

Reform Copyright Legislation for Government Owned Intellectual Property

Current copyright legislation prohibits, U.S. Government (USG) personnel who are faculty members at USG service academies, war or staff colleges, and other schools of professional military education, ability to secure copyrights in their own name for scholarly works produced as part of their official duties. Recruitment and retention of USG faculty is put at risk when compared to the copyright protections available to non-USG individuals or institutions.

BACKGROUND: current law (10, 17 and 44 U.S.C);

- Prevents the USG from owning copyright in works written by faculty members at Department of Defense service academies, war or staff colleges, and other schools of professional military education and thus prevents the assignment of the copyright.
- Precludes USG authors from publishing in many prestigious outlets, including civilian university presses, which require copyright protection for their output. This undermines the Department's ability to reach elite audiences with arguments, insights and research findings crucial to the Services and critical to making of sound U.S. national security policy.
- Undermines the effectiveness of the USG service academies, war or staff colleges, and other schools of professional military education that are relied upon to educate future leaders by undercutting their ability to recruit and retain quality faculty who must publish in such outlets to preserve their reputations as quality faculty. The academic reputation of any academic institution derives to a large degree from the individual academic reputations of its faculty.

LEGISLATIVE RELIEF SHOULD;

- Enhance reputations grounded in the records of scholarly publication, and the highest level of that publication occurs in referred journals and university press books. However, those publication venues insist on owning the copyright of the work they publish and, in the case of university press books, on the ability to sell sufficient copies of their work.
- Allow publishing official works outside the Government Printing Office (GPO) or USG field printing plant.
- Facilitate recruiting and retention of high quality faculty.
- Place safeguards to prevent individual authors from reaping personal financial gain for official work performed in the course of duties for which the faculty member is already receiving pay from the USG.
- Not incur any expenditure of appropriated funds.
- Require the Secretary of Defense to prescribe regulations specifying the types of scholarly works intellectual property which protections may be secured and the purposes for which the copyright may be secured.