



Introductions and a disclaimer

- I am a librarian who follows copyright issues in academia.
- I am NOT a lawyer.
- The Van Pelt and Opie Library can help inform you on copyright and help you locate relevant information.

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Today

- Thesis/Dissertation considerations
- Copyright basics
- Using copyrighted works
- You as rights holder

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Consider this...

- Your thesis or dissertation will as visible as the scholarly journals in your field.
- You wrote it, but you aren't the only one who has a stake
- You probably have copyrighted content in your work

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Consider this...

- Your thesis or dissertation will as visible as the scholarly journals in your field.
 - ETDs
 - searchable databases
 - institutional repositories
 - interlibrary loan

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Consider this...

- You wrote it, but you aren't the only one who has a stake in the work.
 - University: Advisor, Department/College, Grad School
 - Publisher: ProQuest UMI
 - Funding Agency or Other Sponsor (employer?)

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Consider this...

- You probably have copyrighted content in your work.
 - Findings of others in your field
 - Images or Illustrations
 - Cited passages by others
 - Entire works you authored

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Consider this...

- You will be a rights holder (if you aren't already)
- Basic knowledge of copyright benefits you. Both as a user of content and as a creator of content.

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Copyright Basics

- United States Law applied to creations of the mind or intellectual property
- Automatic, no registration required
- Protects "works of creative expression for a limited time"

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Rationale

"To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

-United States Constitution

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Protected

- Original
- Creative
- Fixed

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Protected

- Original - Not a Copy
- Creative - Some degree of expression
- Fixed - Can be reproduced

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NOT protected

- Ideas
 - Facts or sayings
 - Inventions, processes or methods
- OR
- Works in the Public Domain
 - Publications of the U.S. Government

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Ownership

- Author or creator is the owner. Unless...

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Ownership

- Author or creator is the owner. Unless...
 - Work for hire
 - Co-authored work
 - Transferred copyright (publishing agreement)

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Duration

- Copyright lasts a long time (70+ years)
- Based on when work was created or published
- Expired copyright = Public Domain works
- In the U.S. all works published prior to 1923 are in the Public Domain.

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Duration

- The Digital Slider can help determine if a work is still protected

Is it Protected by Copyright?
For works first published in the U.S.A.*

Directions:
 • Set date of current date
 • Check applicable for work
 • Check from any (work) or selected (?) for checking
 • Checkmark

Permission Needed?
No

Copyright Status/Term: In Public Domain

Unpublished Works (Works of Copyright)
© 2013 All Rights Reserved. Michigan Technological University

Date of First Publication

Before 1923	Public Domain
After 1923 & Before 1978	Copyright (author's life + 70 years)
After 1923 & Before 1964	Copyright (author's life + 70 years)
After 1923 & Before 1964	Copyright (author's life + 70 years)
After 1963 & Before 1978	Copyright (author's life + 70 years)
After 1977 & Before 2002	Copyright (author's life + 70 years)
After 1977 & Before March 1, 1989	Copyright (author's life + 70 years)
After 1977 & Before March 1, 1989	Copyright (author's life + 70 years)
On or after March 1, 1989	Copyright (author's life + 70 years)
Published after 2002	Copyright (author's life + 70 years)

Created by Individual or Joint Authors
Created under Corporate Authorship

<http://librarycopyright.net/resources/digitalslider/>

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Exclusive Rights

- Reproduction
- Distribution
- Creation of Derivatives
- Public Display or Performance

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Exclusive Rights

- Reproduction - make copies
- Distribution – initially publish, sell, lease
 - First Sale doctrine
- Creation of Derivatives – allow sequels
- Public Display or Performance – allow exhibits or plays or recitals

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Limitations on Exclusive Rights

- Classroom Use
- TEACH Act
- Library and Archives
- Fair Use

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Fair Use

- Four factors must be considered
- Case by case application
- No restriction on type of use
 - Some uses are more favorable than others

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Fair Use – Four Factors

- Purpose of your use
- Nature of the work being used
- Amount or significance of portion used
- Potential impact on market for the original work

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Fair Use – Four Factors

- Nature of the work being used
 - Factual, non-fiction is favored
- Amount or significance of portion used
 - Limit to what is needed for your use
 - Do not take “heart” of the work
- Potential impact on market for the original work
 - Does your work replace the original?

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Fair Use – Four Factors - Purpose

- Traditionally scholarly use favored
- Transformative use now rules
- Tipping factor in many recent cases

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Fair Use Evaluator

What this tool can do for you:

- Help you better understand how to determine the "fairness" of a use under the U.S. Copyright Code.
- Collect, organize & archive the information you might need to support a fair use evaluation.
- Provide you with a time stamped PDF document for your records, which could prove valuable, should you ever be asked by a copyright holder to provide your fair use evaluation and the data you used to support it. (public record)
- Provide access to educational materials, external copyright resources, and contact information for copyright law at local & national levels.

What this tool cannot do for you:

- This tool does not provide legal advice. It merely the information you provide it, as well as your own judgment on the fairness of the use, form the tool guidance for every determination.
- Only a court of law can definitively rule on whether a use is fair or unfair. This tool does not assume or predict a court outcome.

<http://librarycopyright.net/resources/fairuse/>

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Using the works of others

- Is it subject to Copyright?
- Does Fair Use apply?
- Is permission already available?
 - Terms of use
 - Creative Commons licensing
- Seek permission

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Using the works you authored

- Are you the copyright holder?
 - Publishing agreement
- Does Fair Use apply?
- Is permission already available?
 - Authors information on publishers site
 - Sherpa/Romeo site
 - www.sherpa.ac.uk/romeo/
- Seek permission

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You as a Rights Holder

- Read and understand all publishing agreements
- Copyright is automatic, but registration has benefits
- Ask questions if you aren't sure
 - The Library and the Graduate School can help!

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Questions?

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Featured Resources

Digital Slider tool. M. Brewer & ALA. 2012.
<http://librarycopyright.net/resources/digitalslider/>

Fair Use Evaluator tool. M. Brewer & ALA. 2008.
<http://librarycopyright.net/resources/fairuse/>

SHERPA/RoMEO. Univ. of Nottingham. 2013.
<http://www.sherpa.ac.uk/romeo/>

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Where can I find help?

QUICK LINKS

Graduate School Staff

Calendars

Degree Requirements

Reports

Theses and Dissertations

Financial Information

Forms and Deadlines

FAQs

Policies and Procedures

Professional Resources

Quick Links are on every page:
mtu.edu/gradschool

Resources

Resources

Online seminars

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For all items you did not create or for any published papers or other materials...

- Include a full citation to the source material in an appropriate location (caption, text, footnote)
- Include a credit line in an appropriate location (not needed for citing facts or paraphrased ideas)
 - See Chicago Manual of Style (15th ed) items 12.42-12.47, 12.49
 - Note that some publishers have special requests for the formatting of the credit line ("With kind permission...")
- This is an expectation for all scholarly work, not a Graduate School requirement

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Three steps to using copyrighted material

- See the "Guide to completing a graduate degree and preparing and submitting a dissertation, thesis, or report at Michigan Technological University"
- Step 1: Determine if permission is needed (5.3.1)
- Step 2: Obtain permission as needed (5.3.2)
- Step 3: Document ability to reprint (5.3.3)

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Step 1: Determine if permission is needed

- See the Guide – 5.3.1
- This is your decision to make
- Permission is not needed for:
 - Public domain
 - Expired copyright
 - Fair use
 - Figures or text that have been substantially altered from their original source
 - Papers where you have retained the right to republish

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Step 2: Obtain permission as needed

- See Section 5.3.2 of the Guide for links
- Permission must be in writing
 - Email
 - Fax
 - Paper letter
- If there are signatures on any pieces, and you wish to include them in your dissertation, thesis, or report, they must be redacted (obscured)
 - This helps to prevent identity theft

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Step 3: Document ability to reprint

- See Section 5.3.3. of the Guide
 - I can't read minds!
- Follow any instructions given by the rights holder
 - Special credit line text
 - Embargo of work until it's published?
- Send all documentation to the Graduate School
 - Explanations of fair use of public domain – URLs are acceptable (but may not stay in place forever)
 - Copyright transfer agreements for papers you have published
 - Permissions

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Step 3: Document ability to reprint (2)

- **Organize** all documentation:
 - Neatly in an appendix to document **OR**
 - In a single PDF file **OR**
 - A comment in Canvas (for **very** simple items)
 - ◆ *Example: All figures are public domain because they were created by employees of the federal government.*
- **Label** each item with a cross reference:
 - Ex: This letter is for Figure 4.5.
 - Ex: Documentation for Chapter 2.
- **Remove** all signatures (see redaction tool in Acrobat)

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How to reprint a paper you have previously published

- Document that you have the ability to reprint
 - See Steps 1-3 that we just discussed
- Add a preface to the document (Guide 4.7)
 - List full citation for each item
 - Label each item with a cross reference (ex: In Chapter 3...)
 - Provide a short description of all co-authors' role (ex: I collected all of the data and wrote the paper. Co-author 1 did...)
- Add a footnote to each chapter or section (Guide 4.12.2)
 - Full citation to the source
 - Credit line as needed
 - Reference to documentation if included in Appendix (ex: See appendix A for copyright transfer agreement.)

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Preface is required for two reasons

1. Published materials republished in their entirety
 - Published materials are items in print, **accepted for publication, in review, planned for submission**
2. You include materials developed collaboratively
 - A chapter, which is not published, was prepared by you and another person

Preface describes the contribution of all collaborators.

Guide 4.7

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