

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

Original

Original

Original

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



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

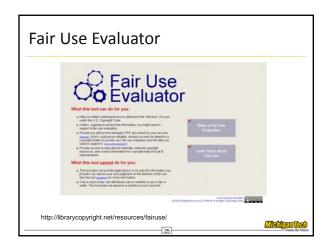
- Nature of the work being used
 - Factual, non-fiction is favored
- Amount or significance of portion used
 - Limit to what is needed for your use
 - Do not take "heart" of the work
- Potential impact on market for the original work
 - Does your work replace the original?

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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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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?

29

Featured Resources

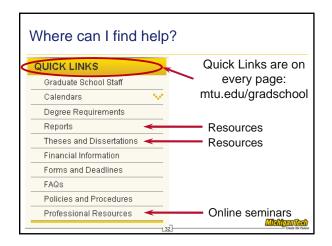
Digital Slider tool. M. Brewer & ALA. 2012. http://librarycopyright.net/resources/digitalslider/

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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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

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)





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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