



## **DIRECTIVE ON INTELLECTUAL AND INDUSTRIAL PROPERTY RIGHTS AND COPYRIGHT**

### **SECTION ONE Purpose, Scope, and Definitions**

#### **1. Short Title**

“Arkin University of Creative Arts and Design (ARUCAD) Copyright Compliance Directive”.

#### **2. Definitions**

For the purposes of this Directive, the following terms shall have the meanings set out below;

- a) University: ARUCAD University,
- b) Senate: The University Senate,
- c) Work: Any intellectual product bearing the characteristics of its creator and produced in the fields of science, literature, art, or technology,
- d) Author: The natural person who creates the work,
- e) Intellectual Property Rights: All rights on a work, including copyright,
- f) Industrial Property Rights: Rights such as patents, utility models, designs, trademarks, and geographical indications,
- g) Copyright: The entirety of economic and moral rights granted to the author,
- h) Moral Rights: Non-transferable rights such as attribution and protection of the integrity of the work,
- i) Economic Rights: Rights such as reproduction, distribution, performance, and communication of the work to the public,
- j) University Resources: Financial resources, infrastructure, laboratories, equipment, and human resources belonging to the University,
- k) Open Access: The provision of academic outcomes free of charge and accessible,
- l) License: Permissions granted regarding the use of a work,
- m) Commercialization: The conversion of intellectual products into economic value.

#### **3. Purpose**

The purpose of this Directive is to regulate the procedures and principles regarding the protection, management, sharing, and commercialization of intellectual and industrial property rights and copyrights arising from educational, research, development, and artistic activities carried out within the University. Additionally, this Directive aims to establish an institutional framework to ensure compliance with copyright in the use of third-party works.

#### **4. Scope**

This policy covers academic and administrative units, employees, students, interns, researchers, alumni, and natural and legal persons collaborating with the University, as well as all scientific, artistic, technical, and digital products produced using University resources.

This Directive has been prepared in accordance with Law No. 5846 on Intellectual and Artistic Works, Law No. 6769 on Industrial Property, relevant higher education legislation, and the University's internal regulations.

This Directive includes all rights related to works, inventions, designs, software, databases, audio-visual productions, course materials, and other intellectual products. It also covers authorized third parties and all information assets in physical, digital, and electronic environments.

## **SECTION TWO**

### **Principles of Ownership, Use, and Sharing**

#### **5. Fundamental Principles**

- (1) The primary principle for all intellectual products produced within the University is the protection of the author's rights.
- (2) The following criteria are considered in determining ownership:
  - a. Who produced the work,
  - b. Whether University resources were used,
  - c. Whether the work was produced within the scope of duty or independently.
- (3) Moral rights are non-transferable and belong to the author. The University cannot use any work without attributing the author. The integrity of the work shall be preserved.
- (4) Economic rights shall be shared or transferred in accordance with the principles set forth in this Directive.

#### **6. Works Produced by Academic Staff**

- (1) Scientific publications (articles, books, papers, etc.) produced by academic staff shall, as a rule, belong to the author.
- (2) However, in the following cases, the University may be the rights holder or co-rights holder:
  - a. Significant use of University resources (beyond ordinary academic activities, including funding, special equipment, laboratory use, technical support, or project budgets),
  - b. Production within the scope of a project or contract,
  - c. Creation within duties carried out on behalf of the University.
- (3) Regarding course materials (presentations, videos, lecture notes, etc.):
  - a. Content rights belong to the instructor,
  - b. The University has a free and perpetual right to use them for educational purposes; however, commercial use requires additional permission.
- (4) The University may use such materials for educational continuity, provided that the instructor's name is indicated.

#### **7. Works Produced by Administrative Staff**

- (1) Economic rights of software, reports, designs, and similar products produced by administrative staff within the scope of their duties belong to the University.
- (2) The author's moral rights are reserved.

#### **8. Student Works**

- (1) Copyright of theses, projects, designs, and artistic works produced by students belongs to the student.
- (2) The University has the right to:
  - a. Use them for educational, promotional, and archival purposes,
  - b. Exhibit and publish them on digital platforms,
- (3) Commercial use requires the student's written consent.

(4) Ownership in joint projects is determined according to contribution rates.

## **9. Art, Design, and Creative Productions**

- (1) Creative works such as visual arts, design, film, animation, photography, performance, and digital art produced within the University are considered original works bearing the author's characteristics, and their copyright belongs to the author.
- (2) The University has the right to use these works for:
  - a. Educational activities,
  - b. Exhibitions, screenings, and academic presentations,
  - c. Institutional promotion and communication,
  - d. Digital archiving and portfolio purposes.
- (3) Written consent of the author is required for commercial use, reproduction, or licensing to third parties.
- (4) In multi-layered productions such as film, video, and animation;
  - a. Rights of directors, screenwriters, cinematographers, designers, and other contributors are protected,
  - b. Ownership is determined according to contribution rates.
  - c. In the event of the commercial exhibition, distribution, or publication of the work on platforms, rights ownership shall be regulated separately by contract.
- (5) In exhibitions and performances;
  - a. Use without attribution is prohibited,
  - b. Context and integrity must be preserved.
- (6) In digital art and new media (NFTs, interactive works, AI-assisted art, etc.);
  - a. Compliance with copyright of used data and content must be ensured,
  - b. Originality and ethical suitability must be observed.
- (7) For creative works produced within projects supported by the University (i.e., projects receiving financial, technical, spatial, or equipment support from the University), separate agreements may be concluded.

## **10. Joint Productions and Collaborations**

- (1) In works produced by more than one person, rights ownership shall be determined in accordance with the proportion of contribution.
- (2) In university–industry collaborations:
  - a. Ownership is determined by contract,
  - b. Confidentiality and commercialization are regulated separately.
- (3) In externally funded projects, the rules of the funding body apply.

## **11. Industrial Property Rights (Patent, Design, etc.)**

- (1) Applications for inventions developed within the University are essential.
- (2) Ownership belongs to the University if:
  - a. University resources were used,
  - b. Developed within the scope of duty.
- (3) Revenue sharing shall be determined and implemented in accordance with the provisions of the 'ARUCAD Revolving Fund Regulation' and may be updated when necessary.
- (4) The University has the right to manage commercialization.
- (5) Academic and administrative staff shall be obliged to notify the University in writing, without delay, of intellectual products with commercialization potential.

## **12. Use of Third-Party Works**

- (1) University staff and students shall be obliged to comply with copyright when using works belonging to third parties.

- (2) The following uses are limited:
  - a. Photocopying and scanning
  - b. Digital reproduction and sharing
  - c. Uploads to LMS (Learning Management System) and MS Teams
- (3) Use is subject to:
  - a. Proper citation
  - b. Licensing or permission
  - c. Not exceeding the limits set within the scope of the exceptions provided for by law
- (4) Mass and systematic reproduction is prohibited.

### **13. Digital Content and Educational Platforms**

- (1) Content shared on LMS, MS Teams, cloud systems and digital platforms must comply with copyright law.
- (2) Course materials:
  - a. Shall be shared only with enrolled students,
  - b. Shall not be published openly without permission,
  - c. The University may use the relevant materials, in the event that the instructor leaves their position, for the purpose of ensuring continuity of education.
- (3) Video lectures cannot be shared with third parties without the consent of the lecturer.

### **14. Open Access and Publication Policy**

- (1) The University supports open access policy.
- (2) Publications shall, to the extent possible:
  - a. Be stored in institutional archives,
  - b. Be made openly accessible
- (3) Copyrights shall be protected with due regard to publisher agreements.

### **15. Artificial Intelligence and Digital Productions**

- (1) In AI-supported content:
  - a. Sets of data must comply with copyright,
  - b. Originality must be ensured.
- (2) Responsibility lies with the user.
- (3) Productions giving rise to copyright infringement shall be evaluated within the scope of disciplinary proceedings.

### **16. Assignment of Rights and Licensing**

- (1) Assignment of rights shall be carried out by a written agreement.
  - a. The University shall have the authority to grant licenses where necessary.
  - b. Open licenses (e.g., Creative Commons) may be used.
  - c. The use of licensed electronic resources shall be subject to the conditions determined by the Library.

### **17. Confidentiality and Trade Secrets**

- (1) Commercializable works are confidential.
- (2) Unauthorized disclosure may result in loss of rights.

## SECTION THREE

### Monitoring, Audit, Violations, and Sanctions

#### 18. Institutional Responsibility and Structure

- (1) The following units shall be responsible for the implementation of this Directive:
  - a. **Rectorate:** Strategic oversight and final decision-making authority
  - b. **Vice Rectorate:** Process coordination
  - c. **Intellectual and Industrial Property Committee (IIPC):** To be assigned by the Rectorate where necessary, for evaluation and preparation of decisions
  - d. **Library and Documentation Department:** Copyright and licensing consultancy
  - e. **Information Technology Department:** Digital monitoring and system security
  - f. **Legal Counsel:** Conduct of legal procedures
  - g. **Faculties/Deans' Offices and Department Chairs:** Local implementation and supervision
- (2) The IIPC shall be established by Rectorate decision and shall consist of at least the following members:
  - a. Legal representative
  - b. Academic representative
  - c. Library specialist
  - d. Information technology representative

#### 19. Monitoring and Audit System

- (1) The University shall establish the following monitoring mechanisms to ensure copyright compliance:
  - a. Monitoring of course materials via the LMS
  - b. Similarity (plagiarism) analysis of academic publications
  - c. Tracking of digital content sharing through system logs
  - d. Periodic auditing of open access archives
- (2) Audits shall be conducted either regularly (periodically) or on an ad hoc basis upon notification/complaint
- (3) All audits shall be recorded and reported.

#### 20. Risk Management

- (1) Copyright infringement cases shall be evaluated under the following risk categories:
  - a. Low risk: Failure to provide attribution, minor-scale infringement
  - b. Medium risk: Unauthorized sharing of course materials
  - c. High risk: Systematic reproduction, commercial use
  - d. Critical risk: Infringements damaging institutional reputation and giving rise to legal sanctions
- (2) Preventive and corrective actions shall be defined for each risk category.

#### 21. Types of Violations

- (1) The following cases shall be considered copyright infringement:
  - a. Unauthorized reproduction and distribution
  - b. Systematic copying via photocopying or scanning
  - c. Unauthorized sharing on LMS, MS Teams, or digital platforms
  - d. Use without attribution (plagiarism)
  - e. Use in violation of license terms
  - f. Production using artificial intelligence tools that results in copyright infringement
  - g. Unauthorized commercialization of works produced using University resources

## **22. Violation Reporting and Review Process**

- (1) Suspected copyright infringement may be reported through:
  - a. Official petition
  - b. Institutional email
- (2) Reports shall be kept confidential and evaluated by the IIPC.
- (3) Allegations of infringement shall be examined through the following stages:
  - a. Preliminary assessment
  - b. Collection of evidence (system logs, documents, etc.)
  - c. Obtaining the statement/defense of the relevant person
  - d. Preparation of committee report
  - e. Final decision
- (4) The process shall be completed within a maximum of 30 days.
- (5) Relevant parties may appeal against the decision. The decision rendered after reconsideration shall be final.

## **23. Sanctions**

- (1) The following sanctions shall be applied depending on the nature of the infringement:

For Academic Staff:

- a. Warning
- b. Reprimand
- c. Removal of course materials
- d. Disciplinary investigation

For Administrative Staff:

- a. Warning and reprimand
- b. Disciplinary procedures

For Students:

- a. Cancellation of grade
- b. Failing the course
- c. Disciplinary penalty

At institutional level:

- a. Removal of content
- b. Revocation of license
- c. Initiation of legal proceedings

## **24. Education and Awareness**

- (1) The University shall organize training on copyright and intellectual property for academic and administrative staff. Participation in such training shall be mandatory.
- (2) Copyright awareness training may be organized for students. Academic staff shall inform students, within their courses, about copyright and intellectual property relevant to the subject matter.
- (3) The Library and relevant units shall provide advisory services.

## **25. Legal Procedures**

- (1) In cases of serious infringement, the University shall initiate legal proceedings in accordance with applicable laws.
- (2) Compensation for material damages may be claimed.

## **SECTION FOUR**

### **Other Provisions**

#### **26. Cases Not Covered by This Directive**

In cases not covered by this Directive, the relevant provisions of ARUCAD's other applicable regulations, and decisions of the Board of Trustees, Senate, or relevant Executive Boards shall apply.

#### **27. Entry into Force**

This Directive shall enter into force as of the date of its approval by the Senate of Arkin University of Creative Arts and Design.

#### **28. Enforcement Authority**

The provisions of this Directive shall be enforced by the Rector of Arkin University of Creative Arts and Design.