

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

SUBJECT: Copyrights

EFFECTIVE: This policy circular shall become effective on October 31 2007, and shall be implemented immediately.

PROMULGATION: October 31, 2007

SUPERCEDES: P8.13, Copyrights promulgated on March 1, 2002 and became effective on the same date.

The purpose of this policy circular is to inform Department staff and Provider Agencies of the Department's policy regarding copyrights.

I. SCOPE

This policy circular applies to all Contracts.

II. DEFINITION

In addition to the defined terms included in the Glossary of the Manual, the term listed below, when capitalized, shall have meaning as stated.

Copyrighted Material means an exclusive, legal right to adapt, distribute, reproduce, publish or sell any information funded and developed under a Department Contract or subcontract.

III. POLICY

- A. The State of New Jersey, Department of Human Services reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish or otherwise use any work or materials developed with State or federal funding under a Department funded Contract or subcontract. The State of New Jersey, Department of Human Services also reserves the sole right to authorize others to reproduce, publish or otherwise use any work or materials developed under said contract or subcontract.
- B. The contracting Departmental Component shall ensure that it receives a copy of any Copyrighted Material.
- C. When a Provider Agency decides to publish any Copyrighted Material, the following steps shall be taken by the Departmental Component:

1. Ensure that there is proper acknowledgment of the source of funds used to develop the copyrighted work. The following statement is sufficient:

This material is based upon work supported by the Department of Human Services, State of New Jersey under Contract # _____.

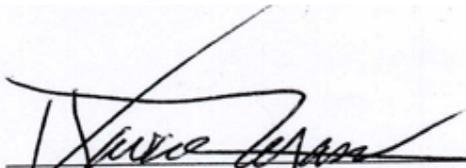
2. Ensure that the following disclaimer appears with the publication:

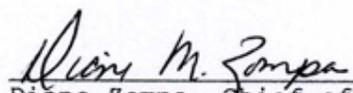
Any opinions and conclusions or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the official opinion of the State of New Jersey or Department of Human Services.

3. Ensure that the Provider Agency includes in the publication contract/agreement a reference that stipulates the inclusion of a statement that protects the rights of the State of New Jersey, Department of Human Services with regards to Copyrighted Materials, as well as the addition of contract/agreement language that guarantees the inclusion of acknowledgment and disclaimer statements for any State supported, published material(s).
4. Determine whether it is in the best interest of the Departmental Component to have the provider agency obtain prior approval of any proposed commercial publication, including approval of the process by which a publisher is selected. If prior approval is required, it must be included in the Contract Annex A.

D. Provider Agencies must have Department approval to keep Program Income earned from license fees and royalties for Copyrighted Material.

Issued by:


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