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

*The way an idea is presented, NOT the idea itself*
Copyrighted works are

• Original
  • Your own words

• Fixed in a tangible medium
  • Are reproducible

• Creative
  • Display at least a *minimum* degree of creativity
For example

- This presentation about copyright is *in my own words*. It is *original*.

- My presentation slides are saved in a file. They are *fixed in a tangible medium*.

- My presentation is more than a simple *alphabetical listing*. It is *creative*.
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*
“Creative” does not equal “artistic”

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

- Research paper presenting findings
- Figures or illustrations in a scientific textbook
- Arrangement of data in a technical report
Exclusive rights of copyright

- Reproduction
- Distribution
- Performance or display
- Creation of derivative works
- Permission to allow any/all of 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)
  • 1924 or before
  • Author’s life +70 years
  • Up to 95 years for some works

• Works of the US government
  • Statistics
  • Data
  • 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?

Try the [Fair Use Evaluator](#) tool
For example

For her thesis, Kate is examining the effectiveness and limitations of different types of assembly instructions included in toy construction sets. She wants to include examples of these instructions from well-known manufacturers including Lego and Meccano in her thesis.

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

For her thesis, Kate is examining the effectiveness and limitations of different types of assembly instructions toy construction sets. She wants to include examples of these instructions from well-known manufacturers including Lego and Meccano in her thesis.

- Purpose – **favors** (scholarly research, transformative)
- Nature – **favors** (non-creative)
- Amount – **undecided** (using *only* what is needed)
- Effect – **favors** (not in competition)

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Open Access and Licenses

• Open Access
  • “free to access”
  • Found in repositories, social sites and journals

• Licenses
  • Author applied permissions for reuse
  • Creative Commons

NOTE: Stipulations for subsequent use may apply
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)
Publishing
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 *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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