

# Guidelines:

## Copyright Ownership and Management of Software

---

### A. Best Practices to Protect Rights in Software

- Securely maintain and archive each version of the software.
- Identify the individuals writing code and developing algorithms for each version. Long-term development of code can result in the inability to identify the authors of the software, so maintaining the list of individuals from the beginning of the project is important.
- Identify all uses of code from other projects and from third parties, including open source code.
- Use a copyright notice (for example: © [year or years], by [Author/Owner]).
- Share with others using a short-form agreement that preserves your (and ISU's) rights.
  - 📄 [No Claim of Copyright—Released into the Public Domain](#)
  - 📄 [Royalty-Free License for Research and Educational Purposes](#)
  - 📄 [Royalty-Free License for Testing](#)

### B. Determining Ownership rights from Research Projects

- **Discussion Phase Agreements.** As parties begin a discussion about entering into a research agreement, there may be requests to sign agreements such as confidentiality (non-disclosure) agreements, software transfer agreements or consulting agreements. Such agreements can contain intellectual property clauses that determine all future intellectual property rights between the parties. While researchers should respect the ownership rights of intellectual property (IP) provided by the outside party, they should not sign agreements to give up or compromise their IP rights without consulting the Office of Intellectual Property and Technology Transfer (OIPTT).
- **Sponsored Funding Agreements.** Software developed under sponsored research agreements will be owned by the university unless the agreement specifies otherwise. Consult with OIPTT.
  - **Ames Laboratory.** Special software provisions are included in the Ames Laboratory Contract. Contact Stacy Joiner (515-294-5932) regarding copyrights in software developed or funded through Ames Laboratory.
- **Collaborations.** If the software is to be developed and used as part of a long-term research project which will involve multiple parties, the copyright in the software will be owned by Iowa State University whether the goal is to generate revenue or not.
- **Plan Ahead.** All members of a research project should agree on the purpose and use of the software prior to its development or as it is being developed if circumstances

change. Is the goal to create software that will generate revenue or just a tool within the ISU lab? Will development require assistance of collaborators outside the university? Will the software be provided under an open source license for upgrade by a community of users? Will the author's share in any income from the transfer of the software for commercial use?

- **Questions.** Any questions regarding ownership should be directed to OIPTT (4-4740), except for software developed in Ames Laboratory, in which case the contact should be Stacy Joiner (4-5932).

### **C. Software Distribution**

- In general OIPTT will handle the protection and distribution agreements for software developed under external funding and any software where the authors desire to exercise their rights to share in income. For Ames Laboratory-developed software, OIPTT will work with Ames Laboratory to secure the appropriate permissions from the US Department of Energy.
- OIPTT will assist faculty and staff in the distribution of faculty and staff owned software under open-source licenses. Procedures will include
  - Interview developers to gather information on the software development,
  - Assist faculty and staff in applying intellectual property laws to identify any third party materials and determine if the developers are the copyright owners,
  - Consult with developers to determine the appropriate open source licenses and
  - Discuss location of the best site for distribution of the software (ISU website or other).
- Individuals interested in starting a company based on software developed at the university must consult with OIPTT to make sure appropriate documentation and procedures are in place. In most instances the start-up company will need a license agreement from ISURF to use the software unless the software is published under an open source license.
- Units (including specifically designated departments) can handle distribution agreements and direct sales or other transfers to end-users of works such as:
  - Computer software owned by the university and licensed/sold for free or under an open source model
  - Computer software owned by the university and licensed/sold for a fee to end users in which the unit intends to use the revenue for further development and/or maintenance of the software and all authors/developers each agree not to share in the revenue.

### **D. Assistance**

- OIPTT will provide assistance to faculty and units in determining ownership, rights of third parties and appropriate distribution documents.