

University Business Linkage Cell
Sabaragamuwa University of Sri Lanka



Copyright Policy

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1. Rational for a Policy Framework

The absence of a policy framework, clarifying the ownership and financial benefits sharing of literary and artistic works generated, within the universities led to confusion among the faculties and the university community to a greater extent. Establishing a policy framework for ownership of copyright materials provides a clear reference to university students, faculty, administrative officers, and non-academic staff of the university. What also triggered the compilation of this policy document is an observation of varying practices regarding the copyright ownership of copyrightable works of faculties of the university. The proposed policy aims at harmonizing the current practices adopted by the faculties and the other university community with respect to copyrightable works.

2. Applicable Parties

The faculty staff, non-academic staff, undergraduates, postgraduate students, research students, and works of non-employees are bound by this policy. This policy framework covers only the copyrightable works created by the above individuals. Moreover, this policy framework will be a reference guide for the university community to resolve copyright-related issues and all staff is expected to comply with the provisions and guidelines of copyright policy.

3. Coverage of Copyrightable Works

This copyright policy covers original literary and artistic works authored or created by the university community and the university as an institution. The ideas in the work do not need to be original for copyright protection, but the form of expression must be an original creation by the author or the creator. Listed below are common copyrightable works generated within a university setup.

- Writings such as books, manuals, memoranda
- Computer programs and software
- Journal articles
- Oral works such as speeches and lectures, stage plays, teleplays, musical works, films, drawings, paintings, and photographs
- Course Materials
- The works such as databases and translations are also protected

Apart from the works mentioned above works which are defined as literary and artistic works under copyright laws and international treaties will be covered under this policy framework.

4. General Rules of Copyright

The author or creator is the owner of economic rights, but there are few exceptions such as a work created by an employee who generally belongs to his employer/university. The economic rights can be assigned or licensed by the author or creator. The moral rights always belong to the author irrespective of the economic rights.

4.1. Moral Rights

All authors and creators have moral rights even though they passed the copyrights to the university under given circumstances. The right to prevent distorted reproductions of the work. Other rights, such as the right to make copies and distribute them for non-commercial purposes.

4.2. Rights of Copyright Holder

The copyright holder has the exclusive right to reproduce the work, prepare derivative works subsequently, distribute copies by sale or otherwise, and display or perform the work publicly if the works are not against the public order or work is not under the censorship by the prevailing law of the country.

4.2.1. Students Works

The copyrightable works of the students initially belong to the students. However, in case the work is an outcome of joint effort, with supervision and guidance of academic staff with significant use of university resources, the copyright will be jointly owned by the parties.

4.2.2. Faculty

The literary and artistic works of faculty members can claim the ownership of the copyright. However, copyrightable works are derived from sponsored research and in case the work is a result of using university resources the ownership of the copyright will be bound by the agreement between the university and the faculty member.

4.2.3. Administrative and Non- academic Employees

Any work accomplished by these categories of employees even as a requirement to perform the job effectively or works carried out under normal circumstances shall belong the ownership to the employee. In case the copyrightable works are derived from any official assignment by the university administration and relied on university resources for the work the copyright ownership shall own by the university.

4.2.4. Institutional Work

Copyrightable works resulting from the university owned projects of the following nature shall generally vest with the university.

- Consultants hired by the university
- Visiting staff
- Collaborative work with the industry
- University funded projects
- Commissioned work
- Work assigned by the university
- Reports submitted by committees
- Software development

However, there will be an exception for the works undertaken on contractual obligations, under these circumstances the copyright ownership will be defined by the agreements with those parties at the start of the work.

The SUSL will hold rights in copyright to works of authorship that are created at the university by faculty, research staff, and others and that are supported by a direct allocation of university funds, are commissioned by the university, make substantial use of financial or logistical support from the University beyond the level of common resources provided to faculty, or are otherwise subject to contractual obligations.

5. Exclusion I

The University claims no ownership of popular nonfiction, novels, textbooks, poems, musical compositions, unpatentable software, or other works of artistic imagination which are not institutional works and did not make significant use of university resources or the services of university non-faculty employees working within the scope of their employment.

5.1. Non-Employees

Works assigned by the university such as creative, design, artistic in following nature performed by an outsider who is also a non-employee will be bound by an agreement.

- Reports by consultants or subcontractors in construction work
- Computer software developers
- Architectural or engineering drawings
- Illustrations or designs
- Artistic works

5.2. Publications in Journals of the University

The copyrights of all papers published in a journal maintained by the university vest with the respective journal. The authors shall transfer/license the exclusive right to the Editors to publish, reproduce and commercially use the copyrighted article. The authors shall have the moral rights as specified below.

5.2.1. Authors Moral Rights

- Reuse parts of the paper in future work
- Reproduce copies of the article for teaching purposes and distribute copies
- Use the published version of the article in presentations (conferences, seminars, etc.)
- Upload the manuscript to pre-print servers
- Upload the article to post-print archives
- Grant permission to others to use or re-use figures

The authors shall grant the following rights to the Journal in the licensing agreement

5.2.2. Rights of Editors of the Journal

- Publish, reproduce, distribute, translate, and edit the work (specify exclusively)
- Adapt and create derivatives from the original work
- Make the article available in all forms and media (so the article can be made available with any new technology)
- Enforce copyright on behalf of the author (e.g. in an instance of copyright infringement)

6. Exclusion II

Where a work is jointly developed by University faculty or staff or student employees and a non-University third party, the copyright in the resulting work typically will be jointly owned by the University and the party.

6.1. Subscription Journal vs Open Access Journals

The copyright of a published article in a subscription journal published under faculty/university belongs to the faculty/university. However, for the publication in these types of journals, the processing charge should be free. In case the journal is released as open access journals' domain the copyright remains with the authors because in most cases they are charged with article processing fees.

7. Copyright Infringements

All copyright related infringement cases should be handled by the current copyright holder.

8. Commercialization

Individual works may be commercialized, without the authority or permission of the University, so long as the University's name is not used in connection with works. All the financial returns will also be received by the individual who authored or created the work.

9. Benefit Sharing

The benefit sharing plan of the university IP policy will also be applicable for sharing the financial returns of copyrighted works commercialization. Any share of revenues from copyright works commercialization returned to the University should be invested visibly in the

teaching and research purposes of the University to seed new initiatives, enhance quality, and support quality academic programs.

10. Administering Body

All copyright related matters of the university will be administered by the University Business Linkage Cell.

Note: Policies governing the patentable inventions and IPs other than copyrightable works are governed under the university Intellectual Property policy.

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