Electronic Theses and Dissertations

MANAGING COPYRIGHT

What is an ETD, ultimately?

Training ground for new scholars/researchers

Need to make sure the ETD prepares them for a career

Evidence record is key to all research
Purpose

Provide an overview of the challenges and opportunities “copyright” poses and provides for you as a researcher, particularly regarding your research outputs.

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Electronic Theses and Dissertations used to be PDFs. Increasingly, students report that non-PDF files are just as or more important research outputs and evidence.

How do you make sure that your research outputs are protected by copyright?
How do you make sure that your research outputs do not infringe upon existing copyrights?
How can copyright help you, or someone else, to use and build upon your research outputs in the future?
As a researcher in an academic environment, understanding copyright basics can help you to share and protect your work effectively and purposefully. The decisions you make now about copyright will have implications for your work, including how it can be built upon in the future.

As you work on your thesis or dissertation, it is useful to build a basic understanding of two key aspects of copyright:

1. How copyright impacts your ability to include others’ works within your own (including those you have collaborated with to produce, or that you have already published);
2. How decisions you make about your own copyright may impact the future of your own research outputs.

In other words, you need to know how to recognize and use copyrighted materials produced by others and how to register and manage copyright for your own work. There are many guides and resources available to students regarding copyright that can help you to evaluate and select from a range of options available to you, many of which we reference herein.
This workshop focuses specifically on some of the decisions you may need to make regarding the materials you have created or used in your research process, including drawings and photographs, tables and charts, lab notes and datasets, interviews and newscasts, software and digital artworks. It describes in non-legal language the basics of a few important terms, including “fair use,” “public domain,” and “Creative Commons,” as they may apply to these materials.

Failure to consider the implications of different copyright approaches for your own work can limit the impact of your work. Failure to adequately review, vet, and seek permission to use others’ work can, in a worst-case scenario, prevent your work from getting published or (in rare cases) lead to legal actions.
Let’s start with three definitions—US Copyright, Public Domain, and Fair Use (on the next slide)
So, Fair Use applies to a lot of the work we do in higher education. Not all use in higher ed is covered under “Fair Use” though!

Typically, Fair Use criteria (as established in the courts) are as follows:

• the purpose (e.g., educational and research uses favor fair use while commercial uses do not);

• the type (e.g., factual or nonfiction-based information may favor fair use; highly creative work likely will not);

• the amount (e.g., small quantities vs. a significant portion of the original work);

• the effect (e.g., no negative impact on the copyright holder).

http://copyright.gov/circs/circ01.pdf
Understanding Copyright

Giving credit is no substitute for asking permission!

When you are using works by another person, you must take into account copyright concerns. If the works are in the Public Domain or are covered clearly under the auspices of Fair Use, you may use the works and provide credit.

However, if the works are NOT in the Public Domain or if they are NOT clearly covered under Fair Use, giving credit is not enough. You have to also request permission.

How and where to do that depends on the works involved. Some aggregators, like the Copyright Clearance Center, may facilitate the process for you if they manage the copyright of the work you want to cite. Otherwise, you may find yourself needing to track down and contact an author or artist, or their publisher/agent/label or estate, to seek permission.
Using Copyright

- Copyright for certain types of works you author *automatically* belongs to you.
  - literary works
  - musical works, including accompanying words
  - dramatic works, including accompanying music
  - pantomimes and choreographic works
  - pictorial, graphic, and sculptural works
  - motion pictures and other audiovisual works
  - sound recordings
  - architectural works

Framing is as follows: “original works of authorship” are automatically copyrighted by their authors, including literary, dramatic, musical, artistic, and certain other intellectual works.
It is critical that you realize that data is an exception to this “automatic” copyright status. It is worth designating a CC license in order to ensure you signal your intent for data that you share.

**Signaling Copyright**

- However, copyright **may not extend to research outputs** you produce as part of your thesis or dissertation.
  - Data is only thinly protected by copyright;
  - Consider designating a CC license to accompany datasets (e.g., CC0)
Creative Commons (CC) is a set of licenses that are available to copyright owners to designate what uses are permitted for a copyrighted work. These licenses put into plain language a set of legal constraints, including when a user needs to seek permission from the copyright holder, how the work's user should credit the original copyright holder, and what types of uses (including commercial/non-commercial) are permissible.

**Signaling Copyright**

- Creative Commons
  - CC0: a waiver (no license)
  - CC-BY: attribution
  - CC-BY-ND: attribution, no derivatives
  - CC-BY-NC: attribution, non-commercial
  - CC-BY-SA: attribution, share alike

More: [https://creativecommons.org/](https://creativecommons.org/)
As the author of the work, copyright for the thesis/dissertation you write automatically belongs to you, whether or not you have chosen to officially register it with the U.S. Copyright Office. You may also choose to register it.

Sometimes, it is worth it to register copyright
E.g., a computer science student may create a code-base that has potential for commercial release. The protection of that student’s interests may include both registering copyright for the code and patenting that invention.

Sometimes, it makes more sense to establish a CC license
E.g., a political science student may produce a dataset that would benefit other researchers, including journalists. Releasing the dataset with a license that clearly explains how and when it may be used will enable others to replicate or build upon it without concern.
Key Resources on Copyright

- NCA “Best Practices in Fair Use in Scholarly Research”
  https://www.natcom.org/fair_use.aspx
- CAA “Code of Best Practices in Fair Use for the Visual Arts”
- Cornell University “Fair Use Checklist”
  http://copyright.cornell.edu/policies/docs/Fair_Use_Checklist.pdf
**Activity**

- Select a chapter from your dissertation, at whatever stage it is now, and identify all the other works you cite, reference, or borrow from.

- Now, using the [Fair Use Checklist](#), the [Best Practices in Fair Use in Scholarly Research](#), and the [Code of Best Practices in Fair Use for the Visual Arts](#), determine which (if any) works may require additional research to determine if permission is needed.