

Board Meeting
September 10, 2009

Revised

AMEND *THE GENERAL RULES CONCERNING UNIVERSITY ORGANIZATION AND PROCEDURE*

Action: Amend Article III, Intellectual Property, Sections 1-4 of *The General Rules Concerning University Organization and Procedure*

Funding: No New Funding Required

The General Rules Concerning University Organization and Procedure

(General Rules) are enacted by the Board of Trustees and supplement the University of Illinois *Statutes*. The *General Rules* address administrative organization; powers, duties, and responsibilities of University Officers; and various other administrative matters.

Article III of the *General Rules* concerns "Intellectual Property."

Amendments to Sections 2(b), 4(a), 4(b), and 4(c) of Article III of the *General Rules* are recommended to clarify the definition of copyrightable works and to more clearly define procedures concerning administration of intellectual property. The suggested modifications do not represent new policy, but provide updates and clarifications.

The following are the key changes in the proposed amendments (additions to original text are underlined and deletions are indicated by strikethrough):

- Section 2 (b) (Definitions)
Language has been added to clarify the definition of Traditional Academic Copyrightable Works. “Examples may include class notes, books, theses, and dissertations, educational software (also known as courseware or lessonware) that the creators may design for courses they teach, articles, non-fiction, fiction, poems, musical works, dramatic works...”
- Section 4 (a) (Copyrights)
Language has been simplified from “... creators retain copyright rights to academic copyrightable works...” to “...creators retain rights to traditional ~~retain copyright rights to~~ academic copyrightable works...”
- Section 4(a) (2) (Ownership)
The following sentence has been removed for clarity “Absent such prior written specification, ownership will vest with the University in those cases where the University provides the motivation for the preparation of the work, the topic or content of which is determined by the creator’s employment duties and/or when the work is prepared at the University’s expense.”
- Section 4 (b) (2) (University Rights in Creator-Owned Works)
Language has been added to clarify University rights in copyrightable works: “The minimum terms of such license shall grant the University the right to use the original work and to make use of derivative works in its internally administered programs of teaching, research, and public service on a perpetual, royalty-free, non-exclusive basis.”
- Section 4 (c) (2) (Student Works)
Amended language for clarity. “The University shall have, as a condition of awarding the degree ~~award~~ the royalty-free right...”
- Section 4(d) (Copyright Registration and Notice)
Language has been clarified by changing “should” to “shall.”

University-owned works ~~should~~ shall be protected by copyright notice in the name of the Board of Trustees of the University of Illinois. Such copyright notice ~~should~~ shall be composed and affixed in accordance with the United States Copyright Law.

In accordance with the *Statutes* and *The General Rules*, the President consulted with the University Senates Conference and University Intellectual Property Committee in formulating the amendments to Article III that are being recommended in this Board item. ~~As required by the *Statutes*, the changes have been approved by the University's Intellectual Policy Committee (IPC). An initial draft was shared with the University Senates Conference who provided comments and suggestions that have been incorporated by the University's IPC. The Conference recommends approval.~~

The proposed revisions to Article III are attached to this item.

The Board action recommended in this item complies in all material respects with applicable State and Federal laws, University of Illinois *Statutes*, *The General Rules Concerning University Organization and Procedure*, and Board of Trustees policies and directives.

The Vice President for Technology and Economic Development, and the Vice President for Academic Affairs recommend approval.

The President of the University concurs with this recommendation.