

# Copyrightable Works Policy



## Maine State Government Department of Administrative and Financial Services Office of Information Technology (OIT)

### Copyrightable Works Policy

#### **1.0 Purpose**

- 1.1 This policy is intended to ensure that State of Maine personnel understand that all copyrightable works prepared by State personnel within the scope of their employment are the intellectual property of the State of Maine.

#### **2.0 Definitions**

- 2.1 *Intellectual Property:* As used in this policy "intellectual property" shall mean copyright, and all rights in the nature of copyright, as well as the tangible media in which a work may be fixed.

#### **3.0 Applicability**

- 3.1 This policy applies to:
  - 3.1.1 The Maine State Executive Branch, including all agencies, departments, commissions, committees, authorities, divisions, boards, or other administrative units, that operate under the direction of the Governor; and
  - 3.1.2 All personnel, both employees and contractors/vendors, within the Maine State Executive Branch.

#### **4.0 Responsibilities**

- 4.1 Agency Management:
  - 4.1.1 Ensures that their personnel are aware of, and compliant with, this Policy;
- 4.2 Chief Information Officer (CIO):
  - 4.2.1 Owns and interprets this Policy.
- 4.3 Office of Information Technology (OIT) Account Managers:
  - 4.3.1 Liaises with Agency Management in executing and enforcing this Policy.

## Copyrightable Works Policy

### 5.0 Directives

- 5.1 All works of authorship protectable under the [Copyright laws of the United States](#)<sup>1</sup> and the [Digital Millennium Copyright Act](#),<sup>2</sup> including, but not limited to, all computer applications/software, maps, photographs, drawings and other graphic matter, data compilations, reports, instruction manuals, text books, videotapes and other audiovisual works and all fiction and non-fiction writings, prepared by any personnel of the State of Maine within the scope of their employment, are the sole intellectual property of the State of Maine.
- 5.2 The State of Maine shall treat any work prepared in whole or in substantial part during working hours, any work prepared using equipment, or any other tangible or intangible resource belonging to the State of Maine, as having been prepared within the scope of the preparing personnel's employment without regard to the content of that personnel's job description.
- 5.3 Any personnel of the State of Maine who loads or uses, or assists in loading or using, any computer application/software prepared by State personnel on any computer owned or leased by the State of Maine shall be deemed to have acknowledged that the application/software was prepared by State personnel within the scope of that employment.

### 6.0 Document Information

- 6.1 Initial Issue Date: December 2002
- 6.2 Latest Revision Date: February 28, 2025
- 6.3 Point of Contact: [PolicyTeam.OIT@Maine.Gov](mailto:PolicyTeam.OIT@Maine.Gov)
- 6.4 Approved by: Chief Information Officer, OIT
- 6.5 Legal Citation: [Title 5, Chapter 163: Office of Information Technology](#)<sup>3</sup>
- 6.6 Distribution: [Internet](#)<sup>4</sup>

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<sup>1</sup> <https://www.copyright.gov/title17/>

<sup>2</sup> <https://www.copyright.gov/title17/AppendixB.pdf>

<sup>3</sup> <http://legislature.maine.gov/statutes/5/title5ch163sec0.html>

<sup>4</sup> <https://www.maine.gov/oit/policies-standards>