

Report to the Academic Senate
of the
Ad Hoc Committee on Intellectual Property Rights in On-Line Works

Arizona State University

March 2003

The charge to the ad hoc Committee on Intellectual Property Rights in On-Line Works was the following: “This ad hoc committee will serve to examine in detail the substance of the proposed policy (Policy on Intellectual Property Rights in On-Line Works) from both a faculty/AP and a university perspective. The committee will report its recommendations for consideration by the Academic Senate.”

This report of the committee is a recommendation formed after an examination of the proposed policy, the Arizona Board of Regents Policy 6-908, Intellectual Property Policy [http://www.abor.asu.edu/1_the_regents/policymanual/chap6/chap6_part2.htm#6-908], and Arizona State University’s RSP-116, Intellectual Property Implementation Policy [<http://www.asu.edu/aad/manuals/rsp/rsp116.html>]. The ad hoc committee commends the Intellectual Property Committee for their draft of March 1, 2002 and their thoughtful and thorough deliberations.

The ad hoc committee examined the substance of the draft policy and found that it clarified Arizona State University’s Intellectual Property Management Implementation Policy. The ad hoc committee then substituted some terms in the draft to make it more consistent with the Arizona Board of Regents Intellectual Property Policy and condensed some of the licensing language.

The committee was concerned that the policy should encourage the faculty to produce electronic publications, including online courses, while at the same time should protect the resources of the university. The committee believes this addendum to RSP-116 Intellectual Property Management Implementation Policy will do that. This addendum also had to adhere to ABOR policy and federal law. Frequently asked questions were added to the document in order to clarify certain areas within the addendum.

The committee found that the University policy is in keeping with the guidelines of AAU. A summary of those guidelines found in “AAU Intellectual Property and New Media Technologies: A Framework for Policy Development at AAU Institutions – Summary”

[\[http://www.aau.edu/reports/IPReport.html\]](http://www.aau.edu/reports/IPReport.html) is the following:

- Supports common ownership of research and scholarship. “Research carried out –primarily with an aim and anticipation of proprietary interest and profit is incompatible with the aims of the university.”
- “University should own the intellectual property that is created at the university by faculty, research staff, and scientists and with substantial aid of its facilities or its financial support.”
- Supports sharing of revenue from licensing with creators.
- University share of revenues should be reinvested in teaching and research
- University should aggressively protect use of its name.
- Supports traditional release of rights in content of books, monographs and texts.
- Universities should provide support for creation of digital content
 - Revenue sharing proposal should begin with that used for patents, with appropriate modifications.
- Full-time faculty should not be permitted to develop commercial new media for other universities or companies without the home university’s consent.

Committee Recommendations

The Ad Hoc Committee on Intellectual Rights in On-Line Works recommends that the Senate pass the proposed policy (Policy on Intellectual Property Rights in On-Line Works) as it

has been revised by the ad hoc committee with the help of general counsel for readability purposes.