

## Attachment I: Copyright Ownership Decision Table

The following table illustrates the ownership of works created by faculty, staff, students, and other affiliates of Texas State University. Move from left to right across the table, supplying the appropriate answer to the question in the heading of each column.

<b>Creator Affiliation? <sup>1</sup></b>	<b>University Commissioned or Directed? <sup>2</sup></b>	<b>Externally Sponsored? <sup>3</sup></b>	<b>Use of Texas State Resources? <sup>4</sup></b>	<b>The Owner of the Work is ...</b>
Faculty, Staff or Student	No	No	Routine	The Creator of the work
			Substantial	Texas State with possibility of Shop Right <sup>5</sup> to Creator
		Yes	Routine	specified by separate agreement, with Shop Right <sup>5</sup> to Texas State
			Substantial	specified by separate agreement, with Shop Right <sup>5</sup> to Texas State
	Yes	No	Routine	Texas State
			Substantial	Texas State
		Yes	Routine	specified by separate agreement, with Shop Right <sup>5</sup> to Texas State
			Substantial	specified by separate agreement, with Shop Right <sup>5</sup> to Texas State
Contractor	Always Yes	N/A	N/A	Texas State, or as otherwise specified in the contract
Donor	N/A	Always Yes	N/A	Texas State, or as otherwise specified in the donor agreement

<sup>1</sup> 'Affiliation' defines the relationship between the creator of a copyrighted work and Texas State. In cases of multiple affiliations (e.g., creator is both student and staff), the applicable affiliation is the one for which the work was created).

<sup>2</sup> 'Directed' works are created as part of a direct assignment to the creator from a university authority. Non-directed works result from the creator's own initiative and independent efforts. The general obligation of faculty to produce scholarly works does not constitute a directed assignment and works created under that general obligation are typically non-directed. Similarly, works created by students to satisfy academic program requirements are typically non-directed, whereas works created by student employees to satisfy student employment work assignments are directed works.

<sup>3</sup> A work is 'Externally Sponsored' if some or all of the monetary, equipment, human, or other resources required to create the work are provided by a source outside of the university under the terms of a specific written agreement. Such agreements should always include the granting of a 'Shop Right' to Texas State (see footnote 5 below).

<sup>4</sup> Use of Texas State resources is 'Substantial' if the university resources consumed in creating the work exceed those routinely used by individuals with a similar affiliation, i.e., other faculty, staff, or students. Examples of substantial resources include: (i) purchase of special software, databases, or equipment beyond that normally needed for the individual's university duties; or (ii) use of university instructional design resources in the creation of course materials. Common office space or generally available library facilities are not considered substantial in and of themselves.

<sup>5</sup> 'Shop Right' is normally used to describe an implied license by which a business may use a patented invention, created by an employee, working within the scope of his or her employment. In this context, a 'Shop Right' refers to a non-exclusive, non-transferable, royalty-free license for educational or research use of a copyrighted work by the party to which it is granted.