**Copyright Subcommittee Meeting**

**3/21/14**

### Present: Anne Gilliland, Gunnar Wieboldt, Jeremy Freifeld, Paul Jones, Steven Melamut

#### **Initial Issues and Recommendations**

1. *Software*

*a. Issue: How should software be treated by the copyright policy?*

Recommendation: The subcommittee recommends that software created by faculty or other EPA employees shall be presumed a traditional or non-directed work, but that prior to any commercialization efforts (i.e., author attempts to license or sell the software), the creator will disclose the work to the Office of Technology Development (OTD). OTD will then assess the work for evidence of patentability and/or commercial opportunity. If the work is either not patentable or of limited commercial opportunity, then no further action is required and ownership will remain with the creator to do with it as he wishes consistent with the policy (e.g., university retains a shop right for its internal academic and research purposes). If, on the other hand, the work either has significant commercial opportunity or is patentable, then OTD will assume control of commercializing the work, and the creator will share in any revenue generated per policy. The presumption of traditional or non-directed work may be challenged by a finding that the work involved exceptional use of institutional resources.

b. *Issue: Should we incorporate language specifying institutional approval of participating in open source projects?*

Recommendation 1: Yes. The subcommittee recommends that where software is deemed a traditional or non-directed work, the creator may contribute software to an open source project. Contribution to an open source project will not be deemed a commercialization effort. Before making any contributions to an open source project, the creator must obtain written acknowledgement from the Department Chair, or in the case of a School without departments, written approval from the School’s Dean that the work was not the product of extraordinary university resources and that the Department/School does not see any significant commercial opportunity.

OR

Recommendation 2: No. The subcommittee recommends that where software is deemed a traditional or non-directed work, the creator may contribute software to an open source project. Contribution to an open source project will not be deemed a commercialization effort. Written approval from the Department Chair, or in the case of a School without departments, from the School’s Dean must be obtained where the work is the product of extraordinary university resources.

*2. Structure of the IP Policy*

*a. Issue: Should there be any change to the structure of UNC-CH’s IP policies?*

Recommendation: The subcommittee recommends that there be one intellectual property policy with a revenue sharing scheme applied consistently without regard to the type of intellectual property (patent or copyright). Separate policies would cover non-revenue terms for each type of intellectual property including patent, trademarks, copyright, and trade secrets.