## EAST TENNESSEE STATE UNIVERSITY

### Form for Disclosure of Material to be Copyrighted

**General Information**: Two major acts of Congress affect copyrights in the United States. These are the Copyright Act of 1976, and the Bernes Convention Implementation Act of 1988. The Bernes Convention Implementation Act permitted the United States to join the approximately 80 countries that adhere to the Act and provides the maximum international copyright protection now available. These Acts may be found, with amendments, in Title 17 or the U.S. Code. The definition of copyrightable material is contained in Section 102 of Title 17. Two basic criteria are used to determine if a work is copyrightable. The work must be original and the work must be in a tangible medium of expression "from which they can be perceived, reproduced, or otherwise communicated either directly or with the aid of a machine" (US Code, Title 17, Section 102). "Original" is interpreted to mean that the work must be the author's own; it cannot be in the public domain; and it can not be trivial. Tangible means that the material must be contained in some format that is exactly reproducible. Extemporaneous speeches and performances of improvisational dance or music would not be copyrightable, whereas written addresses, scored music or notated choreography would be. The copyright protects the expression of an idea, the principle, or concept, not the idea, principle, or concept itself. For example, the words in a book are copyrighted, not the ideas they may convey.

The Policy on Patents, Copyrights and Trademarks of East Tennessee State University may be found in the Faculty Handbook (Policy 1.12). Employees and students of East Tennessee State University are encouraged to copyright any eligible material that they create and only in cases where ETSU has provided significant resources for creation of the work is it necessary for the employee or student to declare the work to the University. Additionally, as stated in the policy, "the general obligation of faculty members to produce scholarly and creative works shall not for purposes of this policy be construed as an institutional assignment affecting title claims --- to copyrightable material". However, if significant ETSU resources were used to support creation of the work (as defined in the Policy) then ETSU has an interest in the work and it must be disclosed to the Associate Vice President for Research who will make a recommendation for action to the President of ETSU. If the University elects not to obtain the copyright in its name it shall assign rights to the employee or student. If the University elects to retain the rights it will according to the procedures set forth in the ETSU and Tennessee Board of Regents Policies on Patents, Copyrights, and Trademarks register the copyright with the United States Copyright Office and negotiate an equitable division of any proceeds that may arise from marketing of the work. The disclosure should be done using the following form. Questions concerning the ETSU Policy on Patents, Copyrights, and Trademarks should be addressed to the Office of Research & Sponsored Programs.

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| 1. Name of author or creator of the work  |
| 2. ETSU position held  | 3. Department  |
| 4. % of time employed at ETSU  |
| 5. Other employment, if any  |
| 6. In what medium is the work fixed (e.g. printed paper, computer disk)?  |
| 7. On what date was the work completed in tangible form?  |
| 8. In what form did ETSU provide significant support? (Note that normal use of library facilities is not considered significant support. Significant use of university facilities, services, or equipment is defined as including a cost to the institution in the amount of $1,000 or more in constant 1982 dollars.)  |
| 9. Was development of the work aided in any way by an extramural grant or contract? If so please provide the title of the grant or contract, the sponsor, and briefly describe how development of the work was assisted.  |
| 10. Title and brief description of the work. Include a brief statement regarding why the work is original.  |
| 11. What is the potential market for the work? Have you discussed marketing the work with a publisher or distributor? If so, what company have you contacted?  |

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*Signature of Faculty, Staff, or Student* *Date*

Please return to the *Office of Research & Sponsored Programs, Box 70565*