Overview

- Finding information and help
- What is Copyright?
- Examples
- How to use materials created by others
- How to use papers you’ve previously published
- Fair use

Disclaimer: This presentation is not legal advice and is only informational.

Acknowledgement: Parts of this presentation were developed previously by Nora Allred, the University’s copyright librarian.
Who should I email?

gradschool@mtu.edu

What’s important on the web?

[Image of Michigan Tech website with menu options such as Programs, Prospective Students, Financial Information, Policies and Procedures, Resources For, Graduate School, and No Other Grad School Gets There.]
Current Students

Find a Resource

### Academic
- Forms and deadlines
- Completion timelines
- Prepare dissertation, thesis or report
- MyMichiganTech

See all academic resources

### Professional
- Succeeding in Grad School
  - Online seminar archive
- GSG serves you
- Career Services

See all professional resources

### Graduate Life
- Get Involved
- Explore the Community
- Find Medical Support
- Family Support

See all graduate life resources

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Helpful Resources

- **The Guide** – describes all formatting requirements and has helpful links and copyright information
- **Templates** – Word and LaTeX
  - Easily format your document – see previous Formatting 101 for more information
- **Theses and Dissertations** – copyright section includes links to tools, FAQ and more
Copyright in the Classroom

- Today, we're talking about copyright for printed works like journals articles and dissertations
- Different rules exist for reusing materials in the classroom
- Rules are more liberal, and are more codified
  - A current events class wouldn’t be very current if you couldn’t use a newspaper article from this morning’s paper
- There are rules, though, and limitations to how much and how often materials can be copied
Physical Property

- Examples: car, house, piece of equipment
- There are laws that govern property
  - I can’t take a car I don’t own even if the keys are in it – I need permission of the owner to drive it
  - I can’t sell my house without my husband’s approval since both of our names are on the deed
  - I can’t damage somebody else’s property (and get away with it)

Physical Property vs. Intellectual Property

- Physical property is “stuff”
  - The physical book, a car, a house, etc.
- Intellectual property is “property of the mind”
  - Examples: logo for a company, idea on how to make something, creative expression of an idea, music
  - It’s not tangible like a house, but it’s still property
Laws for Intellectual Property

- Just as for physical property, there are laws that govern how intellectual property can be used
  - I can’t use the Nike “swoosh” for my logo
  - I can’t make a patented device without permission
  - I can’t sell a poem that I didn’t write
  - I can’t post music from Maroon 5 on a public site for my friends to download
  - Well, I can do these things, but if the owner finds out, I could be in trouble…

Intellectual Property – 4 types

- Trademark ®
- Patents
- Copyright ©
- Trade secrets

- We’re focusing on copyright today because we’re talking about dissertations, theses, and reports
In Academia

- Patents and copyrights are the most common form of intellectual property
- At Michigan Tech, the Office of Innovation and Industry Engagement files and licenses patents
  - [http://www.mtu.edu/research/administration/iie/](http://www.mtu.edu/research/administration/iie/)
  - University has first right of refusal on technology developed by its employees
  - First $1,000 of royalties goes to the inventor(s). Additional royalties are split based on income level
  - If the University doesn't patent the idea, you may pursue on your own

What is Protected by Copyright?

- Works of authorship include:
  - Literary, musical, artistic, audiovisual, architectural, etc.
- Works of authorship must be:
  - Original – Not a copy of a previously existing work
  - Creative – Must display a degree of creative effort
  - Fixed in a tangible medium of expression – written, recorded, filmed, saved to a device or otherwise captured
What is NOT protected by Copyright?

- ideas
- facts
- discoveries
- data

*Copyright protects the *creative expression.*

For Example

**Not Protected**
- Idea of Vikings invading Mars
- Facts such as dates and holidays on the calendar
- Data presented in the table

**Protected**
- Novel about Vikings invading Mars
- Bridges of Michigan calendar
- Original and creative table of data
Are there exceptions?

**Licensed Material**
- Libraries & Pay to view service
- Terms of license can override or build upon copyright
  - This might apply to your own published works
- Creative Commons other “share licensing”

**Public Domain**
- Expired copyright
- U.S. Government works
- Permission free use
Simple data table

<table>
<thead>
<tr>
<th>Property</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melting point</td>
<td>280°C</td>
</tr>
<tr>
<td>Tensile modulus (1 mm/min)</td>
<td>10.6 GPa</td>
</tr>
<tr>
<td>Tensile strength at break (5 mm/min)</td>
<td>182 MPa</td>
</tr>
<tr>
<td>Tensile strain at break (5 mm/min)</td>
<td>3.4%</td>
</tr>
<tr>
<td>Flexural modulus at 23°C</td>
<td>9.1 GPa</td>
</tr>
<tr>
<td>Notched Izod impact strength at 23°C</td>
<td>95 KJ/m²</td>
</tr>
<tr>
<td>Density at 23°C</td>
<td>1.40 g/cc</td>
</tr>
<tr>
<td>Volumetric electrical resistivity</td>
<td>10¹³ ohm-cm</td>
</tr>
<tr>
<td>Surface electrical resistivity</td>
<td>10¹³ ohm</td>
</tr>
<tr>
<td>Thermal conductivity at 23°C</td>
<td>0.2 W/mk (approx.)</td>
</tr>
<tr>
<td>Humidity absorption (25°C/50%RH)</td>
<td>0.03 w%</td>
</tr>
<tr>
<td>Mold shrinkage-parallel</td>
<td>0.06%</td>
</tr>
<tr>
<td>Mold shrinkage-normal</td>
<td>0.7%</td>
</tr>
<tr>
<td>Coefficient of linear thermal</td>
<td>0.64 × 10⁻⁶/°C</td>
</tr>
<tr>
<td>expansion-parallel</td>
<td></td>
</tr>
<tr>
<td>Coefficient of linear thermal</td>
<td>0.38 × 10⁻⁶/°C</td>
</tr>
<tr>
<td>expansion-normal</td>
<td></td>
</tr>
</tbody>
</table>

- Data is not copyrighted
- This table is not a creative expression of the data
- This is not generally considered to be copyrighted

Keith et. al, Polymer Composites (2009)

Simple Graph

- Data is not copyrighted
- This figure is not a creative expression of the data
- This is not generally considered to be copyrighted

Keith et. al, Polymer Composites (2009)
- Figure contains a simple representation of data, a photograph and labels
- This is a creative expression of the information and therefore is copyrighted
- This is copyrighted

Keith et. al, Polymer Composites (2009)

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Photograph or Art

- A photograph is generally a creative expression of information – the composition, camera settings, etc., can all be chosen by the photographer
- These are copyrighted

(left) Keith et. al, Polymer Composites (2009), (right) D. Charlesworth 2017
Software Screenshots

- Image contains icons I did not create
- This is generally considered to be protected by copyright
Can I use copyrighted material in my document?

- Only if you have permission!
- This includes:
  - Your own published work, like journal articles and conference proceedings
  - Works published by others, like figures from journal articles or pictures
  - Items from the internet or software screenshots
- Always cite the original source!
  - If you don’t, it’s plagiarism....

Step 1: Cite the original source

- This is a scholarly expectation!
- This applies even if the material is your own work that has been published
- For figures and tables, the citation should be in the text and caption
  - Captions with figures/tables should allow the material to stand on its own
A citation alone is not sufficient

- A citation acknowledges that your document is not the original source
  - This is done for proper attribution and to avoid allegations of plagiarism
- A citation, however, does not give you permission to use the material
  - It’s like having the keys to a friend’s house. Just because you have the keys doesn’t mean you can host a wild party at their house.

Step 2: Determine if permission is needed

- See Section 5.3.1 of the Graduate School “Guide” for more information
- Permission is not needed for:
  - Public domain
  - Expired copyright
  - Fair use
  - Figures or text that have been substantially altered from their original source – caption should indicate that the material was adapted from the cited source
  - Papers where you have retained the right to republish
Step 3: 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 4: Document ability to reprint

- See Section 5.3.3. of the Guide
- 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
What kind of documentation do I need to reprint materials?

- Permission letters – in writing
- Documentation that the item…
  - Is in the public domain – the Graduate School doesn’t know just by looking at it
  - Is “fair use” – the Graduate School doesn’t know just by looking at it
  - Has an expired copyright – the Graduate School doesn’t know just by looking at it

Step 4: Continued

- **Organize** all documentation:
  - An appendix to document OR
  - A single PDF file (upload to ProQuest and Digital Commons) OR
  - A comment in Digital Commons (for very simple items) if you can explain in one sentence
- **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)
4 steps summarized

1. Cite your material
2. Determine if you need permission
3. Obtain permission
4. Document your ability to reprint the items
What is a published paper?

- For the purposes of a thesis or dissertation:
  - Published materials are items in print, accepted for publication, in review, or planned for submission
  - Only in print items require copyright documentation

Can I use a paper I’ve already published in my document?

- Only if you have permission!
- This includes:
  - Your own published work, like journal articles and conference proceedings
  - Works published by others, like figures from journal articles or pictures
  - Items from the internet or software screenshots
- Always cite the original source!
  - If you don’t, it’s plagiarism….
Repeat steps 1-4

- Step 1: Cite the original source
- Step 2: Determine if permission is needed
  - Review the copyright transfer agreement you (or your advisor) signed with the publisher. The agreement may already state that you can reuse the paper.
- Step 3: Obtain permission if needed
- Step 4: Document the ability to reprint

What is a copyright transfer agreement?

- It’s an agreement the authors of an article sign with a publisher
- The authors initially own the copyright to their written article
- The authors sign an agreement with the publisher that transfers some or all of the copyright to the publisher
  - Read these carefully – they’re available online
  - You are bound to this agreement even if you don’t sign it
  - Most allow reuse of articles in a thesis/dissertation
Step 5: Add footnotes to your document

- Add a footnote to each chapter or section (Guide 4.12.2)
  - See Guide for suggested text; alter as needed
  - Credit line as needed by publisher

Step 6: Add a Preface to your document

- Preface describes the contribution of all collaborators, including you!
- It does not need to be long.
- Contributions include things like:
  - Writing the paper
  - Analyzing data
  - Planning experiments
  - Collecting data
  - etc.

Guide 4.7
What is Fair Use?

Fair Use Limitation

- Fair use allows the use of some copyrighted materials without asking for permission
- Four factor test
  - (Purpose, Nature, Amount, Market Effect)
- Case-by-case application
- Ambiguous by design
- Challenges are decided in the Courts
  - (Universities, publishers, other vested parties)
For Example

Four Factors

<table>
<thead>
<tr>
<th>Purpose of the use</th>
<th>Nature of the copyrighted work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is your use</td>
<td>Are you borrowing</td>
</tr>
<tr>
<td>transformative?</td>
<td>from fact or fiction?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Amount of the work used</th>
<th>Potential market effect for the copyrighted work</th>
</tr>
</thead>
<tbody>
<tr>
<td>How much and how important?</td>
<td>Are you depriving the rights holder?</td>
</tr>
</tbody>
</table>
Try this Tool: **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.
- Compile, organize, & archive the information you might need to support a fair use evaluation.
- Provide you with a time-stamped, PDF document for your records/purpose, which could prove valuable should you need to provide it in a legal forum.
- Provide access to educational materials, original copyright resources, and current information for copyright help at local & national levels.

**What this tool cannot do for you:**
- This tool does not provide legal advice; it includes the information you provide it as well as your own judgment on the fairness of the use. Do your own research for more information.
- This tool does not determine if a particular use is fair or unfair. The tool does not determine or predict a court outcome.

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**Useful Links and References**

- **Library - Copyright Help** – Van Pelt and Opie Library’s copyright pages contain basic information on copyright law and the use of copyrighted materials in academia. (Michigan Technological University)
  - Nora Allred is the University’s Copyright Librarian and can assist students
- **Graduate School - Copyrighted Materials** – MTU Graduate School’s site features resources on copyright, fair use and graduate research. (Michigan Technological University)
  - Dr. Debra Charlesworth can assist students with copyright questions pertaining to their dissertation, thesis, or report
  - [Copyright Crash Course](http://www.copyrightcrashcourse.org) (University of Texas, Austin)
  - [United States Code, Title 17](https://www.copyright.gov/title17/sec107.html) (Cornell Law School legal Information Institute)
  - [Copyright & Fair Use, Stanford University Libraries](http://www.stanford.edu/class/1382205/lib/1382205_copyright.html) (Stanford University/Nolo)
Copyright of your Dissertation, Thesis, or Report

- Students, as the sole author, own the copyright to it
  - If parts have already been published, then the copyright transfer agreement with the publisher spells out what rights the author(s) retain
- To reuse parts of a thesis or dissertation in a journal article or book chapter, you essentially need to ask yourself permission to reprint

Filing your Copyright

- Students may file their copyright to their dissertation, thesis, or report
- It gives a student additional protections if their copyright is infringed
  - Reports must file on their own with the US Copyright office
  - Dissertations and Theses may file on their own or with ProQuest for a $55 fee
Bottom Line

- Cite all your sources
- Obtain permission as needed
- Document that you have the ability to reprint items that are copyrighted
- Lots more to learn!

Questions?