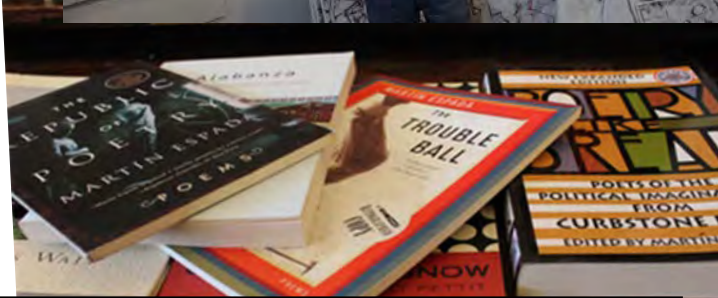


UMASS
AMHERST



Technology
Transfer Office



Services for the
Creative Arts

For Authors, Artists, Musicians & Architects



First Things First:

These Services are FREE! – There is No Catch!

You Own It. UMass doesn't claim ownership of "Exempted Scholarly Works," which include textbooks, class notes, research proposals, classroom presentations and instructions, research articles, research monographs, student theses and dissertations, paintings, drawings, sculpture, musical compositions and performances, dramatic works and performances, poetry, and popular fiction and nonfiction. If you have created a work that is not on this list, it may still be an exempted scholarly work; ownership is reviewed on a fair and reasonable case-by-case basis.

You keep all the money. UMass doesn't get a share of money earned from the creative works you own. You will be free to keep all income for yourself, and you are free to work out income sharing with your co-creators as you may agree between you; and whether such sharing is warranted or legally required will be up to you (preferably in consultation with an attorney).

There are no fees. There is no charge to faculty or co-creators, departments or deans for these services. The costs of providing these services are covered entirely by the Technology Transfer Office. You may have some expenses for copyright or trademark registration, or for obtaining advice from an outside attorney about a contract, but the Technology Transfer Office services are free of charge.

So why is UMass Amherst doing this? It's simple: we love the creative arts, and want them to grow and prosper. Protecting creative works with copyrights, trademarks and sensible contracts encourages and enables creative artists like you to distribute, display and perform their works. Our services benefit the public by increasing its ability to experience, enjoy and own copies of UMass Amherst creative works. They benefit UMass, its schools, departments and faculty by increasing public recognition that UMass Amherst is an outstanding source of works of creative expression. And they help advance the career interests of UMass Amherst faculty and students by expanding their recognition by the public, their peers and potential future sponsors, collaborators and employers.

Eligibility for Services for the Creative Arts

All Faculty in All Schools, Departments and Centers! All tenure track and non-tenure track UMass Amherst faculty are eligible for these services, regardless of their school, department, or center affiliations. These services will also benefit students, postdocs, staff and others who work with faculty to create such works.

This includes the expected works, e.g., artwork created by faculty in the School of Humanities and Fine Arts, architectural drawings created by faculty in the School of Architecture, and testing materials created by faculty in the College of Education.

It also includes the less expected works, such as business diagrams and illustrations created by faculty in the Isenberg School of Management, textbooks written by faculty in the College of Natural Sciences, and instructional audio-visual works created by faculty in the School of Engineering.

And even includes unexpected works! Such as a screen play written by a faculty member in the physics department, a musical composition written by a faculty member in the School of Public Health Sciences, and a mural painted by a faculty member in the Stockbridge School of Agriculture.

In case you are unsure, we can help **All UMass Amherst Faculty**, including those in the:

- College of Humanities and Fine Arts
- College of Education
- College of Natural Sciences
- College of Social and Behavioral Sciences
- College of Engineering
- Stockbridge School of Agriculture
- School of Architecture
- Isenberg School of Management
- School of Public Health and Health Sciences
- College of Nursing

Examples of Services for the Creative Arts

(Others are possible, please ask!)

All Services for the Creative Arts are free of charge; and you will retain full ownership of your scholarly works. The Technology Transfer Office provides information, assistance and support. Examples of the kind of help we can provide are provided below. If you don't see what you need on the list, please ask! We can help in almost any situation.

Copyrights

- General information and advice
- Registration assistance
 - Including serial registrations for evolving works
- Information on proper copyright notices, use of ©
- Obtaining permission to include third-party photos, diagrams, etc. in authored works (frequently many such permissions are needed)
- Help finding publishers, distributors, galleries, supply houses
 - Including contacting such parties and seeking their interest
- Business advice on publishing agreements, distribution agreements, joint development agreements, editing agreements, gallery agreements, speaker's agreements, and other contracts with outside entities for services, distribution, performance or display
- Information about organizations that collect and distribute royalties including the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), and SoundExchange
- Explanation of ways infringement can be dealt with
- Referral and collaboration with the library's copyright attorney, the UMass trademark licensing director, and/or outside counsel

Trademarks (e.g., book names, artwork titles, names of audiovisual works)

- Advice on selecting strong trademarks (including information about the various types; descriptive, suggestive, arbitrary, and fanciful)
- Help deciding if multiple or sequential marks are needed
- Information about the protection of trademarks under state law and under federal law
- Information about the proper use of TM, SM and ®
- Searching the U.S. Patent and Trademark database and other sources to help you determine if desired marks are available, in use, or may cause "likelihood of confusion"

Examples of Services for the Creative Arts (Cont'd)



- Information on how to file your own trademark registration, or referral to local lawyers who can file it for you
- Help understanding “cease and desist” letters, and the ways creators and businesses deal with them

Confidentiality Agreements

- Information about how they are used, typical contract terms and generally recognized exceptions from what is “confidential information”
- Help in deciding if you want to accept or disclose confidential information, and if so, how long confidentiality should last
- Referral to local attorneys who can provide legal advice or negotiate terms for you

Consulting Agreements

- Help setting fees, describing services and defining deliverables
- Information about common mistakes and pitfalls
- Referral to local attorneys who can draft agreements, provide legal advice or negotiate terms for you

Licensing Agreements

- Advice on business issues, royalty rates, and negotiation techniques
- Information on how complex business arrangements might be organized
- Continuing advice throughout the licensing process
- Referral to local attorneys who can draft agreements, provide legal advice or negotiate terms for you

Starting a Company

- Advice and guidance on defining products and services, target markets
- Help evaluating market size, likely market penetration, revenue potential
- Help calculating likely prices, cost-of-goods, overhead costs, profit margins
- Information about different types of business structures Referral to mentors who can provide advice and guidance at no cost
- Referral to potential business partners
- Referrals to attorneys who can handle the legal aspects
- Advice on how to balance partner’s shares in the business with their responsibilities, and how to assure that receiving that share is dependent on their level of effort and quality of performance
- Access to UMass Amherst start-up company resources, including guidance from an “Entrepreneur in Residence” and possible start-up funds.

Two Ways To Request Services

1. Call Us or e-Mail Us!

Program Manager Lyne Laliberte will be glad to hear from you, please call her at 5-1062, or email her at laliberte@research.umass.edu. You can reach Bob MacWright, the Director of the Technology Transfer Office, at 5-1587, or macwright@umass.edu

2. Fill out the brief form below.

We all get tired of forms, so this one is only 2 pages long; and you can leave as many things blank as you wish - we'll get that information later. If it takes you more than 10 minutes to fill out the form, please call us, you are going too far!

You can send the form to Program Manager Lyne Laliberte via campus mail, or scan and email it to her at laliberte@research.umass.edu

Don't Hesitate; if in doubt, contact us!

Some of these issues can be complex and confusing, and sometimes you think you know the answer, but aren't sure. We can help with issues big or small, and if you already have something figured out, we will be glad to put your mind at ease.



Services for the Creative Arts

Service Request Form

(No need for this form if you just have a quick question, call Program Manager Lyne Laliberte at 5-1062, or email her at laliberte@research.umass.edu)

Instructions: This form is just a way for you to request our services, and a starting point for us. You do NOT have to convince us of anything! This is merely the *beginning of a conversation*. When we receive this form, we will contact you to set up a call or meeting to discuss the issues and your needs. We may be able to give you preliminary advice, and we will follow up with more specific information, advice and support.

You can fill out this form electronically and email it to us at tto@umass.edu, or fill it out by hand and send us a scan or send it to us via campus mail.

1. **Your Name :** _____

(Services can be requested by any of the Creators listed below.)

2. **What kind of work is this about?** (e.g., still life painting, jazz composition, etc.) If you have a name for this work, please write it here too.

3. **What kind of help do you think you need?** It's perfectly OK if you aren't sure, you can leave this box blank.



4. **If You Are Comfortable Doing So, Please Briefly Describe Relevant Facts, Circumstances and Issues.** If it would take too long, or if the situation seems awkward, please skip this part; whether you complete this or not, we will talk with you to get more information.

5. **Please Identify the Creators* of the Work.** If there are more than six, please attach a list. If you are not sure or if there is disagreement, please provide your own name and put a question mark (?) in the next box; we'll help you sort it out later.

	Name	e-mail	Phone
Faculty Creator**			
Creator #2			
Creator #3			
Creator #4			
Creator #5			
Creator #6			

* By “Creators,” we mean authors, artists, musicians, architects and others who created the work.

** The “Faculty Creator” is the faculty member we will have primary contact with. Creators 2-6 may be faculty, undergraduates, grad students, post-docs, staff, etc.

That’s It! If you filled out the form electronically, you can email it to tto@umass.edu. If you filled it out by hand, scan it and email it to us, or send it to us by campus mail.

We will be in touch with you soon!