



Learn about the Updates to the University of California Policy on Copyright Ownership

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WHY SHOULD I CARE ABOUT COPYRIGHT OWNERSHIP AT THE UNIVERSITY OF CALIFORNIA (UC)?

Intellectual property (IP) is a product of our mind. Copyrights, one form of IP, protect the original expressions of our ideas. The framers of the United States (U.S.) Constitution thought this was so important, that they crafted the Patent and Copyright Clause of the Constitution (IP clause; [Article I Section 8 | Clause 8](#)) in order to send a clear message that the U.S. welcomed and rewarded innovation: “[The Congress shall have power] To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.”

The founding fathers understood that in order to instill innovation, our fledgling nation would have to support unparalleled intellectual property rights. Intellectual property rights are fundamental rights, providing for automatic copyright protection for any “original work of authorship” “fixed in any tangible medium of expression” ([17 U.S.C. § 102, Section 102](#) of the U.S. Copyright Act). Copyrightable works include literary works, musical works, dramatic works, choreographic works, pictorial and sculptural works, motion pictures and other audiovisual works, sound recordings, and architectural works, not to mention software code.

Understanding what rights are protected and who owns or can claim an interest in those rights at the UC is the purpose of the UC Office of President’s Policy on Copyright Ownership. This policy applies to all employees and students of the University of California and at all University of California locations. The new 2021 policy streamlines the language of the 1992 policy (15% fewer words) and addressed several areas of potential ambiguity. The 2021 copyright policy has been rewritten to:

- ▶ Expand and clarify the pool of works eligible for copyright ownership. The policy defines “Scholarly & Aesthetic Works” more broadly and also clarifies that software is a work for which eligible employees may own the copyright. Some common examples of Scholarly & Aesthetic Works include software, scholarly papers, books, short stories, course materials (including lecture notes), musical compositions/arrangements and recordings, lyrics, architectural drawings, visual works of art, dance choreography, and other artistic creations, among others, regardless of the medium in which those works are fixed or disseminated. It is worth emphasizing that copyright does not protect “mere facts” or ideas.
- ▶ Expand the pool of those eligible to own copyrights. The new definition of “Academic Authors” is simplified to “Employees who have a general obligation to create copyrightable scholarly or aesthetic works.”

- ▶ Set a limitation on the University’s ownership to works made with “Significant University Resources.” The 1992 policy used a broad definition of “University Resources”, that allowed UC to assert copyright ownership when the University’s resources contributed to the development of the copyright work. In the 2021 policy there is a new key limitation such that the level of University resources must be “significant” and beyond the support provided to “similarly-situated authors.” For the purposes of this definition, the usual support provided by the University and generally available to ‘similarly-situated Academic Authors’ includes customary administrative support, library facilities, office space, personal computers, access to computers/networks, and salary.

- ▶ Clarify copyright ownership by graduate students. The revised policy provides clarity regarding copyright ownership by graduate students of their theses, dissertations, and other copyrightable works. Wondering whether course materials are covered under this revised policy? Broadly, yes. However, ownership of course materials are specifically covered by a separate system-wide 2003 [Policy on Ownership of Course Materials](#). This 2003 policy, which supplements the Copyright Ownership policy, addresses copyright ownership in greater detail for print, digital, and audio-visual course materials prepared for instructional purposes. For copyright ownership questions specific to course materials (including online course materials), please refer to the 2003 Policy on Ownership of Course Materials.

Wondering whether research data is covered under this new revised copyright ownership policy? Generally, no, meaning in general, research data often will not, by itself, be protected by copyright, as copyright does not protect mere facts or ideas. However, efforts are currently underway to draft a system-wide policy specific to rights and responsibilities in research data. Development of this policy will follow the standard UC policy review process.

If you are curious about the origin of IP rights in the United States, including copyright, please review the [“Origins and Scope of the Power.”](#)

For specific questions regarding copyrights or other intellectual property questions, please contact UC San Diego’s Office of Innovation and Commercialization at innovation@ucsd.edu.

UC Policies related to Copyrights:

- [2021 Policy on Copyright Ownership](#) (full text of the new 2021 policy)
- [2003 Policy on Ownership of Course Materials](#)
- [2005 Policy on Use of Recordings of Course Presentations](#)