



THE UNIVERSITY OF TEXAS AT EL PASO

Copyright
Media Relations
UTEP Visual Brand Guide
Intellectual Property
Undue Foreign Influence

What is covered?

- **Copyright, Media Relations, UTEP Visual Brand Guide and Intellectual Property**

- Copyright
- UT System's Rules of Thumb
- ***Media Relations (NEW)**
- UTEP Visual Brand Guide and brand elements
- Intellectual Property
- Office of Technology Commercialization
- ***Teachable Takeaways (NEW)**
- Additional resources

- **Undue Foreign Influence**

- Undue Foreign Influence and Intellectual Property
- Consequences of stolen Intellectual Property
- Response from the federal government and funding agencies
- Rule 30104 and University Policies
- Recent headlines
- Action steps
- Consequences
- ***Teachable Takeaways (NEW)**
- Additional resources

Copyright

- Copyright protection exists for original works of authorship, fixed in any tangible medium of expression, that can be communicated to others.

- Works of authorship include the following:
 - architecture
 - dramatic and graphic works
 - literary
 - motion pictures – short or full-length documentaries
 - musical
 - sound

- Copyright protection **does not** exist for **any** idea, procedure, process, system, method of operation, concept, principle, or discovery.

- The examples contained in this module are by no means a list of all copyright issues facing UTEP employees.

- Detailed discussion of the fair use of copyrighted materials and UT System's policies can be found at:
<https://www.utsystem.edu/offices/general-counsel/intellectual-property#copyrights>.

UT System's Rules of Thumb

- The University of Texas System (UT System) Office of General Counsel has developed a set of guidelines called **Rules of Thumb**, to ensure compliance with the following copyrighted works:
 - Course packs
 - Distance learning
 - E-books
 - E-journals
 - Electronic databases
 - Image archives
 - Multimedia works
 - Music
 - Research copies
 - Reserves

- This module concentrates on the use of:
 - Books and periodicals
 - Computer software
 - Films
 - Music

- Detailed information on works **NOT included** in this module can be found at: <https://guides.lib.utexas.edu/copyright#rules>.

UT System's Rules of Thumb (continued)

- Computer software:
 - Unauthorized duplication of copyrighted software is a violation of federal copyright law
 - All users must abide by all software license agreements
 - Licensed software may be copied, or shared in any way, **ONLY** as permitted by the license
 - Licensed software may **NOT** be copied or shared in any way **UNLESS** specified in the license
 - Always be aware of the terms of the software license agreement

- Classroom copies of books and periodicals, including those in electronic format, should be limited to:
 - Single chapters of books or articles from periodicals
 - Several charts, graphs, or illustrations
 - Other small parts of a work

- Classroom use of motion pictures and documentary films:
 - The UTEP Library provides access to databases of streaming videos that are licensed for classroom and personal use by UTEP faculty, staff, and students
 - Films on DVD or VHS may be shown in face-to-face teaching situations
 - Films on DVD or VHS may not be reverse engineered to create streaming video without a license from the copyright owner

- Educational use of music - Can I copy:
 - Entire works of sheet music? **Only** for performances and **only** in emergencies
 - Sections (units) of sheet music? **Only** if out of print
 - Student performances? **Only** for teacher evaluation or a student's portfolio
 - Sound recordings? **Only** one copy for classroom or reserve room

*Media Relations (NEW)

- The following media relations guide is intended for faculty and staff. It was created by the Division of Marketing and Communications (MC), which is charged with issuing press releases and connecting journalists and reporters with faculty experts.

- **External Communications**
 - All public statements, media events, news media interviews, press releases and similar communications **made on behalf of or as an official representative of the University**, or its units, should be coordinated/planned and approved by MC. This includes communication efforts conducted with UTEP partners.
 - Requests from news media should be referred to the University media relations team.
 - Requests from UTEP partners to participate in media events or similar public communications events should be coordinated with the media relations team before any planning by any UTEP employee takes place.
 - No UTEP unit should issue its own press releases, with the exception of University Athletics.
 - University units can feature, highlight, and post promotional material on their official social media channels without pre-approval from MC. However, if a post is intended to serve as a public or official statement of the University or its unit, or may be construed as such, approval should be sought before posting.

- **Media Relations Resources**
 - MC can provide helpful resources for media requests, including:
 - Media training, messaging consultation and coordination of media interviews.
 - Contact news@utep.edu if you receive a request from the media.
 - Visit utep.edu/marketing-and-communications for contact information for members of the Media Relations team.

▪ BEFORE YOU BEGIN

- The guide is intended for internal and external users. It was created by the UTEP **Division of Marketing and Communications (MC)**, which is charged with the responsibility to develop and maintain the standards that promote and protect the UTEP brand.

▪ REMEMBER

- MC **IS YOUR PARTNER** in delivering value-added design thinking to your initiatives.
- The best time to consult UTEP's Visual Brand Guide and to reach out to MC is **BEFORE** working on new initiatives that will require use of UTEP brand elements.
- MC **IS YOUR RESOURCE** as you navigate the trademark process.
- Questions regarding the UTEP Visual Brand Guide and brand can be emailed to brand@utep.edu.

▪ RESOURCES:

- To access the official **Visual Brand Guide**, please visit <https://utep.edu/marketing-and-communications> and look under **Resources**.
- brand@utep.edu
- Marketing and Communications website
- UTEP logos



UTEP Visual Brand Guide and brand elements (continued)

- The UTEP **Visual Brand Guide** contains standards that ensure a consistent and cohesive style in all communications.
- This guide deals with the basic identity elements: logos, registered marks, seals, endorsement guidelines and University colors that form the basis of our visual identity.
- Below are commonly used **protected trademarks** and are the property of The University of Texas at El Paso:
 - “The University of Texas at El Paso”
 - “UTEP”
 - “Miners”
 - the official UTEP seal
 - The Miner Pick
 - Athletics Miner logo
- These elements **may not be used** to designate a business; a social, political, religious or other organization; or to imply or otherwise suggest the University’s endorsement, support or association with any organization, product or service without permission of the University.
- The **Visual Brand Guide** provides guidance in the following areas:
 - The University Name
 - The University Seal
 - Official UTEP Logos
 - The Miner Pick
 - Incorrect Usage
 - Athletic Logos
 - Official UTEP Colors
 - College & School Seals
 - UTEP Typography
 - Business Cards & Stationery
 - Advertising
 - Logo Use on Merchandise
 - Logo Use on Vehicles
 - And more

▪ The University Seal

- The University of Texas at El Paso seal is used primarily for official University documents such as degrees, certificates, special awards or plaques as directed by the Office of the President. The seal also is used in specific applications where a more formal presentation is desired, such as stationery, Commencement and event programs, commemorative items and other merchandise.
- The seal should only be used for applications directly related to the official business of the University. Approval as to the use of the seal rests with the Office of the President.



▪ UTEP Logo and Protected Marks

- The UTEP logo and the UTEP Pick marks are primary identifiers for The University of Texas at El Paso and create an easily recognizable and memorable image to enhance the University's visibility. The UTEP logo and protected marks can be used on promotional material, internal communication and presentation slides.
 - **DON'T** change the shape or proportions of the brand elements.
 - **DON'T** change the colors of the brand elements.
 - **DON'T** add other images to the brand elements.
 - **DON'T** use the logo or pick mark as part of an illustration or background art element.



▪ Creating Your Own Logo

- In order to ensure consistency in branding, all logos for colleges, departments, programs and other official entities within the University must be approved by the Division of Marketing and Communications (MC). MC is available to assist you with creating a logo within UTEP's family of identities to brand your events and special projects while still adhering to the visual guide.

▪ Athletic Logos

- The logos on this slide are only for use by the Department of Athletics.
- For assistance with creating new logos or questions related to branding colleges, departments and programs, please contact the **Division of Marketing and Communications** at brand@utep.edu or call (915) 747-5526.

▪ Trademark Program

- UTEP's Trademark Program is administered by The University of Texas System. The program works to protect and promote the use of The University of Texas System's names and logos to ensure that the public can properly identify and associate the logos with officially licensed products bearing the University's marks.
- All use of trademarks on any products require approval through the Trademark program. This includes but is not limited to promotional ("giveaway") pieces and items intended for sale, such as T-shirts, caps and water bottles. For more information regarding trademark, visit brand@utep.edu or call (915) 747-8786.



Mid-module questions

Question #1 (Refer to Slide #5)

Licensed software may be copied as many times as needed, as long as it is for educational purposes.

True or False

Question #2 (Refer to Slide #5)

An entire work of sheet music can be copied...

- Only for a performance
- Only in an emergency
- Both situations above must exist to allow copying of sheet music

Question #3 (Refer to Slide #7)

The best time to consult UTEP's Visual Brand Guide and to reach out to the Division of Marketing and Communications is BEFORE I begin working on new initiatives that will require use of the UTEP brand.

True or False

Question #4 (Refer to Slide #8)

The UTEP Visual Brand Guide contains standards that ensure a consistent and cohesive style in all communications.

True or False

Question #5 (Refer to Slide #6)

UTEP staff may issue a public statement on behalf of the University.

True or False

Intellectual Property

- Intellectual Property is the physical embodiment of an idea such as research data, compounds, materials (biological or chemical), publications, and presentations.
- Intellectual Property includes, but is not limited to, any invention, discovery, trade secret, trademark, copyright, scientific or technological development, and computer software.
- Intellectual Property policies apply to the following:
 - All UTEP employees
 - Anyone using UTEP facilities and/or under the supervision of UTEP personnel
 - UTEP students in specific instances
 - Visiting faculty or researchers
- UT System Board of Regents asserts ownership interest on all employee-created Intellectual Property when:
 - The work is related to an employee's job responsibilities, i.e., within the scope of employment.
 - The work is created on UTEP time, with the use of UTEP facilities or state financial support.
 - The work is commissioned by UTEP.
 - The work results from research at UTEP supported by federal funds or third-party sponsorship.
- UT System Board of Regents will **NOT** assert an ownership interest on the COPYRIGHT of:
 - scholarly or educational materials, artworks, musical compositions, and literary works related to the author's academic or professional field, regardless of the medium of expression.
- For more information, please see UT System Board of Regents' *Rules and Regulations* 90101: Intellectual Property <https://www.utsystem.edu/board-of-regents/rules/90101-intellectual-property>.

Intellectual Property (continued)

- Creators are encouraged to manage their copyrights in accordance with the guidelines concerning management and marketing of copyrighted works consistent with applicable institutional policies.

- A UTEP employee owns Intellectual Property when:
 - The work is developed or created outside the course and scope of employment of the individual that is developed or created on his/her own time and without the support of UTEP or use of UTEP facilities or resources.
 - The work is an invention disclosed to UTEP's Office of Technology Commercialization that has been released to the inventor by appropriate authorities at UTEP.
 - The work is a copyrighted work of scholarly or educational materials, artworks, musical compositions, and literary works in the employee's field of expertise; unless the copyright was created by an employee, student, or other individual:
 - commissioned, required, authorized, or hired specifically to produce such Intellectual Property by UTEP, or
 - as part of an institutional project.

- What should I do if I think I've created Intellectual Property, other than a copyrighted work, subject to this policy?
 - Disclose your invention to UTEP's Office of Technology Commercialization at techtransfer@utep.edu **BEFORE** you submit any information about the invention for publication. It is **extremely important** that patentable ideas are not published or reported at meetings, publicly demonstrated, or offered for sale before a patent or other protection has been filed.

- In exchange for disclosing my idea, do I receive revenue if the idea is licensed by industry?
 - Yes, UTEP inventors receive 50% of net revenue returned to the University after the University recovers its costs.

- The examples in the previous slides are by no means a list of all Intellectual Property issues facing UTEP employees.
- Information on Intellectual Property can be found at: <https://www.utsystem.edu/offices/general-counsel/intellectual-property>.
- For more information, please refer to UTEP's Office of Technology Commercialization at: otc.utep.edu.

Office of Technology Commercialization

- UTEP's Office of Technology Commercialization manages UTEP's inventions including:
 - Patent Protection
 - Patent Marketing
 - Patent Licensing
 - Startup Company Support and Education

- UTEP's Office of Technology Commercialization manages contracts including:
 - Non-Disclosure Agreements
 - Option/Patent License Agreements
 - Inter-Institutional Agreements

- For more information, please contact techtransfer@utep.edu or visit the website: otc.utep.edu.

*Teachable Takeaways (NEW) – Copyright, Media Relations, UTEP Visual Brand Guide and Intellectual Property

- The UTEP brand and protected marks are the responsibility of every UTEP employee. The best time to consult UTEP's Visual Brand Guide and to reach out to MC is **BEFORE** working on new initiatives that will require use of UTEP brand elements.
- Information regarding the UTEP brand, protected marks, colors, etc. can be found on the UTEP Marketing and Communications website at <https://www.utep.edu/marketing-and-communications>.
- When in doubt, email brand@utep.edu for any questions relating to use of the UTEP brand and protected marks.
- Intellectual Property includes, but is not limited to, any invention, discovery, trade secret, trademark, copyright, scientific or technological development, and computer software.
- Copyrights generally belong to the author, while Patents generally belong to UT System.
- Always disclose inventions or discoveries to the Office of Technology Commercialization before publishing or publicly disclosing.
- When in doubt about Intellectual Property, contact UTEP's Office of Technology Commercialization techtransfer@utep.edu.

Additional resources - Copyright, UTEP Visual Brand Guide, and Intellectual Property Policy

- **Regents' Rules and Regulations**
Rule 90101: Rules for Intellectual Property
<https://www.utsystem.edu/sites/utsfiles/offices/board-of-regents/rules-regulations/complete90000.pdf>
- **The U.S. Copyright Act**
<https://www.copyright.gov/title17/>
- **UTS165 - UT System Information Resources Use and Security Policy**
<https://www.utsystem.edu/sites/policy-library/policies/uts-165-information-resources-use-and-security-policy>
- **The UT System Annual License with the Copyright Clearance Center (CCC)**
<https://utsystem.edu/sites/default/files/documents/intellectual-property/copyright-clearance-center-annual-license-renewal/copyright-clearance-center-annual-license-renewals.pdf>
- **Brand**
brand@utep.edu
- **Marketing and Communications**
<https://www.utep.edu/marketing-and-communications>
- **UTEP Visual Brand Guide**
<https://www.utep.edu/marketing-and-communications>
- **UTEP Official Logos**
<https://www.utep.edu/marketing-and-communications>
- **Ask your supervisor**
- **Office of Technology Commercialization**
(915) 747- 6717
- **Office of Research and Sponsored Projects**
(915) 747- 5680
- **Division of Marketing and Communications**
(915) 747-5526

Mid-module questions

Question #1 (Refer to Slide #12)

Intellectual Property includes:

- a. Inventions
- b. Discoveries
- c. Copyrighted materials
- d. All of the above

Question #2 (Refer to Slide #12)

The UT System Board of Regents asserts ownership interest in all employee-created Intellectual Property if the work is created on UTEP time or with UTEP facilities except for certain types of copyright.

True or False

Question #3 (Refer to Slide #13)

A UTEP employee with an invention should disclose his/her invention to the Office of Technology Commercialization:

- a. Before he or she submits any information for publication or public presentation
- b. After the employee has published his or her invention
- c. After a conference presentation

Undue Foreign Influence and Intellectual Property

- **UTEP believes in the safeguarding and advancement of academic freedoms and the exchange of knowledge and culture domestically and internationally**, which may be challenged by foreign agents exploiting exchange for the purposes of political, economic or military gain.
- Foreign state-sponsored theft of Intellectual Property and malicious activities continue to occur across the United States and The University of Texas System.
- It is incumbent upon all employees to utilize best practices and safeguards to prevent potential loss of Intellectual Property and/or damage to the mission of the institution due to:
 - Cyber-attacks
 - Insider threats
 - **Undue foreign influences**

Consequences of stolen Intellectual Property

- Lost revenue
- Lost employment
- Damaged reputation
- Debarment/loss of federal/state funding
- Health and safety concerns from counterfeit products
- Lost investment for Research and Development (R&D)
- Delays or interruption in production

“There have been efforts to induce American scientists to secretly conduct research programs on behalf of foreign governments or to inappropriately disclose non-public results from research funded by U.S. government sources.

Such threats are real, serious, and completely unacceptable.

- Dr. Eric Lander

President’s Science Advisor and Director of the Office of Science and Technology Policy

Response from the federal government and funding agencies

- Foreign interest in proprietary data and Intellectual Property is an advanced and persistent threat.
- An example of attempts to thwart undue foreign influence or respond to such concerns includes:
 - **NIH changing reporting requirements such that:**
 - ‘Other Support’ includes **all** (emphasis theirs) resources made available to a researcher in support of and/or related to all their research endeavors, regardless of whether they have monetary value and regardless of whether they are based at the institution the researcher identifies for the current grant.
 - In-kind contributions, e.g., office/laboratory space, equipment, supplies, or employees or students supported by an outside source.
 - Supporting documentation, which includes copies of contracts, grants or any other agreement specific to senior/key personnel foreign appointments and/or employment with a foreign institution for all foreign activities and resources that are reported in ‘Other Support’.

Regents’ Rule 30104 and University Policies

- Rule 30104 found in Regents’ *Rules and Regulations* includes Section 5 which **prohibits substantial relationships** between any U.T. officer or employee, including a faculty member or researcher, and programs sponsored, funded, directed, or controlled by a **foreign government, foreign agency, or foreign institution, unless properly and timely disclosed and approved** in accordance with University policy.
- Per University Policy, HOP Section V, Chapter 29, employees **must request approval** for any substantial relationship between themselves and any program sponsored, funded, directed, or controlled by a foreign government, foreign agency, or foreign institution.
- Per University Policy, HOP Section IV, Chapter 2 in determining whether research, a significant financial interest, or a substantial relationship with a foreign entity should be disclosed, the covered individual **should resolve the doubt in favor of disclosure**.

Consequences

- Noncompliance poses **risks of civil and criminal penalties** to both the individual and the University.
- Noncompliance poses **risks of loss of research funding** to both the individual and the University.
- The US Department of Justice has **pursued multiple criminal filings** including:
 - charging professors with wire fraud
(18 USC § 1343)(e.g., US v. Hu, No. 3:20-cr-00021, 2020),
 - federal program fraud
(e.g., US v. Lewis, No. 1:20-CR-8, 2020),
 - federal program bribery
(18 USC § 666) (e.g., US v. Tao, No. 2:19-cr-20052-JAR, 2019),
 - making false statements within the jurisdiction of an executive agency
(18 USC § 1001) (e.g., US v. Lieber, No. 1:20-mj-02158-MBB, 2020),
 - conspiracy to defraud the United States
(18 USC § 371),
 - criminal false claims
(18 USC § 287) (e.g., US v. Zhang, No. 7:17-cr-00073-MFU, 2017).
- Even when noncriminal, **undue** influences pose a corruption risk to a system that depends upon values of openness, transparency, and merit-based competition, **these influences necessitate a wider array of controls and processes** to work against those risks.

Examples

- **Different forms of affiliations with institutions outside of UTEP may create a conflict of interest or otherwise violate policies if not disclosed. These include:**
 - Participation in foreign government-sponsored talent recruitment programs
 - Titled positions, recognitions, and/or status with an institution outside of the U.S.
 - Paid and/or unpaid international collaborations
 - Service as a principal or co-principal investigator outside of UTEP

Action steps

- **Employees should:**
 - Keep up-to-date annual disclosures of conflicts of interest
 - Request approval prior to participating in an outside activity, per University policy, specifically if the activity is related to a foreign entity
 - Maintain up-to-date foreign income and affiliation statements
 - Protect confidential research-related or grant-related information by using UTEP research data centers, asking for help in the case of ambiguity or suspected sensitive data, and prudent data sharing with parties outside of UTEP
 - Contact/report cyber or intrusion concerns to the **Information Security Office**, and research or partnership concerns to the **Office of Research and Sponsored Projects**
 - Request approval or submit a disclosure through the **Outside Activity Portal** at: <https://outsideactivity2.utsystem.edu>.
 - Email foreigninf@utep.edu if you have questions on the regulations or requirements.

*Teachable Takeaways (NEW) – Undue Foreign Influence

- Undue foreign influence generally occurs within the following categories:
 - Peer review violations.
 - Failure to disclose substantial foreign resources or relationships.
 - Failure to disclose significant foreign financial conflict of interest.
 - Noncompliance with regulatory requirements.

- Did you know that a foreign government talent program is “an effort directly or indirectly organized, managed, or funded by a foreign government or institution to recruit [science and technology] professionals or students (regardless of citizenship or national origin, and whether having a full-time or part-time position)” (National Archives, 2021).

- Did you know that participation in a foreign government talent program is not currently illegal, but it presents ethical conflicts that sometimes preclude U.S.-based researchers from receiving federal agency support. For instance, some federal agencies, like the Department of Energy (2019), have implemented policies that prohibit participation in foreign talent programs for employees and contractors.

- The characteristics of problematic foreign talent recruitment program agreements include:
 - Effort commitments that conflict with U.S. university primary appointments.
 - Requirements to own all research results, which interferes with the ability to freely publish.
 - One-sided contract terms that do not recognize previous U.S. taxpayer support or IP rights.
 - Nondisclosure clauses that keep existence of contracts from universities and federal agencies.
 - Undisclosed use of U.S. university names, facilities, and IP.
 - Publication authorship requirements that conflict with accepted industry standards.

Additional resources - Undue Foreign Influence

- **Regents' Rules and Regulations**
Rule 30104: Conflict of Interest, Conflict of Commitment, and Outside Activities
<https://www.utsystem.edu/board-of-regents/rules/30104-conflict-interest-conflict-commitment-and-outside-activities>
- **NIH Foreign Influences Working Group**
<https://acd.od.nih.gov/documents/presentations/12132018ForeignInfluences.pdf>
- **HOP Section IV Research and Sponsored Projects, Chapter 4: Intellectual Property Policy**
<https://www.utep.edu/hoop/section-4/intellectual-property.html>
- **Proposal Submission Resources**
<https://www.utep.edu/orsp/proposal-development/support-services/proposal-submission-resources.html>
- **Office of Technology Commercialization**
<https://otc.utep.edu/>
- **Responsible Conduct in Research (RCR) Policy / FAQs**
<https://www.utep.edu/orsp/policies/responsible-conduct-in-research-policy.html>
- **CITI Registration and Training**
<https://about.citiprogram.org/en/homepage/>
- **Undue Foreign Influence – UTEP**
<https://www.utep.edu/orsp/policies/undue-foreign-influence.html>
- **Research and Sponsored Projects Council**
<https://www.utep.edu/orsp/research-and-sponsored-projects-council/index.html>
- **Award Management Resources**
<https://www.utep.edu/orsp/proposal-development/support-services/award-management-resources.html>
- **Research Evaluation and Assessment Services**
<https://www.utep.edu/orsp/reas/index.html>
- **Information Security Office**
(915) 747-6324
- **Office of Research and Sponsored Projects**
(915) 747-5680
- **Office of Institutional Compliance**
(915) 747-6478

End-module questions

Question #1 (Refer to Slides #19)

Federal agencies like the NIH do not require disclosing outside funding of post-docs or other support services.

True or False

Question #2 (Refer to Slide #13)

Developing Intellectual Property without disclosure to the University and/or release of Intellectual Property for work conceived or done as a University investigator to any entity without appropriate licensing/contract from the University is:

- a. Not allowed
- b. Unlawful
- c. Both a & b

Question #3 (Refer to Slide #19)

When in doubt, it is best to disclose to UTEP a foreign partnership or agreement that involves any type of resource exchange (financial, equipment, personnel, etc.).

True or False

End-module questions

Question #4 (Refer to Slide #21)

If you have questions regarding cyber or intrusion concerns, who should you contact?

- a. Office of Technology Commercialization
- b. University Communications
- c. Office of Information Security

Question #5 (Refer to Slide #21)

Protect confidential research-related or grant-related information by using UTEP research data centers, asking for help in the case of ambiguity or suspected sensitive data, and prudent data sharing with parties outside of UTEP.

True or False

Question #6 (Refer to Slide #22)

Participation in foreign talent recruitment programs is one of the most commonly cited avenues of potential undue foreign influence. What are some documented characteristics of foreign talent recruitment programs?

- a. Foreign government-managed efforts to acquire researcher knowledge.
- b. Significant financial incentives and binding contracts that can include strict nondisclosure clauses, including to the researcher's home institution.
- c. Requests to assist foreign colleagues in advancing commercialization and patents.
- d. All of the above

Question #7 (Refer to Slide #21)

In the event of concerns or to seek guidance on foreign affiliations or disclosures, contact foreigninf@utep.edu.

True or False