



# **Copyright and Scholarly Communication**

**Succeeding in Graduate Research Series**

**November 19, 2013**

# Copyright Facts (see also <http://www.ecu.edu/PRR/10/40/02>)

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- ▶ **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

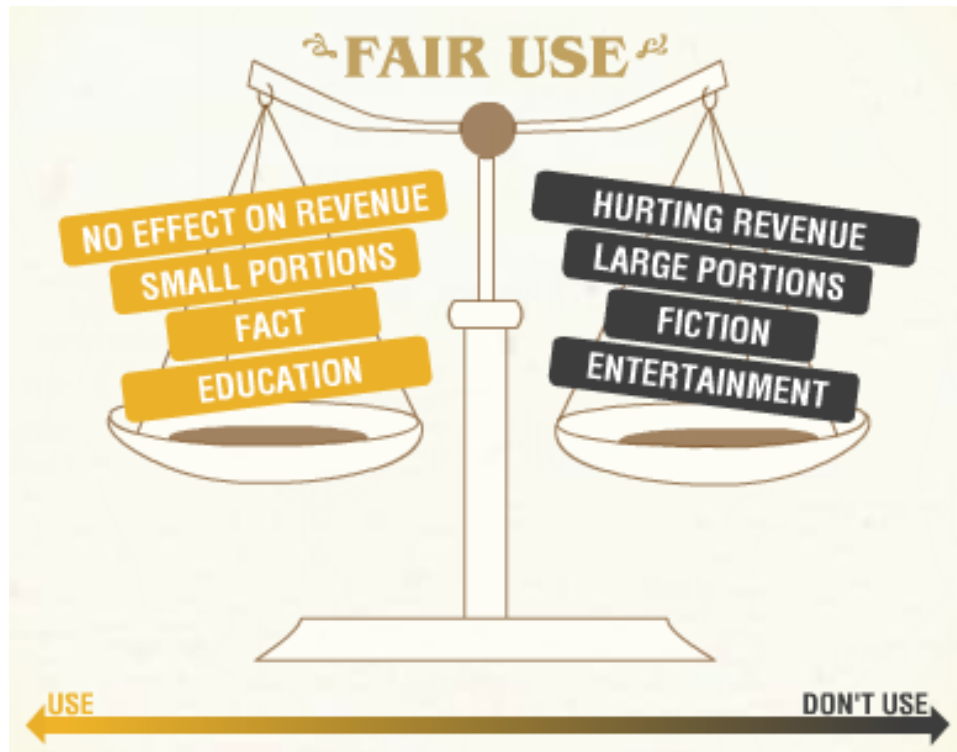
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- ▶ **Should you register your copyright anyway?**
  - ▶ You need a copyright page on your ETD
  - ▶ Signals your intent to enforce your copyright
  - ▶ Ensures the facts are on the public record
  
- ▶ **Options:**
  - ▶ ProQuest: \$55 fee during submission process
  - ▶ Copyright Office: \$35 fee (<http://www.copyright.gov/forms/>)



# Limits on Copyright

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



Baruch College. Interactive Guide to Using Multimedia in Your Courses.  
<http://www.baruch.cuny.edu/tutorials/copyright/Reader.html>

- ▶ **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

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## ▶ **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?

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- ▶ **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.

## **SECTION II: Permitted Uses by Author(s)**

### **1. Reuse/Republication of the Entire Work in Theses or Collections:**

Authors may reuse all or part of the Submitted, Accepted or Published Work in a thesis or dissertation that the Author writes and is required to submit to satisfy the criteria of degree-granting institutions. Such reuse is permitted subject to the ACS' "Ethical Guidelines to Publication of Chemical Research"



# Can I Publish a Chapter Later?

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- ▶ **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

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- ▶ **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?

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- ▶ **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

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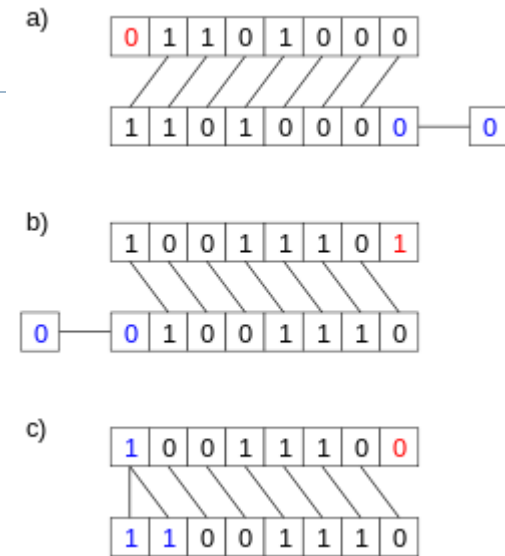
- ▶ **If your work is funded by a grant from the National Institutes of Health (NIH)...**
  - ▶ Any resulting peer-reviewed journal articles are subject to the **Public Access Policy**, which means...
    - ▶ **An acceptable copy of the manuscript must be deposited to PubMed Central within 3 months of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

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- ▶ **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

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- ▶ **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

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## ▶ **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

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- ▶ **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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- ▶ **Email: [COPYRIGHT@ECU.EDU](mailto:COPYRIGHT@ECU.EDU)**
- ▶ **Email: [SCHOLARLYCOMM@ECU.EDU](mailto:SCHOLARLYCOMM@ECU.EDU)**
  - ▶ **Call William at 252-328-2268**
  - ▶ **Call Joseph at 252-737-2728**

