

Soliciting and Managing Copyright Inventions and Copyright Licensing: Part 1 Creative Works

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Introduction

Having agreed to undertake the task of commenting on soliciting and managing copyright inventions, a fairly obvious question comes to the fore: How is soliciting and managing copyright inventions different from soliciting and managing technology inventions?

First let's start with defining *copyright inventions*. Many technology transfer offices divide intellectual properties (IP) into two categories: technical works and creative works. Technical works include IP that is generally of a scientific, medical, engineering, or technical nature, such as patentable or unpatentable inventions, devices, machines, processes, methods, compositions, and computer software.

Creative works include all copyrightable IP that is of an artistic, scholarly, instructional, assessment, or entertainment nature. Examples of creative works include creative productions, such as works of art or design; musical scores; books, poems, and other types of scholarly or creative writings; films; video and audio recordings; and instructional materials, such as textbooks and multimedia programs. All computer software is usually included in technical works except that which includes content such as videos, graphics, text, etc., or which is clearly developed for entertainment or for instructional purposes, e.g., electronic textbooks and textbook supplements, virtual labs, classroom and self-study tutorials.

At Brigham Young University (BYU), like at most institutions of higher education, copyright inventions are the domain of the faculty member or developer who created them. In fact the university policy states that the university retains ownership right to all technical works but relinquishes ownership rights to the developers of creative works

when nominal use of university resources are used in the production of the IP. It is only when substantial university resources are used in the production of creative works that the university will retain its ownership position, and income from the project will be shared with the developers.

Here is a link to the BYU IP policy <http://www.ipsinfo.byu.edu/ippolicy.htm>.