

MONTANA BOARD OF REGENTS OF HIGHER EDUCATION
Policy and Procedures Manual

SUBJECT: RESEARCH AND PUBLIC SERVICE

Policy 401.3 – Copyrights

Effective: November 18, 1999; Issued: December 10, 1999

Board policy

A. Works which are produced by an employee in connection with an approved and sponsored research project are treated in accordance with the agreement negotiated with the sponsor. In the absence of such agreement or to the extent such an agreement does not fully address ownership of works produced, such works shall be treated in accordance with sections B or C of this policy.

B. When an employee is assigned work or responsibilities for the specific purpose of developing computer programs, visual aids, manuals, public relations material, or other copyrightable works, the works produced pursuant thereto and all royalties therefrom shall be the property of the campus. Assignment of the copyright shall be indicated either on the individual employment contract or in a separate document countersigned by the employee. Should the campus and the employee agree to a division of royalties such division must be included in the contract or in a separate document countersigned by the employee. If the campus does not wish to copyright the work, the employee may obtain a written release from the president or chancellor and may then copyright the work in his/her own name. Upon written request for release by the employee the campus will respond within thirty (30) days.

C. When an employee develops copyrightable works other than those defined in paragraphs A or B above, he/she shall have sole right of ownership and disposition of such works. When such works are produced, developed or authored through the use or with the aid of campus facilities, personnel or other resources, the campus must be reimbursed for the fair market value of the use of any such facilities, personnel or resources, except those considered part of the normal academic environment including library facilities. Manuscripts or works of art designed for publication in media where no remuneration is given the author(s) are exempt from this reimbursement requirement.

History:

Item 25-005-R1179, Copyrights; Montana University System, November 2, 1979; as revised November 18, 1999 (Item 104-103-R0999).