



Open Access

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Open Access

- The Act was passed by legislature August 9, 2013
- In a very general sense, Open Access means
 - (1) providing free access for anyone to scholarly articles through the Internet - free of most copyright and licensing restrictions,
 - (2) allowing for long-term preservation, and
 - (3) broad accessibility for reuse and further research.
- The scope of open access can also extend beyond research articles and include photographic and artistic images, theses and dissertations, scientific databases, etc.

Task Force

- The act requires each public university to appoint a task force
- The task force is charged with reviewing current publishing practices by faculty at Illinois State University and drafting a policy regarding open access to research articles based on criteria appropriate to Illinois State University.
- In designing the policy, the task force will consider
 - How Illinois State University can best further the open access goals set forth in the act,
 - Review how peer institutions and the federal government are addressing open access and ensure consistency of our approach with steps taken by federal grant-making agencies,
 - Consider academic, legal, ethical, and fiscal ramifications of open access publishing.

Deadlines

- Report to Provost and President– November 1, 2014
- Report Due to Board of Trustees – on or before November 15, 2014



Intellectual Property Policy

Policy #: 4.1.10

Alice Maginnis

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Open Access to Research Act

- Task Force required to consider several factors in including:
 - Need for open access to research policy?
 - Need for and design of a copyright policy that “meets the needs of the public as well as of authors and publishers”?
 - Differences between academic and publishing practices in different fields?
 - Determination of which version of a research article should be made publicly accessible?
 - Determination of which researchers and which research ought to be covered?

Background:

- Intellectual property is typically divided into three areas: **copyrights, trademarks, and patents.**
 - Copyright law protects expression in original works of authorship.
 - Trademark law protects names.
 - Patents protect ideas and inventions.
- Most IP questions that arise at a University relate to issues of copyright ownership in new works, patent process for research, or fair use in scholarly works.
 - University units “responsible for knowing applicable regulations, monitoring their continuing evolution, and conducting programs in full compliance with the applicable laws and regulations. “

IP Policy 4.1.10: What is it?

- Last Revised: November 1999.
- Anticipated revisions?
- Policy Site:
 - <http://policy.illinoisstate.edu/academic/4-1-10.shtml>
- Other University Copyright Resources:
 - <https://library.illinoisstate.edu/library-materials/copyright-info.php>

IP Policy 4.1.10: What does it cover?

- ISU's IP Policy defines intellectual property to include:
 - Inventions, discoveries, know-how, show-how, processes, unique materials, copyrightable works, original data and other creative or artistic works. Intellectual property includes that which is protectable by statute or legislation, such as patents, copyrights, trademarks, service marks, trade secrets, mask works, and plant variety protection certificates.
 - It also includes the physical embodiments of intellectual effort, for example, models, machines, devices, designs, apparatus, instrumentation, circuits, computer programs, and visualizations, biological materials, chemicals, other compositions of matter, plants, and records of research.

IP Policy: Copyright

- Creators retain all rights to traditional academic copyrightable works with 4 EXCEPTIONS.
- "Traditional academic copyrightable works" are:
 - A subset of copyrightable works created independently and at the creator's initiative for "traditional academic purposes. "
 - Examples include class notes, books, theses and dissertations, educational software (also known as course ware or lessonware), articles, non-fiction, fiction, poems, musical works, dramatic works including any accompanying music, pantomimes and choreographic works, pictorial, graphic and sculptural works, or other works of artistic imagination that are not created as an institutional initiative.

IP Policy: Copyright Exceptions

- WORK FOR HIRE:
 - Works created as specified in a written contract when the (a) the creator is not a university employee or (b) the creator is a university employee but the work to be performed falls outside the normal scope of the creator's university employment.
- AGREEMENT WITH EXTERNAL PARTY
 - E.g. Sponsored Research
- SPECIFIC EMPLOYMENT/ASSIGNMENT
 - Part of Job Description
 - 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.”
- PATENTABLE WORKS.

IP Policy: Copyright

- University Rights in Creator-Owned Works
 - “Use of university resources over and above those usually and customarily provided”
 - Owned by the creators but LICENSE to the University to use the original work in its internally administered programs of teaching, research, and public service on a perpetual, royalty-free, non-exclusive basis.
 - The University may retain more than the minimum license rights when justified by the circumstances of development.
 - Royalties:
 - Default: 50/50 net income.
 - Provided in Written Agreement

IP Policy: Copyright

- Student Created Work
 - Created as part of degree program = Student ownership EXCEPT
 - Works created pursuant to a written agreement = Sponsored Research
 - Limited, royalty-free license for thesis and right to distribute a limited number of copies.
- Copyright Notice:
 - University-owned works should be protected by copyright notice in the name of the Board of Trustees of Illinois State University. Such copyright notice should be composed and affixed in accordance with the United States Copyright Law.

IP Policy: Patent

- Disclosure
- IP Committee
 - Application Process
 - Commercialization / Evaluation / Licensing
- Proceeds / Distribution
 - Default: 50/50 Split

Questions?

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Dane Ward

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