Some issues have emerged that relate to intellectual property rights when developing and teaching distance learning courses through Continuing Education (CE). It is very important that you read and understand the contract you are offered by CE before signing it. The following Contract Tip references the relevant sections of the Intellectual Property Rights Policy.

**Contract Tip:**
**Retaining Ownership of Your Course and Materials**

If you are now--or plan to be--involved with Continuing Education in the development of materials for use in distance learning courses, you need to be aware that agreeing to receive a stipend for the development of course materials for distance learning courses will result in CE ownership of those materials. CE can use the materials you develop without your permission or your participation.

Know your intellectual property rights. See the relevant excerpts below (we have placed particular text in capital letters for emphasis) and read the entire policy at [https://www.uvm.edu/~uvmppg/ppg/general_html/intellectualproperty.pdf](https://www.uvm.edu/~uvmppg/ppg/general_html/intellectualproperty.pdf).

1) You own your course and your materials unless you contract otherwise with CE.

§ 2.4. Scholarly and Artistic Works Exception for Copyrighted Works

"Scholarly and Artistic Works" means copyrightable and copyrighted works that are in the nature of academic and scholarly works of authorship and works of visual art, including but not limited to photography, film, audio-visual works, sculpture, painting, choreography and the like. "Scholarly and Artistic Works" include by way of example 1) scholarly articles and papers written for journal publication, presentations and scholarly papers prepared for seminars and conferences, pedagogical works, and teaching and curriculum materials (including classroom lectures, seminars and presentations reduced by or for the author to written or other recorded form); and 2) paintings, drawings, musical compositions and performances, dramatic compositions and performance, poetry, fiction and other works of artistic expression authored by University faculty, post-graduate students, postdoctoral fellows and postdoctoral associates; provided that, the definition shall not apply to the works of University Students authored pursuant to activities undertaken as Teaching Assistants. DISTANCE LEARNING MATERIALS THAT ARE SCHOLARLY OR ARTISTIC WORKS AS DESCRIBED IN THIS
§ 5.1.3. Author-Owned Distance Learning Materials

DISTANCE LEARNING MATERIALS AUTHORED BY FACULTY OR OTHER TEACHING PERSONNEL WITHOUT COMPENSATION BY THE UNIVERSITY AND NOT OTHERWISE CONSIDERED UNIVERSITY OWNED UNDER § 2.4.1 SHALL REMAIN THE PROPERTY OF THE AUTHOR(S). Use of University resources or facilities by such persons in the development of Distance Learning Materials will not change the status of author-owned Distance Learning Materials.

2) If you contract with and receive a stipend from CE to develop distance learning course materials, CE owns the materials.

§ 2.3.4. University-Commissioned Works

From time to time the University, its colleges, schools, departments or other units may commission from faculty members or other employees educational materials or tools such as curriculum, syllabi, course content, course modules and educational or computer-aided delivery systems. THESE UNIVERSITY-COMMISSIONED WORKS MAY BE EITHER CONTENT OR TEXT-BASED OR MAY BE COMPUTER SOFTWARE OR BOTH AND SHALL BE CONSIDERED UNIVERSITY-OWNED. PARTICIPATING INDIVIDUALS WILL BE NOTIFIED IN ADVANCE AND IN WRITING OF THE UNIVERSITY’S INTENTION TO CONSIDER THE WORKS AS UNIVERSITY-COMMISSIONED.

§ 5.1.1. University-Commissioned or Supplementally-Compensated Distance Learning Materials

DISTANCE LEARNING MATERIALS AUTHORED BY UNIVERSITY FACULTY OR OTHER TEACHING PERSONNEL THAT ARE UNIVERSITY-COMMISSIONED OR SUPPLEMENTALLY-COMPENSATED UNDER SEPARATE AGREEMENT WITH THE UNIVERSITY WILL GENERALLY BE CONSIDERED UNIVERSITY-OWNED. Intellectual Property rights in such Materials, including copyright, will be transferred to the University in accordance with § 5.2.1. Provisions as to currency of Materials appear in § 2.3.4 of this Policy.