

Resolution 1998-16. Endorsing a Proposed University Policy on Multi-Institutional Initiatives on Copyright Ownership.

The Faculty Council resolves:

The Faculty Council endorses the following statement of policy and commends it to the President and Board of Governors:

Whereas it is a major mission of the University of North Carolina to create and distribute knowledge, and

Whereas toward this end the University supports and facilitates the creation of copyrighted works by its faculty, staff and students, and

Whereas the unconditional assignment to publishers of copyright for works produced by University faculty, staff and students can and often does lead to inappropriate, undesirable and unnecessary constraints on the distribution of the knowledge created by the University community, and

Whereas the University of North Carolina cannot by acting alone have sufficient market influence to assure appropriate, reasonable and fair prices for scholarly publications, now therefore

The University of North Carolina publicly expresses its desire to negotiate with other universities collaborative agreements that would, through changes in acquisition practices, development of alternatives to commercial publication of scholarly work, or changes in the distribution of rights associated with copyright ownership, assure the more widespread distribution of the knowledge created by its faculty, staff and students and the protection and retention of critical rights by the creators of the copyrighted works and the University."

Comment by the UNC-CH Copyright Committee

In order for universities to effectively defend against monopolistic practices by for-profit academic publishers and to consistently retain critical rights associated with ownership of copyright, they must agree to work together; no one university or state system is large enough to have a significant impact if it acts alone. A new model of copyright ownership with distributed rights will likely be a necessary prior condition for universities to work together to negotiate prices and rights. For any significant change to be acceptable, a substantial number of the more prestigious research universities would have to agree to adopt the changes simultaneously.

The University of North Carolina at Chapel Hill should position itself to encourage and participate in major, multi-university collaborations aimed at implementing new copyright management and ownership models and publication mechanisms designed to alleviate or eliminate the current crisis in the cost of serials and other scholarly information sources. This positioning should include adoption of a set of policies with respect to the range of copyright ownership and management models the University would be willing to support. In addition, the

Director of the Office of Scholarly Communication should monitor, maintain professional contact with, and represent the University in such activities. The Director should advise the University Copyright Committee of on-going deliberations so that the University can be prepared for rapid endorsement of appropriate proposals.

We affirm the tradition of faculty ownership of their copyrighted works, but feel that certain rights could be shared with or jointly owned by the University at no cost and with significant benefit to the author and the University. We favor eventual adoption of a model in which rights are distributed in a standard fashion that protects the interests of all parties. If rights are appropriately distributed, then details of copyright ownership are not critical.