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## 1. How can I use the information, tools, and course materials on the TLtC Web site?

All UC educators are encouraged to utilize the information, tools, and course materials on the TLtC Web site ~~and Webzine~~([www.uctltc.org](http://www.uctltc.org)) for curriculum development or supplementary use. Key goals of the program are to promote and provide innovative uses of technology in support of pedagogy ~~to help change the way educators utilize the Web as a vehicle for education at the University of California~~. In general, uses of the information and materials, including materials derived from TLtC grants, are only for noncommercial educational purposes and must be attributed to the TLtC program and to the original authors who prepared the materials. Uses, reuse, and distribution of TLtC course materials may also be defined by the terms of the collaboration agreement between the original authors and the University, see [UC Quick Guide on Copyright Ownership at UC](#).<sup>1</sup>

## 2. What copyright policies govern TLtC materials?

TLtC grant recipients create new copyright protected works when they develop courseware, databases, and other instructional materials. Legal copyright protection vests immediately upon the production of these original works (see [What is copyright?](#))<sup>2</sup> Like other UC grant-funded works that use significant UC resources, TLtC materials should be governed by a written agreement between the contributors who prepared the materials and the University (see [Quick Guide or Section III, Course Materials Created with the Use of Exceptional University Resources](#)<sup>3</sup> of the Proposed Policy on the Ownership of Course Materials).

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<sup>1</sup> Copyright education web site, <http://copyright.lib.uci.edu/ownershipguide.html>

<sup>2</sup> Copyright education web site, <http://copyright.lib.uci.edu/ownership.html#a1>

<sup>3</sup> Copyright education web site, <http://copyright.lib.uci.edu/pocmdiii.html>

In the absence of a written agreement, TLtC materials are jointly owned by the contributors and University. Joint authors have an undivided interest in any TLtC works produced and share ownership of all exclusive rights inherent in these works, see [What is joint authorship?](#)<sup>4</sup>

### 3. How can collaborators develop an agreement for TLtC materials?

The need for an agreement should be discussed among all the collaborators at the earliest opportunity in order to reach a common understanding about future uses of any resulting works and any financial consequences of creating and marketing these works. Because TLtC projects involve multiple collaborators who may be faculty, University staff, or students, it is prudent for the collaborators to draft a written agreement spelling out their ownership interests, rights and responsibilities. The ideal time to address key ownership issues is before the actual creative process begins. Although co-authors might not feel comfortable discussing licensing and financial issues, it is always easier to deal with these issues up front, rather than later, after a dispute arises.

For guidance on UC ownership policies, see [UC Quick Guide on Copyright Ownership at UC](#) and [Proposed Policy on Copyright Ownership of Course Materials](#). For information on licensing, see [Model licenses that promote the reuse of intellectual works](#)<sup>5</sup> and [What are the different methods for distributing copyrighted works](#).<sup>6</sup> TLtC grant recipients are also encouraged to consult with their designated campus officer responsible for executing documents necessary for collaboration agreements.

### 4. Do University staff own the works that they produce under a TLtC grant?

No, the ownership of the work and contributions of University staff is governed by work made for hire laws. Subsequently, this work is "owned" by the University. See [What is a work made for hire?](#)<sup>7</sup>

### 5. Do students own the works that they produce under a TLtC grant?

According to the [UC Policy on Copyright Ownership](#)<sup>8</sup>, students retain ownership and exclusive rights to their own independently created works. The University, therefore, does not claim any rights in the copyright protected works of undergraduates. Graduate students, on the other hand, ~~are usually UC employees, and like all other UC employees~~ when they are employed as GSAs, Teaching Assistants and the like, are subject to "work-for-hire" requirements. If the student employee created TLtC materials as part of his/her job responsibilities, that work would belong to the University. ~~On the other hand, if~~ the student created these materials in his/her spare time, the student would be considered an author and share ownership in the work with the other collaborators and (?) the University, assuming this material had nothing to do with his/her job description.

<sup>4</sup> Copyright education web site, <http://copyright.lib.uci.edu/ownership.html#e>

<sup>5</sup> Copyright education web site, <http://copyright.lib.uci.edu/ownership.html#e>

<sup>6</sup> UCOP Office of Technology Transfer <http://www.ucop.edu/ott/crworks.html#methods>

<sup>7</sup> Copyright education web site, <http://copyright.lib.uci.edu/ownership.html#d>

<sup>8</sup> Copyright education web site, <http://copyright.lib.uci.edu/pcoi.html>

## 6. What does an author have to do to obtain copyright protection for his or her work?

Absolutely nothing! Under the present Copyright Act, copyright protection begins automatically upon creation of a work, and the work is "created" when it is fixed in a tangible medium for the first time. The work does not have to be registered with the U.S. Copyright Office, nor does it have to carry a copyright notice. Both are advisable, however. See Questions 7-9 below.

## 7. Why would I want to register my copyright?

Registration gives the author certain rights if there is a suit. By registering, the author clearly establishes the exact date that the work became copyrighted and to whom it was granted. Registration affords the ability to collect monetary damages for infringements. Without registration, a suit can only be used to prevent further infringement by the offender. See [How do I register a copyright?](#)<sup>9</sup> and [How do I protect my copyright?](#)<sup>10</sup>

## 8. What is the procedure for registration of copyright?

To register a work, the author submits a completed application, a filing fee, and copies of the work to the U.S. Copyright Office. See [How do I register a copyright?](#)

## 9. How do I put a copyright notice on my TLtC works?

A copyright notice is an identifier placed on a work to inform the world of copyright ownership. All publications, multimedia, Web pages, and software should bear a clear, standard copyright notice in a prominent location. Acknowledgment of the creators may be included, if desired. A copyright notice must contain the word "Copyright" or the symbol c or (c), the year in which the work was created, and the name of the copyright owner. See [Circular 3, Copyright Notice](#)<sup>11</sup> for more information from the U.S. Copyright Office on the form and position of the copyright notice, and for requirements for works published before March 1, 1989.

The standard form for a copyright notice on works belonging to the University is:

Copyright c 2003 The Regents of the University of California  
All Rights Reserved

OR

Copyright c 2003 The Regents of the University of California  
All Rights Reserved  
Created by John Smith and Mary Doe  
Department of Statistics

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<sup>9</sup> Copyright education web site, <http://copyright.lib.uci.edu/ownership.html#a4>

<sup>10</sup> Copyright education web site, <http://copyright.lib.uci.edu/ownership.html#a6>

<sup>11</sup> <http://www.copyright.gov/circs/circ03.html>

For more information on UC guidelines, see [What is a copyright notice?](#)<sup>12</sup>

#### 10. How long does copyright protection last?

See [How long do copyrights last?](#)<sup>13</sup>

#### 11. What are the copyright clearance requirements for materials produced in a TLtC project?

~~TLtC grantees,~~ Prior to making any course materials available on the Web, ~~TLtC grantees~~ should ~~review all material used in the production of TLtC materials extensively to~~ determine if the material is copyright protected, or if the proposed use constitutes fair use. See [How to determine whether a work is in the public domain](#) and [Fair use tools and resources](#). Permission to use the materials must also be obtained from the copyright owner if necessary, see [Obtaining Permissions](#). TLtC will promptly remove any material from the TLtC Web site ~~and~~ ~~W~~that is determined to be infringing on the rights of others.

#### 12. How can I tell if a work I want to use is in the public domain?

See [How to determine whether a work is in the public domain?](#) and [Web sources that list public domain works](#).

#### 13. What is "fair use?"

The fair use of a copyrighted work for purposes such as criticism, comment, news reporting, teaching (including multiple copies for in classroom use), scholarship or research, is not an infringement of copyright providing this determination is based on weighing and balancing all four factors against specific factual circumstances. For more information on fair use, see [Fair Use](#).<sup>14</sup>

#### 14. Do copyright laws apply to the Web?

Most definitely! All of the copyright concepts apply to electronic materials. In fact, publishers and copyright owners are more concerned about resources on the Web because the audience is so vast and it is so easy to copy and distribute materials. You should remember that it is not necessary to post a copyright notice for the author to have these rights, even on the web.

#### 15. Is it fair use to post copyrighted materials on my course page available to the public?

It depends. One must do a fair use analysis to determine if a particular use complies with the fair use criteria. See [Fair use tools and resources](#).<sup>15</sup> In general, if access to your Web page is restricted, e.g., by use of a password or PIN, then chances are it is a fair use. If access is not limited, then this use is probably not fair use, because you can not guarantee an exclusive educational use, which is one of the requirements of fair use.

<sup>12</sup> Copyright education web site, <http://www.ucop.edu/ott/crbasics.html#notice>

<sup>13</sup> Copyright education web site, <http://copyright.lib.uci.edu/ownership.html#a5>

<sup>14</sup> Copyright education web site, <http://copyright.lib.uci.edu/fairuse.html>

<sup>15</sup> Copyright education web site, <http://copyright.lib.uci.edu/fairuse.html#3>

## **16. Can I publish information about my TLtC project?**

Yes, a grant recipient can publish any and all TLtC grant materials in a journal of his/her choice. The idea behind the TLtC program is to advance technology-enhanced education through the dissemination of educational content, technology, and processes across UC and with other scholars. Therefore, TLtC grant recipients are encouraged to publish their course materials and methods for other scholars to use.

Be aware, however, that the University retains a non-exclusive right to disseminate information about TLtC projects, including strategies, materials, techniques and outcomes within the UC community (via the TLtC Web site and Webzine). Consequently, recipients should seek to manage their rights with publishers to facilitate University access to related articles and, if possible, to preserve rights to make nonprofit educational uses of them. See [Transfer of copyright to publishers](#).<sup>16</sup>

## **17. Can I publish an article about my TLtC project in a journal that prohibits me from publishing related works?**

No, a TLtC grant recipient acting alone cannot grant an exclusive right to a publisher for their use of a work without the consent of other joint owners, and in this case, without permission of the University. The University reserves the right to share information about TLtC projects on the TLtC Web site and in Webzine. Consequently, you should resist granting the publisher an exclusive license to use the work and/or assigning the copyright to the publisher. The publication practice of limiting the author's ability to publish related works in other publications is an editorial policy of the journal and not based in copyright law.

## **18. How can I negotiate a favorable publishing contract that provides open access to my article within the University community?**

If you are faced with a publication contract that restricts your right or the University's right to use the work in future teaching and writing, you should not hesitate to negotiate new terms. The author could insert language in the agreement that reserves limited rights to reproduce and distribute an electronic version of the article for posting on the author's own Web site and on the TLtC Web site in order to make the article readily available to the UC community. See [Sample publishing agreement language](#).<sup>17</sup> Experience at other universities at which faculty have requested such rights indicates that many publishers accept such language. If the publisher is not willing to grant a non-exclusive license to you or the University to use the work, you should find a different publisher.

## **19. Are works developed under a government grant in the public domain?**

No. One should not assume that the materials produced as a result of a federal grant are in the public domain. Most federal agencies let the grantee retain ownership of these materials. In this regard, copyright differs from patents; federal agencies require Universities to hold any patents resulting from inventions arising from federal grants.

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<sup>16</sup> Copyright education web site, <http://copyright.lib.uci.edu/ownership.html#c>

<sup>17</sup> Copyright education web site, <http://copyright.lib.uci.edu/ownership.html#d>