



National Open University of Nigeria

Copy Right Policy

Introduction

The term copyright refers to laws that govern the use of creative works of author or creator. The Intellectual Property Rights (IPR) are a mechanism for encouraging people to create innovative works, processes, designs or brands by granting them a limited monopoly on their works or creations. The objective of IPR is to enable creators to take ownership of their works and possibly to earn money, fame or other rewards from their creations. Copyright is therefore a type of intellectual property that protects original expression. Ideas or efforts are never copyrighted per se until they are expressed in the form of objects or tangible forms such as written, recorded, drawn, painted, sculpted, or built.

1. Copy Right in Course Materials

a) The copyright in any course material produced by a member of staff of the University or in conjunction with other members of staff, in the normal course of their employment, shall belong to the University in accordance with the Copyright Act of 2004.

b) Course material shall include literary academic works, recordings, broadcasts and computer programmes produced to be used for or in connection with a course offered or to be offered by the University.

c) Copyright is the exclusive right of the University to control the production, reproduction, publication, broadcast, translation, sale and distribution of such works to members of the public.

d) Members of staff, who are authors for such course materials, such do whatever is necessary from time to time, including the execution of documents, to enable the University exercise its rights over such works

e) The Copyright in course materials produced by any person, other than a member of staff who has received payment for the production from the University, shall belong to the University.

f) Notwithstanding, the provisions in the paragraph (2e) above, the University may enter into agreement with any person other than a member of staff to jointly own the copyright in any course materials produced by such person, under terms mutually beneficial to both parties

g) The University may pay a token allowance to the members of staff who author or co-author course materials for the University. The amount to be paid shall be determined by the University from time to time.

h) The University shall pay any person, not a member of staff of the University, who authors or co-authors a course material to be used in a course programme being offered or to be offered by the University. The amount to be paid to the author shall be as specified by the Senate from time to time.

l) Any person including a member of staff or non member of staff who is the identifiable author or part author of a course material shall be entitled to use or extract from the course materials which he or she produced for the University, subject to the prior written consent from the University.

j) Copyright in course materials produced by a member of staff, but not at the instruction of the University or which are not accepted for inclusion as part of the course materials to be used in an academic course programme, belongs to the author or joint authors.

k) A member of staff where he or she is identifiable as the author of a course material may apply to acquire the copyright in his or her course material from the University, after the life of the course or any extension as approved by the Senate or its nominees. The release of such copyright shall be at the discretion of the University.

2. Copy Right in Books

a) The Copyright in any other work including drama, stage shows, musical and artistic works, cinematograph films and sound recordings produced by a member of staff in the normal course of his or her employment belongs to the University in accordance with the Copyright Act of 2004. However, the copyright in such other works listed above produced by members of staff but not in the normal course of their employment shall belong to the Staff.

b) The Copyright in electronic works, computer software produced by a member of staff in the course of his or her employment shall belong to the University

3. Copy Right in other works produced by members of staff

a) The Copyright in books (other than included in the definition of course materials) written or edited by a member of staff (as a general or advisory editor to a series) during his or her employment with the University, in his or her own time and other than in the normal course of his or her duty, shall belong

b) Notwithstanding the provisions of 2(a) above, where a member of staff writes a book at the suggestion of, or in anticipation of a need by a course team, if the book is subsequently designated as a set book (distinct from recommended reading book), such member will in consultation with the University, publish it or arrange for its publication, in such manner as it will meet the needs of students of the University and such University regulations as are then in force. Where a course team wishes to prescribe a book as set book written solely (or partly) by a member of staff, this shall only be done with the approval of the Vice Chancellor in accordance with the procedures approved by the Senate. In any arrangement made for the production of such set books the aim will be to secure the legitimate interest of the member as author and of the University as promoter

4. Legal Action Arising from works produced by the University

a) Any person including members of staff and non member of staff shall take all care to ensure that all works produced by them for the University (whether in course materials, text books, written broadcast, recorded or other form) is not defamatory and does not infringe the rights of any third party. The University shall take steps to defend any person against any claim for defamation or breach of copyright, in respect of a work authored by the person for and on behalf of the University. Provided the person is able to prove that he or she has exercised all reasonable care to ascertain that the material complained of did not infringe another party copyright and was not defamatory.

b) Upon receipt by any claim in respect of work produced by him or her for the University the person concerned shall immediately notify the University of the claim and shall not make any admission or take any step in connection with such claim without the prior written consent of the University. The University shall have absolute authority to conduct and control all negotiations and proceedings in respect of the claim. The person shall give such assistance as the University may require in the conduct of all negotiations and proceedings and if, after due considerations the University is of the opinion that the claim should not or cannot be contested due to the low probability of success. The person shall tender such apology or make such amends as the University may require and in so far as he or she is able he or she shall agree to the withdrawal of the offending matter or the publication of any amendment or alteration necessary to secure the withdrawal of the complain or objection

5. Disputes Over Copy Right

a) In the event of any dispute over copyright between a member of staff and the University, either party may refer the dispute for determination to a review board constituted as follows:

I. An independent chair agreed by both parties, or failing agreement, in accordance with the NOUN senior staff condition of service.

II. Three members of Senate nominated on the floor of the Senate

III. A nominee of an appropriate professional association approved by the University.

IV. A member of the academic staff in the School or in the Unit nominated by the Dean of the School or Head of unit of the member concerned.

The cost of conducting such reviews by the review board will be paid by the University. Any dispute relating to copyrighting on any material or academic word between the University and any person not a member of staff shall be resolved in accordance with the Arbitration Act of 2004.

6. Inventions

a) The Patent right in an invention made by a member of staff during the course of his/her employment shall belong to the University in accordance with the Patents and design Act of 1990. Provided (a) It was made in the course of the normal duties of the member of staff or in the course of duties falling outside his or her normal duties, but especially assigned to him or her and the circumstances in either case where such that an invention might reasonably be expected to result from the

carrying out of his or her duties he or she has a special obligation to further the interest of the University.

b) The patent right in other inventions including electronic works, computer software produced by a member of staff in the course of his her employment shall belong the University.

c) Any invention made by a member of staff in any other situation, the patent right thereof shall be taken to belong to the member of staff.

d) The patent right in any invention including computer software developed and produced by any person other than a member of staff, who has received payment for the development and production of such works, shall belong to the University.

e) In the case of an invention falling under clause (1) above, the University may compensate the member of staff who is the inventor, by way of a fair share in any benefit that may accrue from the patent, where the patent is of material benefit to the University. The amount of the compensation will depend upon factors such as:

I. The nature of duty of the member of staff,

II. The effort and skill used

III. The involvement of University resources, which is equipment and or personnel and the arrangement for patenting, exploitation and marketing of the invention.

7. Patent Right

(a) In the event of any dispute over Patent rights in an invention between member Staff and the University, either party may refer the dispute for determination by a Review board as constituted as follows:

I. An independent chair agreed by both parties or, failing agreement, appointed in accordance with the NOUN senior staff condition of service

II. Three members of Senate nominated on the floor of the Senate.

III. A member of academic staff of the School or in the Unit nominated by a Dean of the School or Unit of the member concerned.

IV. The cost of conducting such review by the review board will be paid by the University.

Any dispute relating to patent right on any invention between the University and any person not a member of staff shall be resolved in accordance with the Arbitration Act of 2004.