Copyright and Scholarly Communication

Succeeding in Graduate Research Series
November 19, 2013
Copyright Facts (see also http://www.ecu.edu/PRR/10/40/02)

- Your work is copyrighted as soon as you express it
  - No registration required! Displaying the © symbol isn’t required!

- “Copyright” refers to these rights (and they are “severable”):
  - Display/Perform
  - Reproduce
  - Create derivative works
  - Sell or assign these rights to others

- How long does your copyright last?
  - Until you sell or assign it, or
  - Until 70 years after your death
Copyright Registration

- **Should you register your copyright anyway?**
  - You need a copyright page on your ETD
  - Signals your intent to enforce your copyright
  - Ensures the facts are on the public record

- **Options:**
  - ProQuest: $55 fee during submission process
  - Copyright Office: $35 fee ([http://www.copyright.gov/forms/](http://www.copyright.gov/forms/))
Limits on Copyright

**Fair Use:** Research, Scholarship, Criticism, Comment, News Reporting

**Public Domain**
1. non-copyrightable material
2. no notice included
3. was not registered or renewed
4. copyright has expired
5. owner has expressly placed it in the public domain
Using Copyrighted Materials in your ETD & Beyond

- **When do you need to obtain permissions?**
  - If exceeds Fair Use or License terms

- **Who do you ask for permission?**
  - Not always the name on the work (articles, images found in works, video, music)
  - Could be dead, have sold the rights to another, been bought out or gone out of business

- **How do you ask permission?**
  - Always write & keep copies of all correspondence. Ask for a template if you need assistance.

- **What might a permission require?**
  - Complete forms, pay royalties, agree to certain citation, agree to restrictions

- **What if they say no or you can't comply?**
  - Reference the source; don't copy from it. Look for another source.
What If You Already Published a Chapter?

- **Were you the only author?**
  - If not, discuss with your co-authors.

- **What does your publishing agreement say?**
  - Many publishers do allow reuse, but not all.
  - Some require citation to the prior publication.
  - A few might require payment or changes to the document.

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American Chemical Society. Journal Publishing Agreement.
[http://pubs.acs.org/paragonplus/copyright/jpa_form_a.pdf](http://pubs.acs.org/paragonplus/copyright/jpa_form_a.pdf)
Can I Publish a Chapter Later?

- Look up the Publisher's default policy on theses/dissertations
  - Many publishers will work with authors whose work is already available as an ETD
  - If in doubt contact the editor!
  - Librarians can help you find journals to submit to

- Joint Authorship or Single Author?
  - All authors should see and agree on the publication agreement before anyone signs it
Publication Agreements

- **Copyright Transfer**
  - *Most common*

- **Reserve any rights?**
  - *What might you want to do with the article later?*
  - *Ask for what you want – these agreements are negotiable!*

- **Licenses to Publish**
  - ECU’s Nonexclusive Distribution License
  - Creative Commons (CC) Licenses
What about Open Access?

- **Open Access choices are related to the Copyright and Publishing Agreements you enter**
  - Of course, *free to view* online does not mean *free of copyright*

- **Open Access Advantages?**
  - First claims; More eyes; More interest; More citations?

- **Open Access Concerns?**
  - Making sure you retained the rights; Copying or “Scooping” by others; Perceptions of journal quality; Later publications?
Funded Research

- If your work is funded by a grant from the National Institutes of Health (NIH)...
  - Any resulting peer-reviewed journal articles are subject to the Public Access Policy, which means...
    - An acceptable copy of the manuscript must be deposited to PubMed Central within 3 months of publication
    - Contact SCHOLARLYCOMM@ECU.EDU for help

- If your work is funded by other federal agencies....
  - Keep the last-revised manuscript of any journal articles
  - Watch for public access requirements!
What about My Data?

- It is NOT solely yours!
  - Generally owned by ECU (see Faculty Manual 7.2)
  - In custody of PI for at least 5 years

- Librarians can help you identify a data repository
  - Appropriate subject-area repository with preservation plans and unique identifier
  - Link back and forth between data and publications
If Your Work Can Be Commercialized

- **ECU's Copyright Regulation** requires disclosure in some cases
  - Made for hire / directed work / sponsored works
  - Intended for use outside ECU, especially software
  - Made with exceptional use of university resources

- **To disclose:**
  - Inform your supervisor or the Copyright Officer
  - Copyright Officer will review
  - May appeal to ECU's Copyright Committee
If Your Work Is Patentable

- **Patents**
  - For inventions (mechanical/biological/chemical), process methods, industrial designs, and software
  - Stronger legal protections than copyright, but for much shorter period (20 years)

- **Don't publish about it (yet)**
  - Delay articles and embargo your ETD

- **ECU might share ownership**
  - Read ECU's Patent Regulation (includes a profit sharing table)

- **Talk to ECU's Office of Technology Transfer**
The Scholarly Communication Office

- **Additional Scholarly Communication Services:**
  - Citation Management
  - Copyright Consulting
  - Data Management Consulting
  - Measuring Impact
  - Permissions Assistance
  - Public Access Policy Compliance
  - Publication Agreements
Questions?

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