator.
3. Ownership of the copyright in Other Intellectual Property will be determined by the University on a case-by-case basis, based upon the level of use of University Resources in its creation.
4. Absent the establishment of such by law or contract, the University shall assert no ownership rights to any Copyrightable Material developed by a Creator before joining the University.

B. Marking and Disclosure

1. Copyrightable Material shall be marked at the earliest possible opportunity with the copyright symbol "©" or the word "copyright" or the abbreviation "Copr.", the year of first production or publication, and the name of the owner of the copyright in the work.
2. The Creator shall promptly file a copyright disclosure form with the Director, Office of Patents and Licensing for any (a) Institutional Works, (b) Instructional Materials and (c) Other Intellectual Property created with the use of University Resources.
  - a. The disclosure form shall be filed when the material is in final form or when it is close to completion. Should the Creator desire that the University release its ownership rights in the copyright in the disclosed work, the disclosure form should contain such a request.
  - b. The University may release its ownership rights to the Creator when, as determined by the Director, Office of Patents and Licensing (1) there are no overriding special obligations to a sponsor or other third party, and/or (2) the best interests of the University would be so served. The University shall make this decision within 90 days of receipt of the disclosure form.
  - c. If the Director denies the Creator's request that the University's ownership rights in the copyright be released to the Creator, the Creator may appeal this decision to the University Intellectual Property Faculty Committee for final decision. The University will endeavor to seek qualified faculty representation from all RUTGERS Robert Wood Johnson Medical School on this committee.
  - d. The Director, Office of Patents and Licensing shall file an application to register the University's copyright interest in the disclosed work when copyright ownership remains with the University.

C. Rights to License, Market and Use Copyrightable Material

1. Traditional Works of Scholarship and Other Intellectual Property created without the use of University Resources:
  - a. The Creator has the right to determine his/her own licensing, marketing and use of these materials.



for Legal Management and appropriate Dean or other Vice President, render a final decision within 30 calendar days.

By Direction of the President:

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Vice President for Academic Affairs

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Vice President for Legal Management

**Rutgers Biomedical and Health Sciences Policy** Code: 00-01-20-21:00

Adopted: 7/01/87

Amended: 8/19/99 & 12/3/02 & 8/31/04

Approved by GMEC on January 11, 2000