California Institute of Technology Copyright and Software Policy

Copyrights to and royalties from textbooks, reference works, submissions to scientific journals, and other copyrightable materials (except for computer software, which is treated below) produced by Faculty members as a part of their normal teaching and scholarly activities at the Institute that do not result from projects specifically funded in whole or in part by the Institute or by a sponsor of the Institute, shall belong to the author or authors and may be retained by them. If, on the other hand, the Institute provides funds, or a sponsor’s funds, to finance (in whole or in part) a specific research or educational project and copyrightable materials are produced by employees as a result of the project, the ownership of copyrights and royalty rights therein shall be held by the Institute.

All rights to computer software, including computer programs, computer databases, and associated documentation whether copyrightable or patentable, produced by employees or students in the line of Institute duty or with any use of Institute facilities, shall be owned by the Institute, regardless of the source of funds used to produce the computer software. It is the policy of the Institute that such software is used for the public benefit, and the Institute intends to serve the public interest by prudent and appropriate efforts to transfer the technology to those who will facilitate public use. When this result is achieved by the licensing of computer software, royalty income and/or equity may accrue to the Institute under terms negotiated at the Institute’s discretion.

Where income is derived from such licensing, the author or authors, collectively, will receive 25% of the income received by the Institute after deduction of 1) unreimbursed external expenses associated with obtaining and maintaining protection for, and licensing and/or enforcing rights in, the copyrightable material; and 2) the share of the income owed by Caltech to a third party pursuant to an income-sharing agreement between Caltech and the third party. In the event there is more than one computer software in a license agreement, each author shall receive a proportion of that income according to Caltech internal procedures.

Where equity is derived from such licensing, the Institute will make no distribution of equity to the authors, but will make the distribution set forth in the previous sentence from the proceeds of the orderly sale of the securities at such times and in such amounts as determined in the sole discretion of the Institute in accordance with Institute policy, after the further deduction of brokerage and related expenses incident to the sale of the securities, to the author or authors collectively.

Authors may opt, by means of a charitable donation to the Institute, to have all or any part of their share of the net income to be applied to support research of their choosing within the Institute. The Institute will then match the amount contributed by the author for research, on a dollar-for-dollar basis, so as to provide total research support from such income up to 50% of the net income received by the Institute. Authors who elect to contribute may subsequently elect instead to retain their share of the net income of future royalties.

The remainder of income derived by the Institute from the licensing or use of copyrights or computer software, after payment of the author’s shares, will be applied to the furtherance of instruction and research. The Institute retains the right not to pursue the registration or commercialization of any copyrightable material, including computer software. In that event, the Institute may choose to assign the copyrightable material to the author(s) if that is consistent with its legal obligations.

All Institute employees shall sign a Patent and Copyright Agreement assigning their rights in copyrightable materials authored in the manner set forth above. A copy of the agreement may be obtained from Human Resources or the Faculty Records Office.

All employees shall report to the Institute immediately any matter that might reasonably be considered owned by the Institute in the manner set forth above. This obligation is not intended to interfere with the prompt publication of research results.

Computer software produced by an employee or student outside the line of Institute duty on the author’s own time without any use of Institute facilities are not the property of the Institute. Copyrights for such software should be administered so as not to involve the Institute name.

Any dispute concerning this policy or the distribution of royalties shall be resolved by appeal to the Provost.

The Institute places no restrictions on the rights or activities of Postdoctoral Scholars and Research Faculty in their subsequent careers after they leave Caltech. If departing Research Faculty or Postdoctoral Scholars require access to research data, computer programs, material samples, or other research materials that they helped develop while at Caltech, the Institute will negotiate with them to provide continuing reasonable access to such materials, appropriate to the circumstances and consistent with its legal requirement to maintain originals of data and other results arising from sponsored research.