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1) In US law (*US Code, Title 17*), copyright is the legal right to control certain uses of a work in order to maximize the benefits from that work.

- a) Copyright comprises a “bundle of rights” to copy, modify/rework, distribute, publicly display and publicly perform a protected work.
- b) Infringing any of these rights may result in civil penalties (injunctions, monetary damages) or criminal penalties.
- c) US Copyright law includes several limitations and exceptions to the rights of copyright holders. Among these exceptions is the Fair Use doctrine (*US Code Title 17, Section 107* that applies where an intended use of copyrighted material offers benefits to society that outweigh the benefit to the copyright holder). Fair Use must be evaluated on a case by case basis, and only the Courts can rule whether a use is “Fair” or not.

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- b) Copyright protection of your ETD lasts for the span of your life plus 70 years.

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- b) Your rights restrict others from copying, modifying, distributing, publicly displaying and/or publicly performing your work, unless you expressly grant permission for them to do so (or unless the intended use is determined to be a Fair Use.)

4) You are not required to register your thesis or dissertation with the US Copyright Office to secure or maintain copyright protection.

- a) You may choose to register your work with the US Copyright Office because registration could provide a broader range of remedies in the event your work is infringed.
- b) You may register your work online via the US Copyright Office’s user-friendly website for a \$35 fee.
- c) Other parties offer services to register your work with the Copyright Office in your name for an extra fee.

5) You are not required to place a copyright notice on your thesis or dissertation to secure its copyright status

- a) Doing so is good practice because it informs the public that the work is protected by copyright; identifies the copyright owner; and shows the year of first publication.
- b) The proper format for a copyright notice is © (the letter C in a circle), or the word “Copyright”; the year of first publication; and the name of the copyright owner. For example, © 2012 Jane Doe

6) If you want to include other’s work in your thesis or dissertation (for example charts, drawings, photographs, computer programs, music, etc.) you must first determine whether your intended use qualifies for the Fair Use provision (Title 17, Section 107, USC).

- a) The Fair Use provision of US Copyright Law stipulates that certain specific uses of copyrighted material, under certain conditions, are not an infringement. Past examples of uses that the Courts have considered to be Fair Use include criticism, comment, news reporting, teaching, scholarship, time shifting, and online searching.

a Fair Use analysis using four equal factors:

- (1) Purpose and character of the Intended Use;
- (2) Nature of the copyrighted Work;
- (3) Amount and substance of the portion being used;
- (4) Effect on the market or value of the copyrighted work.

- b) In making a Fair Use determination, it is recommended to use a Fair Use Checklist (see 'Resources' list below). Complete the checklist in its entirety, and file the checklist as documentation of your good faith effort to make a Fair Use determination.
- c) If you determine the use does not qualify for 'Fair Use', you need to request permission from the copyright holder or a license the work via a permissions agency.

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- c) You have the option to delay or restrict release of your ETD or a portion thereof in cases where part or all of your ETD is being published elsewhere or the work is subject to patent disclosure requirements

8) If you plan to publish your thesis or dissertation in a journal, book or other venue, you may be asked to sign a publisher's agreement requesting you to assign some or all of your copyright as a condition of publication.

- a) Be careful what rights you assign to the publisher -- many standard agreements ask you to give up control of your copyright, which could limit future use of your own work for teaching, scholarship and other purposes.
- b) Scrutinize the publishing agreement. Negotiate to retain your copyright while granting the publisher just the rights needed, such as "exclusive first publication rights in the Work" and "non-exclusive license for other uses of the Work for the duration of its copyright in all languages, throughout the world, in all media."

9) If you have retained the right to use published material in your thesis or dissertation, bring one of the following to the Office of Graduate Studies and Research:

- a) a written statement of permission for the specific article, *or*
- b) your publisher's agreement including your retained rights, *or*
- c) the general policy of rights retained by authors (often found on publishers' websites).

10) If You Have Assigned Copyright in your ETD to the Journal Publisher

- a) Contact the journal publisher to obtain the necessary permission and bring it to the Office of Graduate Studies and Research.

RESOURCES FOR FURTHER ASSISTANCE AND INFORMATION

Copyright Issues for Graduate Students

Kenneth D. Crews, *Copyright Law & Graduate Research: New Media, New Rights, and Your New Dissertation*. Online, URL: <http://www.umi.com/en-US/products/dissertations/copyright/>

Basics of Copyright Law

Copyright Law of the United States. Online, URL: <http://www.copyright.gov/title17/>

U. S. Copyright Office, *Copyright Basics*. Online, URL: <http://www.copyright.gov/circs/circ01.pdf>

U.S. Copyright Office, *Registering A Work*. Online, URL: <http://www.copyright.gov/help/faq/faq-register.html>

Fair Use

University of Texas, *Fair Use of Copyrighted Materials*. Online, URL: <http://www.utsystem.edu/ogc/intellectualproperty/copypol2.htm>

Checklist for Fair Use from the Copyright Advisory Office, Columbia University Libraries/Information Services. Online, URL: <http://copyright.columbia.edu/fair-use-checklist>.

Fair Use Analysis Worksheet from the University of Minnesota Libraries – TC Campus. Retrieved February 2, 2010. Online, URL: <http://www.lib.umn.edu/copyright/FU-checklist.pdf>.

Getting Permissions

“Sample Permission Letter”, Appendix A in Crews, K., *Copyright Law & Graduate Research: New Media, New Rights, and Your New Dissertation*. Online, URL: <http://www.proquest.com/en-US/products/dissertations/copyright/AppxA.html>

Authors’ Rights

Scholarly Publishing and Academic Resources Coalition (SPARC), *Resources for Authors*. Online, URL: <http://www.arl.org/sparc/index.html>

“Regain Control of Scholarly Communication” website, University of California Office of Scholarly Communication. Online, URL: <http://osc.universityofcalifornia.edu/>

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