

Research Ethics: Intellectual Property Policy: Authorship and Copyright Issues

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Intellectual Property Policy: Copyright

- There are universal rules that apply across the board to all Universities
- Each University interprets the rules differently
- It is important to read the Copyright Policy at UNCG:
 - ◆ www.policy.uncg.edu/copyright/

Purpose of IPP and Copyright

- To honor its duty as a research institution to provide the public with knowledge derived from research through publication and transfer of technology.



- To safeguard the intellectual property rights of faculty, students, and others associated with the University.
- To safeguard the rights of the university and protect it from litigation.

Tension between Openness and Protection

- University has service tradition to provide tools for public decision making
- Privatization of the public domain is occurring
- "The basic rationale and contradiction of intellectual property law is that limited monopolies on information are permitted, even encouraged, in the name of making information widely available." -McSherry

Distribution of Scientific Research

- “It is the policy of this University that its faculty, staff and students carry out their scholarly work in an open and free atmosphere, and that consistent with applicable laws and policy they publish the results of such work without restraint.”
 - ◆ *Statement from UNCG Copyright Policy*
- Many Universities have a similar statement in their IPP Policy

Intellectual Property

- Inventions
- Copyrightable materials
- Computer software
- Semiconductor maskworks
- Tangible research property
- Trademarks

History of Intellectual Property

- The concept of intellectual property dates back to 13th century Europe where guild members wanted to protect their craft secrets and joined with the state to safeguard their secrets.

-Pamila Long 1991 in McSherry

Information about Copyrights

- Artistic Expression
- Author's life plus 70 years
- Employer's protection for 95 years

Universal Policy on Copyright

- By tradition faculty are assigned most property rights in unpatentable works of scholarship so that they are free to publish without restriction from the administration

Regulations on Copyrights

- Faculty, students, and staff who produce copyrightable material away from the university and on their own time--
 - ◆ Own the copyright
 - ◆ Are entitled to royalties when published

Ownership of Copyright

- “...ownership of creative works should be given to the creator or creators of those works subject to the retention by the University of rights for internal educational use and research.”
- “Ownership of Copyright by the University is reserved for those works created at the direction of the University or pursuant to negotiated agreements.”
 - ◆ Statements from UNCG Copyright Policy

Faculty Publications

- Faculty, Students, Staff, and Others who publish textbooks, scholarly books, or other written documents are entitled to royalties unless:
 - ◆ Material prepared at written request of the University
 - ◆ And special remuneration provided by the University for the work
- Example

Regulations on Copyrights

- Faculty, students, and staff who produce copyrightable material at the request of the University and for special remuneration--
 - ◆ The University is entitled to royalties
 - ◆ Assignment of royalties stated at time of agreement
 - ◆ Examples

Issues Relating to Authorship

- The order of Authorship Varies Widely
- The order of authorship should be pre-negotiated
- Understood or hidden authorship
- The Chicago tribune categorized the university practices of authorship as feudal in nature

Authorship Issues Continued

- **Characteristics of the research community in the United States**
 - ◆ Tension between cooperation and competition
 - ◆ Decentralization
 - ◆ Disparities of power

Authorship Criteria from APA

- 8.12 Publication Credit
- “Psychologists take responsibility and credit, including authorship credit, only for work they have actually performed or to which they have substantially contributed...Principal authorship and other publication credits accurately reflect the relative scientific or professional contributions of the individuals involved, regardless of their relative status...Minor contributions to the research or to the writing for publications are acknowledged appropriately, such as in footnotes or in an introductory statement.” (<http://www.apa.org/ethics>)

Authorship Criteria from CRCC

- H4. b Publication
- Contributors. “Rehabilitation counselors will give credit through joint authorship, acknowledgement, footnote statements or other appropriate means to those who have contributed significantly to research or concept development in accordance with such contributions. The principle contributor will be listed first and minor technical or professional contributions are acknowledged in notes or introductory statements”.
(<http://www.crcccertification.com>)

What is a Significant Contribution?

- “There is general acceptance of the principle that each named author has made a significant intellectual contribution to the paper, even though there remains substantial disagreement over types of contributions that are judged significant.”

- ◆ NAS, NAE, IOM, Responsible Science, 1992

Conflicting Practices

- ...”most decisions about authorship are made locally and that’s where breakdowns often occur...If you are a PI, make sure everyone in your lab knows the rules. If you don’t know, ask.”

◆ Barker, Science Next Wave, 8 Nov. 2002

Built in Tension



- “(B)ecause of its critical importance to the careers of scientists, authorship is shaped by social customs. Like other customs, authorship is usually not determined by explicit criteria and not ‘distussed in polite company’”. (Cho and McKee, Science Next Wave, 1 March 2002)

Attempted: Rules of Authorship

- Sponsorship, Authorship, and Accountability – International Committee of Medical Journal Editors, (Vancouver Group) 2001
 - ◆ Sufficient participation for public responsibility for portions of content
 - ◆ Authorship credit based only on:
 - ◆ Substantial contributions to conception and design or acquisition of data, or analysis and interpretation of data
 - ◆ Drafting the article or revising it critically for intellectual content
 - ◆ Final approval of the version to be published
 - ◆ Acquisition of funding, collection of data, or general supervision of the research group, by themselves do not justify authorship
 - ◆ Authors should provide description of what each contributed
 - ◆ All others who contributed should be acknowledged
 - ◆ Order of authorship should be a joint decision of the coauthors

Contributorship Approach

- New method used with other criteria
- “Authors should provide a description of what each contributed, and editors should publish that information. All others who contributed to the work who are not authors should be named in the Acknowledgements, and that they did should be described...”
 - ◆ (<http://www.icmje.org>)

Theses, Projects, & Dissertations

- Students own copyright when:
 - ◆ No direct remuneration for the product
 - ◆ Remuneration does not include funds from RA, TA, DA, or Fellowship
 - ◆ Remuneration occurs when student is paid specifically to conduct the research

Dissertations

- “The dissertation requirement is designed to develop the capacities of originality and generalization in the candidate. ...It is therefore expected that the dissertation will serve to demonstrate the student’s ability to independently engage in research and or scholarship.”
 - ◆ Statement from UNCG Graduate Bulletin

Non-Traditional Dissertations

- “At times the non-traditional dissertation may take the form of a group project or a series of journal articles with multiple authors. This approach is often the result of students working together on a similar problem either in the laboratory or as part of a faculty member’s research. The resulting dissertation may include additional contributors beyond the dissertating student.”

- ◆ Proposed UNCG policy statement

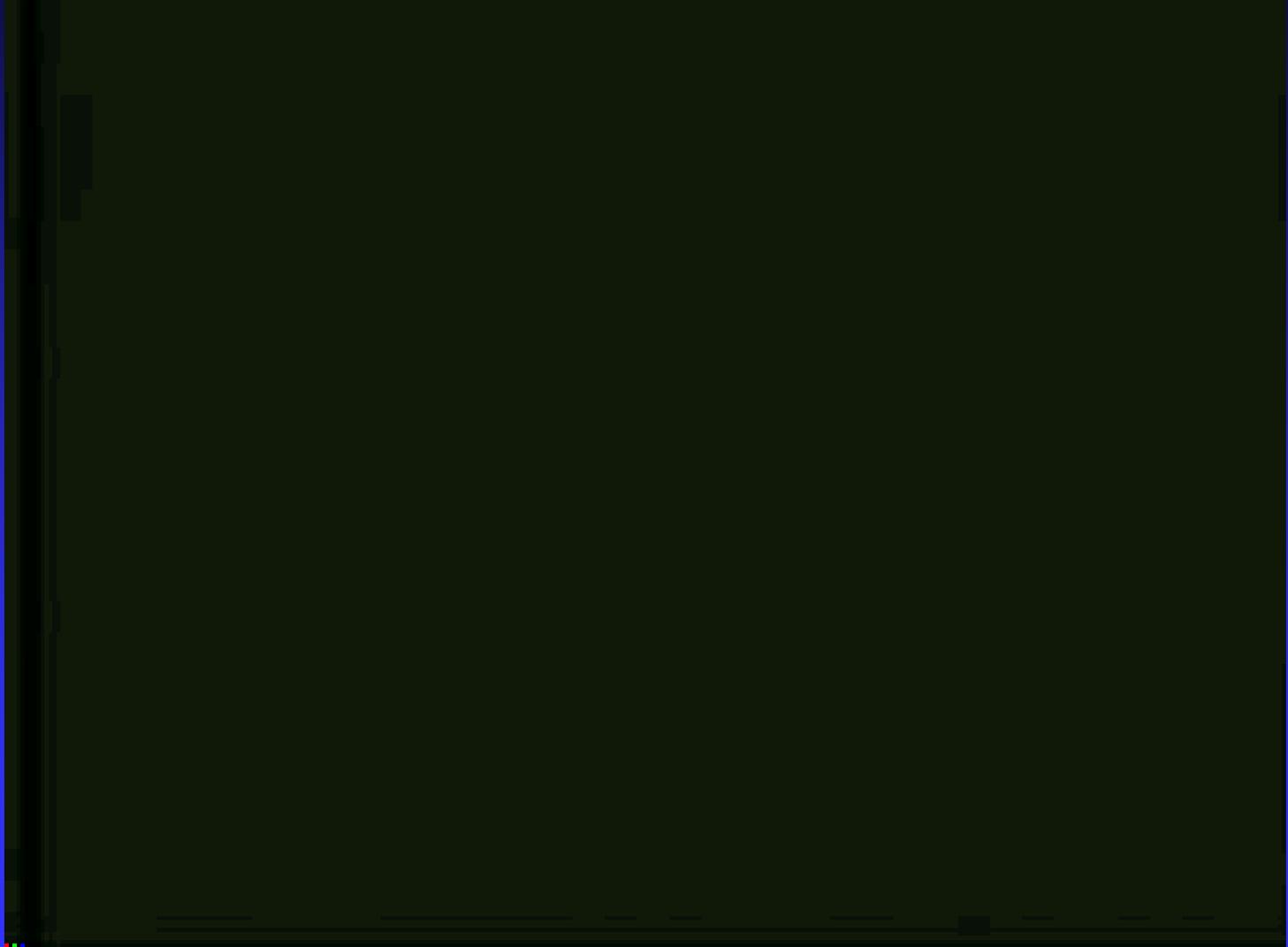
Authorship on Dissertations

- Should student be copyright holder?
- What about others who have contributed?
- What about the director of the dissertation committee?

UNCG Guidelines

- “When chapters with multiple authors are submitted as part of the dissertation, it is expected that the student will have taken the major responsibility for the research and will be listed as the primary author in any of the publications that have been submitted externally and that are part of the dissertation. It is expected that within the dissertation appropriate attribution will be given to the other authors who contributed.”

Scenario One: Order of Authorship



(Loosely based on: The Ethics of Teaching, p. 108)

Conflict of Values

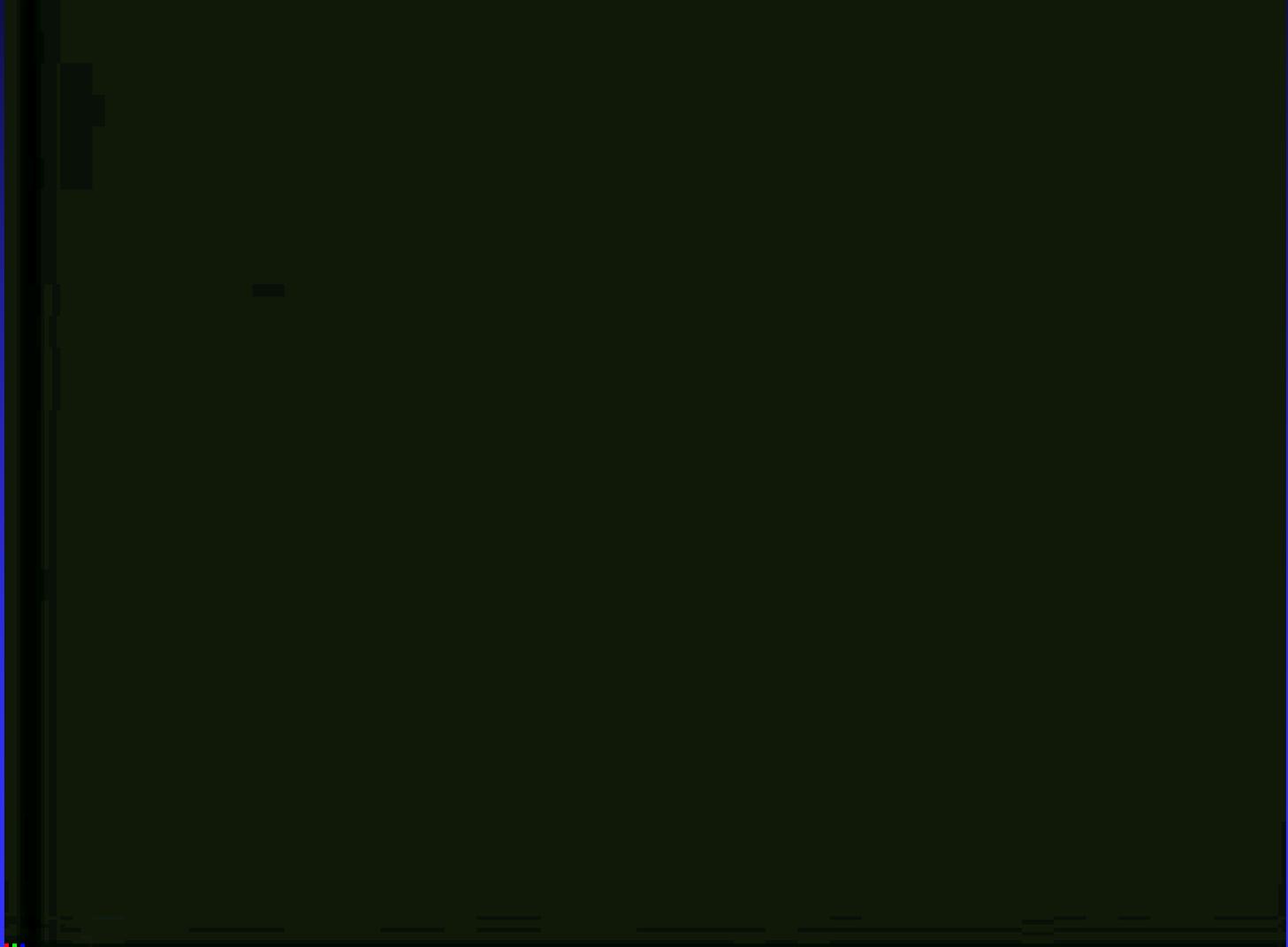
- What are some of the problems with this situation? Indeed, what are the ethical issues involved?

Authorship Criteria from CRCC

- H4. c Publication
- Student Research. “For an article that is substantially based on a student’s dissertation or thesis, the student will be listed as the principal author”.

(<http://www.crcccertification.com>)

Scenario Two - Authorship Credit

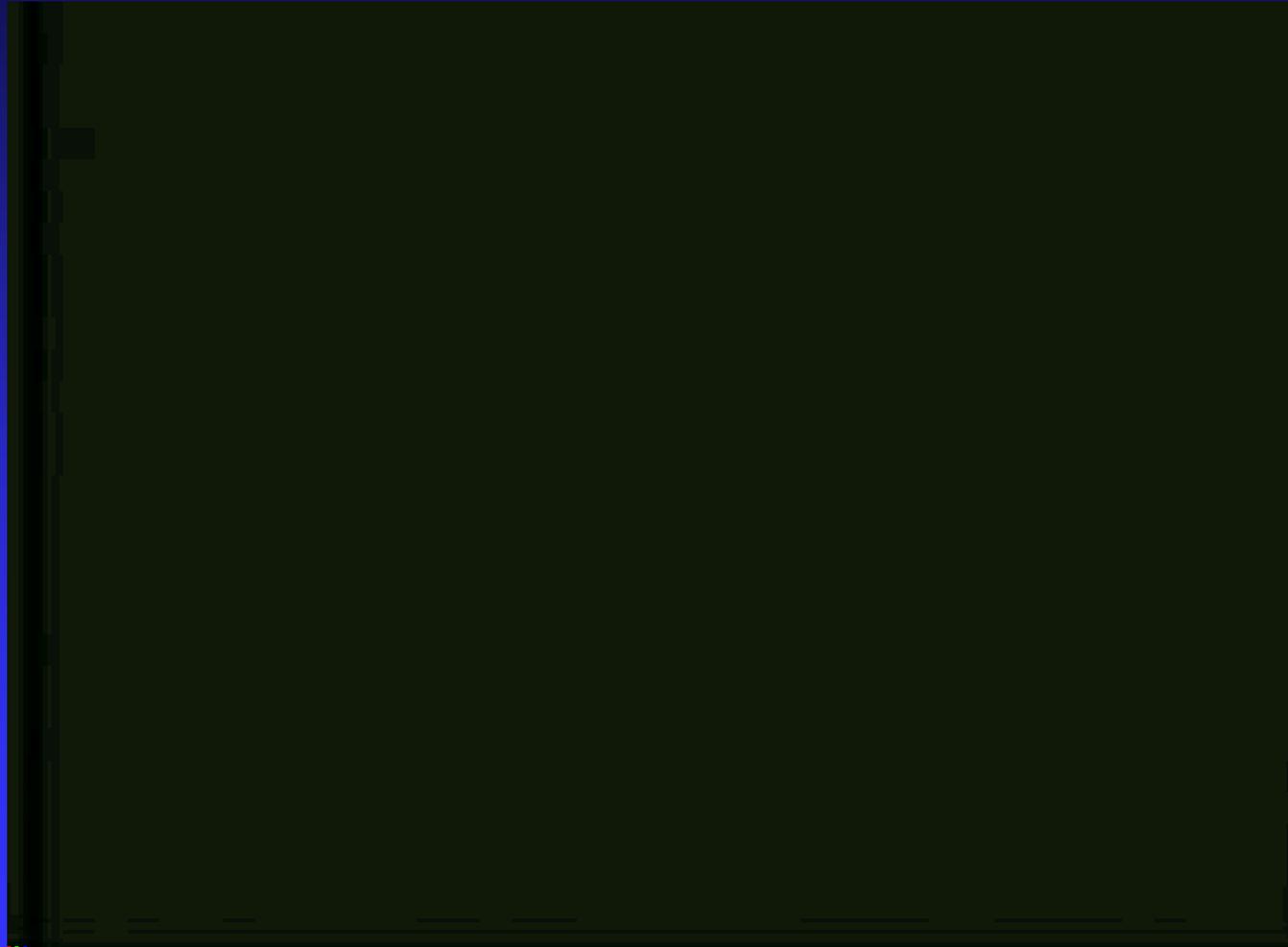


Based on an authentic situation

Discussion

- What are the principles involved?
- **Is this:**
 - **A. Research misconduct?**
 - **B. Unethical professional behavior?**
 - **C. Irresponsible professional behavior?**
 - **D. Acceptable competitive practice?**
- What about future publications based on the same line of research?

Scenario Three: A Mentee Initiates a Lawsuit (Weissman Vs. Freeman)



(Taken from Who Owns Academic Work, p. 70)

Ownership of the Course

- Who owns the syllabus?
- What could have been done to avoid this situation?
- What happens to ownership in development of online courses when another professor takes over the course?

Sponsored Research- A Special Case

- Intellectual property developed through sponsored research
 - ◆ Royalties determined by agreement with sponsor and University
 - ◆ Bayh-Dole Act encourages collaboration between industry and academic institutions
 - ◆ Examples

Questions and Answers

