

# COPYRIGHT AND INTELLECTUAL PROPERTY

## USE OF COPYRIGHT MATERIAL

Most materials are protected by copyright, even if they do not show the familiar © copyright notice. Since that notice is no longer required, it is best to assume works are protected unless you are able to determine for certain that they are in the public domain.

For systematic copying, check with the UH System Office of General Counsel through the UHD Compliance Officer. For infrequent or one-time events, if the copying is not fair use, permission must be obtained from the copyright owner to make the photocopies.

Faculty and staff are expected to be aware of and adhere to Federal copyright laws and restrictions. For additional information on copyrighting and fair use, reference the UHD W.I. Dykes Library website [Copyright and Fair Use](#).

### Reference:

UH – Downtown Policy Statement

01.A.11 – [Ethical and Legal Use of University Property – Paragraph 2.4](#)

**Question:** I would like to photocopy a chapter of a certain book for one-time use in my training class. Would this be okay?

**Answer:** Photocopying of a chapter for one-time use would probably qualify as fair use. On the other hand, repeated use will likely require permission from the copyright owner. Always check with the Office of General Counsel through the UHD Compliance Officer first before undertaking systematic, repeated photocopying.

**Question:** I am teaching online this semester and I have developed all my own materials. Nevertheless, I would like to use one chapter from a text that I have used in the past. Can I copy the chapter and post it on my Blackboard Vista site?

**Answer:** You cannot post it without having written approval from the publisher.

## INTELLECTUAL PROPERTY

Intellectual property includes copyrighted materials, patents, trademarks, inventions, discoveries, trade secrets, artwork, technology, creations, scientific or technological developments, computer software, or other forms of expression. This applies to persons employed by UHD, to anyone using university facilities under the supervision of university personnel, to undergraduates, and to candidates for master's degrees.

The Board of Regents of the UH System owns the intellectual property if intellectual property is:

- Created by an employee within the scope of employment;
- Created by an employee on UH System time with the use of UH System facilities or state financial support;
- Commissioned by UH System pursuant to a signed contract;
- Fits within the nine categories of works considered works for hire under copyright law; or
- Results from research supported by federal funds or third party sponsorship.

An employee must disclose the intellectual property for review to the UH System Office of Intellectual Property Management through the UHD Vice President for Administration and Finance. Disclosure should occur well before submitting any information about intellectual property for publication, or making any public disclosure, oral or written, or even a private disclosure.

The University of Houston-Downtown will not assert ownership of copyright developed by faculty, staff or students, unless separately contracted for, in any:

- Books, journal articles, texts, glossaries, bibliographies, study guides, laboratory manuals, syllabi, tests, and survey instruments;
- Lectures and unpublished lecture notes;
- Musical works;
- Dramatic works; or
- Works of visual art, such as sculptures and drawings.

**Reference:**

UH System Board of Regents Policy

21.08 – [Intellectual Property](#)

UH System Administrative Memorandum

01.D.03 – [Trademark Management](#)

01.E.01 – [Office of Intellectual Property Management](#)

**Question:** On my lunch hour, I thought of a great invention that would save UHD time and money. Do I own my idea?

**Answer:** Probably not. While ideas are your own, there are many conditions that need to be cleared that may indicate institutional ownership of such intellectual property developed while with the university. If your idea is related to your job, is developed on UHD time, was supported by UHD, or you used UHD resources, the UH System Board of Regents has the ownership rights to the idea. Call the office of Vice President for Administration and Finance for more information.

**Question:** I received an in-house grant to develop an online class. Writing all the materials myself, I worked with a team of experts in the TTLC to incorporate technological tools to enhance the learning opportunities. Do I own this course?

**Answer:** No. You develop the online class with the support of the TTLC. The Board of Regents of the UH System owns the intellectual property.