Copyright and Your Thesis or Dissertation
Nora Allred, Copyright Librarian, Van Pelt & Opie Library

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.

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

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

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

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?)
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

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.

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”

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

Protected

• Original
• Creative
• Fixed

Protected

• Original - Not a Copy
• Creative - Some degree of expression
• Fixed – Can be reproduced
NOT protected

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

Ownership

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

Ownership

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

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.

Exclusive Rights

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

**Limitations on Exclusive Rights**

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

**Fair Use**

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

**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

**Fair Use – Four Factors - Purpose**

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

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

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

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!

Featured Resources
http://librarycopyright.net/resources/digitalslider/

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

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

Questions?
Copyright for the Graduate School
Dissertations and Theses

Where can I find help?

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

Resources
Online seminars

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

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)

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

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
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

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.)

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)

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.