



ICONIC UNIVERSITY

OPEN, DISTANCE & E-LEARNING

SOKOTO-NIGERIA

LEGAL SERVICES DEPARTMENT

COPYRIGHT POLICY

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THE ICONIC UNIVERSITY COPYRIGHT POLICY

1.0 Introduction

Iconic Open University is committed to protecting the intellectual property of its faculty, staff, and students while promoting academic freedom and creativity. This Copyright Policy outlines the procedures and guidelines for the use and protection of copyright materials at Iconic University.

2.0 Definition of Copyright

Copyright is a form of legal protection that grants creators of original works exclusive rights to their creations, such as literary works, musical works, artistic works, audiovisual works, sound recordings and broadcasts. These exclusive rights include the right to produce, reproduce, publish, distribute, broadcasts, make any adaptation, translate, publicly display, and create derivative works from the original material. Copyright protection exists from the moment an original work is created and does not require any formal registration. However, ideas, procedures, processes, formats, systems, methods of operation, concepts, principles, discoveries, mere data, official texts of an administrative nature shall not be eligible for copyright.

3.0 Copyright Ownership

Iconic University recognizes that copyright ownership resides with the creator of the original work. Any work created by faculty, staff, or students in the course of their employment at Iconic University shall be the property of the university. However, Iconic University reserves the right to negotiate ownership of copyright with creators in exceptional circumstances.

4.0 Intellectual Property Rights

Iconic University respects intellectual property rights and expects all members of the university community to do the same. Faculty, staff, and students must obtain permission or a license before using or reproducing copyrighted material belonging to others. Infringing on copyright laws may result in disciplinary action, including termination or expulsion.

5.0 Use of Copyright Materials

Faculty, staff, and students are responsible for ensuring that their use of copyrighted material complies with applicable laws. Use of copyrighted material for educational and research purposes is permitted under the "fair use" exception of copyright law. However, any use beyond these exceptions, such as using copyrighted

material in published works or for profit, must adhere to the guidelines set by the copyright owner.

Iconic University recognizes that information access is vital for academic research and teaching. As such, it provides access to various copyrighted materials through library resources, licensed databases, and online platforms. The use of these materials is limited to non-commercial research and education purposes only, and users must abide by the terms and conditions of each resource.

In cases where there are doubts about the copyright status of a material, faculty, staff, and students must seek permission from the copyright owner before using the material.

6.0 Copyright in Course Materials

- i. 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.
- ii. Course material shall include Literary academic works, recordings, broadcasts and computer Programs produced to be used for or in connection with a course offered or to be offered by the university.
- iii. Members of staff, who are authors of such course materials, shall do whatever is necessary from time to time, including the execution of documents, to enable the university exercise its rights over such works.
- iv. 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. Notwithstanding, the provisions in the paragraph 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.
- v. 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 copyright committee.
- vi. 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 program being offered or to be offered by the university. The amount to be paid to the author shall be as specified by the University copyright committee.
- vii. 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 make extraction from the course materials which he or she produced for the university, subject to the prior written consent from the University.
- viii. 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 program, belongs to the author or joint authors.

- ix. Where a member of staff is identifiable as the author of a course material, he or she 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 nominee. The release of such copyright shall be at the discretion of the University.

7.0 Copyright in Books

- i. The copyright in books (other than books 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 to the author.
- ii. Notwithstanding the provisions of 7[i] 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.

8.0 Copyright in Other Works Produced by Members of Staff

- i. 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. 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. Furthermore, copyright in this category of work will belong to the University where the University has commissioned or sponsored the creation of the work.
- ii. The copyright in electronic works, such as computer software developed by a member of staff in the course of his or her employment shall belong to the university.

9.0 Legal Action Arising from Works Produced for The University

- i. 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.
- ii. 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.

- iii. Upon receipt by any person of any claim in respect of work produced by him/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 said 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 complaint or objection.

10.0 Dispute Over Copyright

- i. 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 the copyright committee.
- ii. Any dispute relating to copyright on any material or academic work between the university and any person not a member of staff shall be resolved by arbitrators who shall be selected as follows:
 - a. Each party shall select one Arbitrator each and the Chartered Institute of Arbitrators Nigeria shall select the 3rd who shall be the Chairman.
 - b. The Arbitration and Conciliation Act, Laws of the Federation of Nigeria, 2004 shall govern the proceedings of the arbitration.

11.0 Copyright in the University's Name

- i. This policy is also intended to protect the reputation of the University. The University's name deserves careful protection. As a general principle, the name of the University is not the property of any individual, department, or School. The University must exercise quality control with respect to the use of its name. This is particularly true when intellectual property is created by or in collaboration with other educational institutions or other organizations. The University community who enters into any collaborative agreements involving the use of the University's name with other organizations should be certain that all such agreements receive the prior approval of the University's Vice Chancellor.
- ii. Use of the University's name can affect the reputation and academic standing of the institution.
- iii. Use of the University's name in connection with a work, other than by way" of identification of the creator as a staff of the University, is itself use of a significant University resource, thus triggering an interest on the part of the University. Similarly, the University staff must not participate in the creation or use of works that might give the impression of university sponsorship where there is none.
- iv. Any use of the University's name other than to identify the creator by his or her title at the University must be approved in advance by the Vice Chancellor.

12.0 Responsibilities of Faculty and Staff

Faculty and staff must adhere to copyright laws and regulations when using copyrighted material. They must also take necessary precautions to ensure that materials used in lectures, presentations, and other research activities comply with copyright laws and are appropriately cited.

13.0 Responsibilities of Students

Students are expected to use copyrighted material responsibly and comply with copyright laws. They must properly cite all sources used in their research and academic works, whether published or unpublished. Any violations may result in disciplinary action.

14.0 Copyright Infringement

Any instances of copyright infringement should be reported immediately to the Office of Intellectual Property and Copyright at Iconic University. The office will take appropriate action and work closely with the parties involved to resolve the issue satisfactorily. Any disciplinary action shall follow university procedures and may include termination or suspension.

15.0 Copyright and Online Learning

Iconic University is committed to providing quality online education while maintaining compliance with copyright laws. Faculty and staff must obtain permission from copyright owners before using any copyrighted material in online courses. The university will assist faculty and staff in securing necessary permissions or licensing agreements for copyrighted materials used in online courses.

16.0 Policy Review

This copyright policy will be reviewed periodically to ensure that it remains current and aligned with copyright laws in Nigeria. Necessary updates or revisions will be made as may be required.

17.0 Conclusion

Iconic University is committed to creating a respectful and responsible environment for intellectual property. This comprehensive copyright policy ensures that the university community complies with copyright laws while promoting academic freedom, creativity, and responsible use of copyrighted materials.

Date this 1st Day of July, 2024



Office of Intellectual Property and Copyright
Iconic University, Sokoto



Legal Services Department
Iconic University, Sokoto