5. Under the copyright laws of the United States, commissioned works of non-employees are owned by the author/creator and not by the commissioning party, unless there is a written agreement to the contrary. NSHE personnel must, therefore, generally require NSHE commissioned contractors to agree in writing that ownership to copyrightable materials is assigned to the NSHE. Examples of copyrightable works which the NSHE may commission non-employees to prepare are:

a. Illustrations or designs.

b. Artistic works.

c. Architectural or engineering drawings.

d. Forwards and introductions.

e. Computer software.

f. Reports by consultants or subcontractors.

6. Any videotaping, broadcasting, or televising of classroom, laboratory, or other instruction, and any associated use of computers, must be approved in advance by the appropriate institutional administrators, who shall determine the conditions under which such activity may occur and resolve questions of ownership, distribution, and policy.

7. The NSHE in all events shall have the right to perform its obligations with respect to copyrightable works, data, prototypes, and other intellectual property under any contract, grant, or other arrangements with third parties, including sponsored research agreements, license agreements, and the like.

8. Except as provided in Section 3, NSHE resources are to be used solely for NSHE purposes and not for personal gain or personal commercial advantage, or for any other non-NSHE purposes.

(B/R 6/03)

Section 6. Administration

1. Institutional procedures for the development of inventions, copyrightable works, and intellectual property are as follows:

a. Each institution of the NSHE is required to develop policies and procedures for handling inventions, copyrightable works, and intellectual property. Each president shall appoint an Intellectual Property Committee consisting of no fewer than three or more than nine members, one of whom shall be designated by the president to serve as chair. In each case the committee shall include a representative of the Office of Fiscal Affairs of that institution. This committee shall make recommendations to the president regarding procedures, guidelines, and responsibilities for the administration and development of inventions, copyrightable works, intellectual property, and such other matters as the president shall determine. The Committee shall report annually to the president and to the chancellor on inventions and copyrightable works disclosed and the disposition thereof.