Copyright and Your Dissertation, Thesis or Master’s Report

Van Pelt & Opie Library
Disclaimer

• This is an educational presentation
• I am not a lawyer
• Not legal advice
Objectives

• Understand the basics of copyright law
• Recognize your options for using copyrighted material in your work
• Appreciate the impact of the publishing agreements you will sign
Copyright

U.S. intellectual property law granting certain exclusive rights over *works of creative expression* to the creators of those works for a limited period of time.
Creative expression

- Original
  - Your own words
- Fixed in a tangible medium
  - Is reproducible
- Creative
  - Displays at least a minimum degree of creativity
For example

• The presentation notes I write about copyright are *in my own words* are *original*.
  
• Because my presentation slides are saved in a file, they are *fixed in a tangible medium*.

• My slides are more than simple *alphabetical listing* and are therefore *creative*.
Creative is not just artistic

Works considered *creative* within the context of the law:

- Research paper presenting findings
- Figures or illustrations in a scientific textbook
- Arrangement of data in a technical report
What is NOT copyrighted?

Facts/ideas, discoveries, inventions, processes

- Patents, trademarks, trade secrets may protect some of these
- Data are discovered not created, BUT the way data are arranged or displayed could be creative expression
Exclusive rights of copyright

- Reproduction
- Distribution
- Creation of derivative works
- Performance or display
- Permission to allow the above
Limitations on exclusive rights

Legal “failsafe” to prevent intellectual monopolies

• Public Domain
  • Duration of copyright
  • U.S. government publications
• Fair Use

Plus there are other options…
Options
Public Domain

- Copyright expires (eventually)
  - 1923 or before
  - Author’s life +70 years

- Works of the US government
  - Statistics
  - Technical reports
Fair use

• Written into the law as a limitation on exclusive rights
• Intentionally vague for broad application
• Powerful tool for researchers
• Four factor “test” must be applied to each use
Four factors

- **Purpose**
  - What is your intended purpose in using the work?
  - Is it “transformative?”
- **Nature**
  - What sort of work are you using?
- **Amount**
  - How much of the work will you use? Or how significant is the part you are using?
- **Effect**
  - Are you competing with the market for the original?
For example

For my thesis, I am examining the effectiveness of different types of assembly instructions for consumer products like furniture or toys and I want to include examples of these instructions from well-known manufacturers in my thesis.

- **Purpose**
  - What is my purpose in using the work?
  - Is it “transformative?”
- **Nature**
  - What sort of work am I using?
- **Amount**
  - How much of the work will I use? Or how significant is the part I use?
- **Effect**
  - Am I competing with the market for the original?

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For example

For my thesis, I am examining the effectiveness of different types of assembly instructions for consumer products like furniture or toys and I want to include examples of these instructions from well-known manufacturers in my thesis.

- Purpose – favors (scholarly research, transformative)
- Nature – favors (non-creative)
- Amount – undecided (using what I need)
- Effect – favors (not in competition)
Open Access and Licenses

- **Open Access**
  - “free”
  - Stipulations for subsequent use may apply
  - Found in repositories, social sites and journals

- **Licenses**
  - Author applied permissions for reuse
  - Stipulations for subsequent use may apply
  - Creative Commons [icon]
Seek permission

• You may need to seek permission
  • Reproducing a previously published (or accepted) work (even if you’re the author)
  • If you are copying entire figures from another source

• Getting permission
  • Click through agreements
  • Carefully read terms
  • Get permission in writing (email is okay)
Who is the copyright holder of your dissertation, thesis or report?

- The university
- The publisher
- You
- All of the above
Who is the copyright holder of your dissertation, thesis or report?

- The university
- The publisher
- You *
- All of the above
Publishing your work

• You are the rights holder
• You will enter into two \textit{non-exclusive} publishing agreements
  • ProQuest
  • Michigan Tech (Digital Commons @ Michigan Tech)
• You retain your copyright
Publishing options

- **Open access (OA)**
  - Work is freely available on internet
  - Option for dissertations, theses, reports

- **Traditional or Restricted Access**
  - Access to work is by fee or status
  - May be only option for works with a lot of third party content

- **Embargo**
  - Delay publication to protect intellectual property
ProQuest (dissertations, theses)

- **Traditional**
  - Work is sold through subscription database or express site
  - No publishing fees
  - Royalties possible

- **Open Access PLUS**
  - Work is open in PQDT Open database
  - Work is also sold by publisher
  - No royalties to author
  - One time publishing fee
Digital Commons @ Michigan Tech (all)

- **Open Access**
  - Anyone with computer/internet can access
  - Work discoverable and accessible through Google Scholar
  - No publishing fee

- **Campus (restricted) Access**
  - Library users on campus or current Tech affiliates can access
  - May be shared through interlibrary loan
  - No royalties, no publishing fees
Summary

• You will be a copyright holder (if you aren’t already)

• Basic knowledge of copyright benefits you both as a user and as a creator of protected content

• Read and understand all publishing agreements
More information & help

• Library’s guide on copyright: http://libguides.lib.mtu.edu/copyright
• Request a consultation: http://www.mtu.edu/library/research/ask-us/consultation-request/
• Contact us: reflib@mtu.edu
Questions?

Thank you!

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