RES-001

Ownership Rights in Copyrightable Material

Effective Date Thursday, April 1, 2004

Status Final

Last Revised Tuesday, March 3, 2026

Policy Type University

Contact Office Executive Vice President and Provost (Office of the)

Oversight Executive
Executive Vice President and Provost

Applies To University-wide.

Table of Contents

Policy Statement
1. Employee Ownership
2. University Ownership
3. Sponsors and Contracts
4. Responsibilities
5. Compliance with Policy

Reason for Policy

The “work-for-hire” rule in the Copyright Act gives the University ownership of the copyrights to works produced by its employees within the scope of their employment. However, in the case of scholarly and academic works produced by academic and research faculty, the University cedes copyright ownership to the author(s), except where significant University resources (including sponsor-provided resources) were used in creation of the work.

Definition of Terms

Copyright

Description

A form of protection provided by the laws of the United States to “original works of authorship” including literary, musical, dramatic, pictorial/graphic/sculptural, visual and audiovisual, sound recordings, and architectural works, whereby copyright owners may claim, for a limited time, certain exclusive rights to specified works. This protection is available to both published and unpublished works and gives the copyright owner the exclusive right to reproduce, distribute, sell, publicly perform, publicly display, or prepare derivatives of the work, and to protect a copyright against infringement. Copyright protection does not extend to an idea, procedure, process, slogan, principle, or discovery.

Significant University Resources

Description

The use of University resources is “significant” when it entails substantial and dedicated use of University equipment, facilities, personnel, or data, excluding public data. The use of a computer in a faculty office, incidental supplies, and occasional use of University personnel or shared facilities would typically not be considered significant use. In contrast, utilization of University laboratories or specialized research resources (e.g., special instrumentation, equipment, or software), dedicated assistance by University employees, special financial assistance, or extensive use of shared facilities would constitute significant use.

Sponsor–Provided Resources

Description

Funds and facilities provided by governmental, commercial, industrial, or other private organizations which are administered and controlled by the University are considered to be University resources.

Work–for–Hire Rule

Description

The “work-for-hire” rule, defined in the Copyright Act, provides that when an employee produces a copyrightable work within the scope of employment, the copyright to that work belongs to the employer and not to the author.

Policy Statement

This policy governs the respective ownership rights of the University and its employees in copyrightable material produced within the scope of employment. The “work-for-hire” rule in the Copyright Act gives the University ownership of the copyrights to works produced by its employees within the scope of their employment. The University cedes copyright ownership to the author(s) of scholarly and academic works (such as journal articles, books, and papers) created by academic and research faculty who use generally available University resources. However, the University asserts its right of copyright ownership if significant University resources (including sponsor-provided funds) are used in the creation of such works, and: (a) the work generates royalty payments; or (b) the work is of commercial value that can be realized by University marketing efforts. The University retains a non-exclusive, royalty-free right to use for non-commercial purposes works produced by its employees while acting within the scope of employment even if copyright ownership is ceded to the author or authors.

The University share of royalties from copyrightable works will be used by the vice president for research and the executive vice president and provost (provost) to support research, teaching, and scholarly activities. In cases where the provisions of this policy state that the University cedes copyright ownership to the author(s), it is the intention that such ownership will be ceded to the author(s) by operation of this policy without further action by the University.

1. **Employee Ownership:**
   The employee owns the rights to any work created at his or her own initiative and outside the scope, time, and place of employment. The University cedes copyright ownership to the author(s) of scholarly and academic works (such as journal articles, books, and papers) created by academic and research faculty who use generally available University resources. However, the University asserts its right of copyright ownership if significant University resources (including sponsor-provided funds) are used in the creation of such works, and: (a) the work generates royalty payments; or (b) the work is of commercial value that can be realized by University marketing efforts.

   Use of the University's name in connection with the commercialization of a faculty work must be approved in advance by the University.

2. **University Ownership:**
   By operation of the copyright law, the University owns in the name of The Rector and Visitors of the University of Virginia (the University's corporate name) all rights, title and interest in copyrightable works created by University employees while acting within the scope of their employment. The University cedes copyright ownership to the author(s) of scholarly and academic works (such as journal articles, books and papers) created by academic and research faculty who use generally available University resources. However, the University asserts its right of copyright ownership if significant University resources (including sponsor-provided funds) are used in the creation of such works, and: (a) the work generates royalty payments; or (b) the work is of commercial value that can be realized by University marketing efforts.

   Even in cases where the University retains copyright ownership under this policy, it may cede such ownership to the work's author(s) by written agreement signed by the vice president for research and approved by the provost.

   The University retains a non-exclusive, royalty-free right to use for non-commercial purposes works produced by its employees while acting within the scope of employment even if copyright ownership is ceded to the author or authors.

   The University may assign its copyright ownership for purposes of commercialization to licensees, publishers, or other parties.

3. **Sponsors and Contracts:**
   When under the terms of a contract with the University, a sponsor obtains copyright ownership in any copyrightable work that may result from the sponsored effort, that contract takes precedence over this policy. If the sponsor does not assert an ownership interest, copyright ownership is vested with the University as provided in this policy.
4. **Responsibilities:**
   A. **Vice President for Research:**
      Based on procedures established by the executive vice president and provost, the ***vice president for research*** is responsible for securing and marketing copyrights in the University's name and shall:
      - Determine if significant University resources have been used in the creation of a copyrightable work.
      - Determine whether and under what conditions to cede copyright ownership to the author(s) of a work owned by the University under this policy.
      - Promptly advise authors of decisions regarding copyright ownership.

- Determine whether certain copyrights owned by the University are marketable, and if so, ensure that appropriate marketing steps are taken by UVA Licensing and Ventures Group on behalf of the University.
- Establish guidelines for distribution of royalties for works handled by UVA Licensing and Ventures Group.
- Distribute royalties accruing to the University for works handled by the UVA Licensing and Ventures Group.
- Make a finding as to ownership in any case where the rights of the University and of an employee appear to be in conflict and report such finding to the appropriate Executive Vice President and Provost for final resolution.

B. **The Executive Vice President and Provost:**
The ***executive vice president and provost of the University*** is responsible for and shall:
- Develop procedures for implementation of the copyright policy.
- At the written request of an aggrieved party or on the Provost's own motion, review determinations by the vice president for research of ownership of a copyright.
- Affirm, modify, or reject determinations of copyright ownership made by the vice president for research, or make such determinations outright if the vice president for research does not resolve the matter in a timely manner.
- Conduct an annual review of the copyright program with the vice president for research.

5. **Compliance with Policy:**
Failure to comply with the requirements of this policy may result in disciplinary action up to and including termination in accordance with relevant University policies.

Direct questions about this policy to the Office of the Executive Vice President and Provost.

Related Information

Laws, Policies, and Guidelines
Other Copyright Resources
Ownership of Content on UVA Websites

Major Category Research Administration

Next Scheduled Review Sunday, September 10, 2028

Revision History

Removed procedure/added related information 3/3/26; Confirmed 9/10/25; Added Compliance section 7/21/21; Updated 3/25/13.

Supercedes Policy Text

XV.E.1, Copyright Policy.

Approved By Policy Review Committee

Approved Date Thursday, April 1, 2004