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## POLICY STATEMENT

Cornell University expects all members of the university community to follow prescribed procedures to determine the ownership of copyrights and manage copyrights owned by the university.

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## REASON FOR POLICY

The university supports the long-standing tradition within academia that faculty members own the copyrights in their scholarly publications, a tradition which departs from the general principle under United States copyright law that employers generally own the copyright in works created by their employees. The university does, however, control copyrights and participates in the management, protection, and marketing of intellectual property generated as work for hire or with substantial use of university resources, and where necessary to satisfy the university's contractual and statutory obligations.

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## ENTITIES AFFECTED BY THIS POLICY

- All units of the university

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## WHO SHOULD READ THIS POLICY

- Anyone creating, procuring, or managing copyrightable works of authorship

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## WEB ADDRESS FOR THIS POLICY

- This policy: [www.dfa.cornell.edu/treasurer/policyoffice/policies/volumes/governance/copyright.cfm](http://www.dfa.cornell.edu/treasurer/policyoffice/policies/volumes/governance/copyright.cfm)
- University Policy Office: [www.policy.cornell.edu](http://www.policy.cornell.edu)

## Copyright

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## RELATED RESOURCES

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### University Policies and Documents Applicable to All Units of the University

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[University Policy 1.5, Inventions and Related Property Rights](#)

[University Policy 4.10, Use of Cornell's Name, Logos, Trademarks, and Insignias](#)

[University Policy 4.13, Acceptance of Legal Papers](#)

[University Policy 4.14, Conflicts of Interest and Commitment \(Excluding Financial Conflict of Interest Related to Research\)](#)

[University Policy 5.1, Responsible Use of Information Technology Resources](#)

[Bylaws of Cornell University](#)

[Code of Academic Integrity](#)

[Copyright Information Center Website](#)

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### University Policies and Documents Applicable to Only Ithaca Campus Units

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[Campus Code of Conduct](#)

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### External Documentation

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[United States Copyright Office](#)

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### University Forms and Systems

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[Copyright Disclosure Form](#)

## POLICY 4.15

# Copyright

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## CONTACTS

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<b>Subject</b>	<b>Contact</b>	<b>Telephone</b>	<b>E-mail/Web Address</b>
<b>Policy Clarification and Interpretation</b>	Vice President for Technology Transfer, Intellectual Property and Research Policy	(607) 255-7200	<a href="mailto:vp_research@cornell.edu">vp_research@cornell.edu</a> <a href="http://www.research.cornell.edu/vpr/">www.research.cornell.edu/vpr/</a>
<b>Copyright Ownership Related to Grants and Sponsored Agreements</b>	Office of Sponsored Programs	(607) 255-5014	<a href="mailto:osp-help@cornell.edu">osp-help@cornell.edu</a> <a href="http://www.osp.cornell.edu">www.osp.cornell.edu</a>
<b>Disclosure of Works</b>	Center for Technology Licensing	(607) 254-4698	<a href="mailto:ctl-connect@cornell.edu">ctl-connect@cornell.edu</a> <a href="http://www.ctl.cornell.edu">www.ctl.cornell.edu</a>
<b>Requests for Exceptions to this Policy</b>	Vice President for Technology Transfer, Intellectual Property and Research Policy	(607) 255-7200	<a href="mailto:vp_research@cornell.edu">vp_research@cornell.edu</a> <a href="http://www.research.cornell.edu/vpr/">www.research.cornell.edu/vpr/</a>
<b>General Questions About Copyright Law</b>	University Counsel	(607) 255-5124	<a href="http://counsel.cornell.edu">counsel.cornell.edu</a>
<b>Identification of Patentable Works</b>	Center for Technology Licensing	(607) 254-4698	<a href="mailto:ctl-connect@cornell.edu">ctl-connect@cornell.edu</a> <a href="http://www.ctl.cornell.edu">www.ctl.cornell.edu</a>
<b>Registering Copyrighted Works</b>	Center for Technology Licensing	(607) 254-4698	<a href="mailto:ctl-connect@cornell.edu">ctl-connect@cornell.edu</a> <a href="http://www.ctl.cornell.edu">www.ctl.cornell.edu</a>
	University Counsel	(607) 255-5124	<a href="mailto:counsel-web@cornell.edu">counsel-web@cornell.edu</a> <a href="http://counsel.cornell.edu">counsel.cornell.edu</a>
	United States Copyright Office	(202) 707-3000	<a href="http://www.copyright.gov">www.copyright.gov</a>

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## DEFINITIONS

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These definitions apply to terms as they are used in this policy.

<b>Academic Appointee</b>	Those positions described in Article XVII, Section 1, of the Cornell University Bylaws.
<b>External Use</b>	Licensing, granting rights in, publishing, distributing, or making publicly available a work of authorship.
<b>Independent Contractor</b>	An individual or entity engaged to perform services and commonly referred to as consultant, freelancer, contractor, etc.
<b>University Appointment</b>	A position with the university, whether academic or nonacademic, full- or part-time, paid or unpaid, continuing- or limited-term, including, but not limited to, academic appointments with modified titles (visiting, courtesy, adjunct, etc.), clinical and affiliation appointments, and assistantship and fellowship appointments.
<b>University Resource</b>	University-provided space, facilities, equipment, personnel, or funding (including grants, contracts, and awards made to the university by extramural sponsors).
<b>Work for Hire</b>	A doctrine of copyright law under which an employer is considered the author of a work prepared by an employee within the scope of his or her employment and owns all of the rights comprised in the copyright.
<b>Work of Authorship</b>	Expression embodied in any tangible medium (including electronic) that is protectable under copyright law. May include lecture notes, textbooks, articles, books, photographs, paintings, sculptures, software, musical compositions, and architectural drawings.

## POLICY 4.15

# Copyright

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## RESPONSIBILITIES

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<b>Author</b>	<p>Disclose works as prescribed in the Requirement of Disclosure to Center for Technology Licensing (CTL) section of this policy.</p> <p>Familiarize yourself with and adhere to restrictions on or rights in copyrightable works of authorship deriving from agreements between the university and contracting or granting agencies or other third parties, or deriving from any university interest pursuant to this policy.</p> <p>Obtain permission to use works in which the university or a third party holds the copyright.</p> <p>Obtain signed agreements addressing copyright ownership from students or contractors working on projects that may result in copyrightable works of authorship.</p> <p>Manage copyrights in support of the university's mission.</p> <p>Whenever possible, when entering into a publishing agreement, retain the right to make copies of the work for internal distribution within Cornell University.</p>
<b>Center for Technology Licensing (CTL)</b>	<p>Receive disclosures from authors.</p> <p>Make determinations of ownership in accordance with the principles articulated in this policy.</p> <p>Review and approve, as appropriate, authors' requests for assignment of ownership.</p> <p>Manage copyrights owned by the university.</p>
<b>Deans, Directors, and Department Heads</b>	<p>Respond to requests for permission to use, for nonprofit, educational purposes, copyrighted works of authorship that are generated by the unit.</p> <p>Obtain written agreements, including assignments of copyright, when hiring outside consultants or independent contractors.</p>
<b>Students</b>	<p>At the outset of collaboration on projects that may result in copyrightable works of authorship, memorialize in writing understandings regarding copyright ownership.</p>
<b>University Counsel</b>	<p>Assist units in the preparation of copyright agreements.</p>
<b>Vice President for Technology Transfer, Intellectual Property, and Research Policy</b>	<p>Respond in a timely fashion to any written requests as required under this policy.</p> <p>Render final decisions regarding resolution of disputes regarding the application of this policy and ownership of copyrights.</p>

## Copyright

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### PRINCIPLES

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#### Introduction

Cornell University is committed to providing an environment that supports the research, teaching, and learning activities of its faculty, students, and staff. As a matter of principle and practice, the university encourages all members of the Cornell community to publish, without restriction, their papers, books, and other forms of communication in order to share openly and fully their findings and knowledge with colleagues and the public. This policy has been prepared in this spirit and with this intent, and aims to promote and encourage excellence and innovation in scholarly research and teaching by identifying and protecting the rights of the university, its faculty, staff, and students.

Copyright ownership and the rights thereof are concepts defined by federal law. The long-standing tradition within academia that faculty members own the copyright in their scholarly publications is the foundation of this policy. Exceptions may result from university contractual obligations, terms of appointments, specific directions or assigned duties, certain uses of university resources, or agreements governing access to certain university facilities. This policy addresses these exceptions.

This policy is binding on academic and nonacademic appointees, students, and others as a condition of their appointments, their participation in university research programs, and/or their use of university resources. The university may, as appropriate, require formal copyright agreements to implement this policy, but the absence of such executed agreements does not negate the applicability of this policy.

#### Ownership of Copyrightable Works of Authorship

Copyright ownership of all works of authorship (except those covered by University Policy 1.5, Inventions and Related Property Rights; see Overlaps With Inventions Policy, below), by individuals with academic or nonacademic university appointments and students, vests in the author, except under circumstances I, II, and III, below.

##### I. Subordination to Other Agreements

If the terms of a sponsored research or other agreement, to which the university is a party, confer copyright ownership on the university or impose on the university other obligations that necessitate such ownership, the university will own copyrights in all such works of authorship that are developed in the course of or pursuant to such agreement. For treatment of sponsored funding as a university resource, see III, Substantial Use of University Resources, below.

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## PRINCIPLES, continued

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### II. Work for Hire

The copyright to a work of authorship that is created by a nonacademic appointee within the scope of his or her university appointment is the property of the university.

◆**Note:** Works of authorship created by academic appointees acting within the scope of responsibilities associated with an administrative position (e.g., department heads, deans, provosts, and the president) are works for hire, and the university owns such works.

The copyright of works of authorship created by an academic appointee pursuant to a specific direction or assigned duty from the university or any of its units is the property of the university. Such specific duties may include requests that a faculty member develop labs, case studies, or other curricular material to be used by members of the department or college other than or in addition to the faculty author. Other examples include course descriptions written for the course catalog and works created in the course of an administrative assignment, e.g., committee reports. A teaching assignment does not constitute a specific direction or assigned duty conferring on the university copyright ownership in lecture notes and other instructional materials.

### III. Substantial Use of University Resources

Copyright ownership of works of authorship that are created with substantial use of university resources resides with the university. Substantial use of university resources is the use of university resources, (including grants, contracts, and awards made to the university by extramural sponsors - see the Definitions section of this policy) that are not ordinarily used by, or available to, most or all members of the faculty. Ordinarily available resources include office space and personal office equipment, office computer workstations, libraries, and other general-use information resources, and the means of network access to such resources.

◆**Note:** For a flow chart depicting the decision process for ownership determination, see Appendix A: Creative Work Copyright Ownership Determination.

### Overlaps With Inventions Policy

Some copyrightable works embody or constitute tools necessary for the implementation of inventions, as defined in University Policy 1.5, Inventions and Related Property Rights. For example, a business process or computer software may embody an invention. Works of authorship that may constitute inventions are governed also by University Policy 1.5, Inventions and Related Property Rights. In the event of a conflict, University Policy 1.5, Inventions and Related Property Rights takes precedence over this policy.



## Copyright

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### PRINCIPLES, continued

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#### **Rights Reserved by the University in Instructional Materials**

In order to carry out its mission, the university retains a non-exclusive, no-cost license to use, reuse, reproduce, display, distribute, and make derivative works (such as compilations, archives, or composite works) of instructional materials for the education of Cornell students. Instructional materials may include syllabi, course descriptions, reading lists, assignments, slides, lecture notes, lab exercises, tools, simulations, multimedia, web pages, exams, student assignments, and recorded discussions. In accordance with academic custom, the university will acknowledge the authors of these works unless the authors request otherwise.

#### **Recognition of Author's Desire for Intellectual Control**

In recognition of the author's desire to maintain intellectual control of his or her work, when the university takes title to a work of authorship under this policy, it will give due consideration to the views of the author as to management of intellectual property rights. Where there are multiple co-authors, the university will endeavor to accommodate the views of all co-authors. Where the university owns a copyright under this policy, each author will be permitted to continue to use his or her work for his or her own noncommercial academic purposes. Distribution, if any, to academic colleagues outside of the university will be permitted under approved, written agreements obtained from the Center for Technology Licensing.

#### **Collaborative Works**

Unless the contributions are made under circumstances that bring them within one of the exceptions delineated in Ownership of Copyrightable Works of Authorship, above, the allocation of rights among multiple authors is a matter for them to resolve, ideally through an explicit written agreement about these matters.

◆**Note:** Some collaborative works are “joint works” under copyright law. A joint work is a work prepared by two or more authors with the intention that their contributions be merged into inseparable or interdependent parts of a unitary whole. The authors of a joint work are co-owners of the copyright in that work. Each co-owner is free to make use of the joint work in any manner without the consent of the other co-owners, but must pay to the other co-owners their share of any moneys realized from the use.

#### **Works Created by Students**

In addition to being covered by the provisions of section II of Ownership of Copyrightable Works of Authorship, above, works created by students are subject to the following rules:

- Students performing work compensated by the university are subject to the provisions governing nonacademic appointees under section II.
- Students who are hired to perform specific tasks that contribute to a copyrightable work ordinarily will have no rights to ownership of that work, regardless of the

## Copyright

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### PRINCIPLES, continued

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source of funds from which they are paid. In such cases, the party who owns the copyright to the underlying work ordinarily will retain copyright ownership of the portion contributed by the student.

- Students working collaboratively with academic appointees on projects that result in copyrightable work may be granted the same rights and obligations of copyright ownership as would another academic appointee working collaboratively on the project. Students and academic appointees must establish these rights at the outset of their collaboration.
- Students are also subject to the rules and restrictions of their respective academic units, colleges, and the Graduate School. For example, students who copyright their theses or dissertations must grant the university rights to reproduce and distribute copies of their works in accordance with the policies of the university or college.

### Copyright Infringement

Respect for intellectual property is essential in an academic community. The university supports full utilization of the rights of fair use and the rights granted to educational institutions and libraries under copyright law. Where uses of copyrighted works of authorship will exceed those permitted by fair use and other statutory exceptions, permission to use the copyrighted works of authorship should be obtained from the copyright owner. Information on copyright and obtaining permissions can be found at [www.copyright.cornell.edu](http://www.copyright.cornell.edu).

Copyright infringement is a violation under the Campus Code of Conduct, the Code of Academic Integrity, University Policy 5.1, Responsible Use of Information Technology Resources, and federal law.

◆**Note:** Anyone receiving a notice of copyright infringement or a “cease and desist” demand should consult University Policy 4.13, Acceptance of Legal Papers.

## Copyright

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### PROCEDURES

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**Requirement of Disclosure to the Center for Technology Licensing (CTL)**

The Center for Technology Licensing (CTL) is responsible for marketing and licensing all Cornell intellectual property. Contact CTL for these services. In all cases, prior to making any external use, other than scholarly publication or presentation at academic or educational conferences, of a work of authorship potentially falling into any of the three categories described in sections I through III of Ownership of Copyrightable Works of Authorship (see Principles), the author, or other university appointee who has contracted with an independent contractor to create the work of authorship, must disclose the work, using the Copyright Disclosure Form available from CTL. The disclosure must contain information sufficiently detailed so as to enable CTL to determine ownership of the copyrights and, where applicable, to manage them in accordance with this policy.

Some copyrightable works are also inventions (as defined in University Policy 1.5, Inventions and Related Property Rights). Inventions must be disclosed promptly in order to protect intellectual property. Therefore, works of authorship that may constitute, disclose, or incorporate inventions must be disclosed according to University Policy 1.5, Inventions and Related Property Rights (see Overlaps With Inventions Policy, of Principles).

**Determination of Ownership**

CTL has the responsibility for determining copyright ownership, in accordance with the principles articulated in this policy.

**Management of Copyrights Owned By the University**

CTL manages the marketing and licensing of copyrighted works owned by the university. In certain situations, especially in the cases of textual works, CTL may delegate the responsibility for management of copyrighted works to the unit in which they were created.

**Revenues from Licensing of Copyrighted Works Owned By the University**

Revenue received by the university through licensing by CTL of copyrightable works of authorship that the university owns pursuant to this policy will be distributed in accordance with the royalty distribution provisions of University Policy 1.5, Inventions and Related Property Rights. Where copyrighted works are managed by individual units, the units may retain revenues generated. In these instances, units may, at their sole discretion, establish their own royalty distribution practices.

## Copyright

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### PROCEDURES, continued

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**Request for  
Assignment To  
Author**

In cases where the university has copyright ownership of a work of authorship under this policy, the university at its sole discretion may, upon request of the author, and for good cause shown, assign copyright ownership to the author, subject to a perpetual, royalty-free license to the university to use the work for its own purposes. Submit requests to the CTL.

**Resolution of  
Disputes**

Disputes arising out of the application of this policy and the ownership of copyrights must be brought to the Vice President for Technology Transfer, Intellectual Property and Research Policy, who will render a decision. This decision will be final.

**Use of Outside  
Consultants and  
Independent  
Contractors**

By law, ownership of works created by outside consultants and independent contractors, such as consultants, photographers, and web page designers, resides with such individuals and not with those hiring them to perform the work at issue. Therefore, those hiring an outside consultant or independent contractor must have a written agreement with that individual, including an assignment of copyright to the university. Students and individuals with university appointments who are working outside the scope of that appointment should be considered independent contractors for such purposes. For Ithaca Campus units, standard agreements for independent contractors are available through Cornell Procurement Services. Assistance in drafting or reviewing other consulting and independent contractor agreements can be obtained from the Office of University Counsel.

**Management of  
Copyrights Owned  
By Individual  
Authors**

Authors are expected to manage their copyrights in support of the mission of the university. When entering into a publishing agreement, Cornell authors must, whenever possible, reserve certain rights to the university by including a provision such as, "The author retains the right to make copies of the work for internal distribution within Cornell University." The Copyright Information Center at [www.copyright.cornell.edu](http://www.copyright.cornell.edu) has more information and suggested language that can help authors develop a publishing license.

**Copyright Notice and  
Registration**

In those cases where the university is the owner of a copyright, the following notice must be included:

Copyright © [year] Cornell University. All Rights Reserved.

The date in the notice should be the year in which the work is first published, i.e., distributed to the public or any sizable audience. Where a work is revised over a period of time, a range of years may be used.

Where individual colleges or administrative units have been delegated responsibility

## Copyright

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### PROCEDURES, continued

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for administering copyrights and responding to requests for permission to use the copyrighted works of authorship for nonprofit, educational purposes, the name and address of the department to which readers can direct permission requests should be included in the notice, as follows:

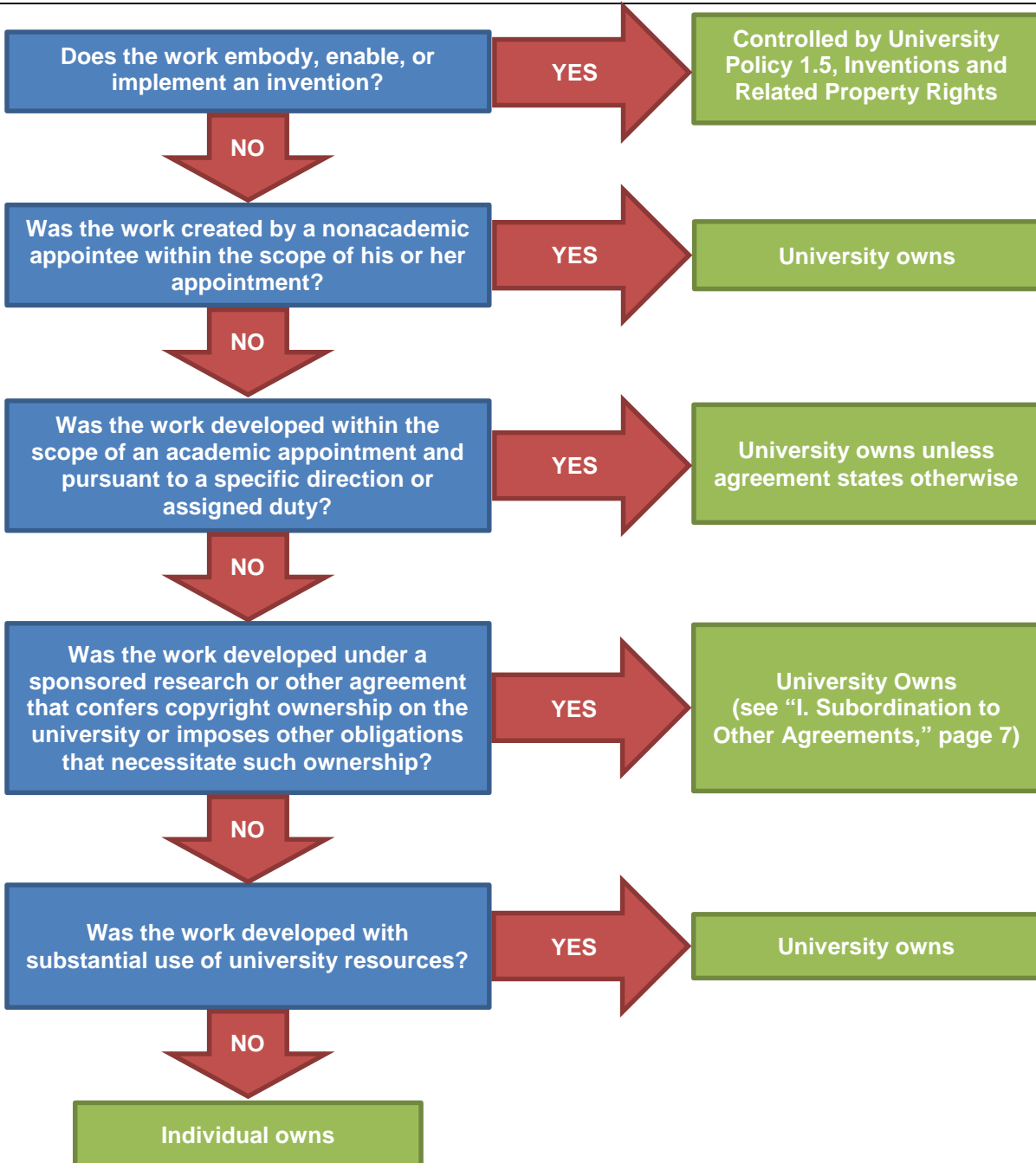
“Requests for permission to reproduce this work for nonprofit, educational purposes should be referred to the Department of \_\_\_\_\_ at \_\_\_\_\_. Contact the Center for Technology Licensing (CTL) for all other uses.”

Departments may opt to register the copyright with the United States Copyright Office. Questions concerning copyright notices and registration should be addressed to the Office of University Counsel.

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## APPENDIX A: FLOW CHART, CREATIVE WORK COPYRIGHT OWNERSHIP DETERMINATION

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