



Copyright

Preservation and Curation of ETD Research Data
and Complex Digital Objects



EDU**COPIA**
INSTITUTE

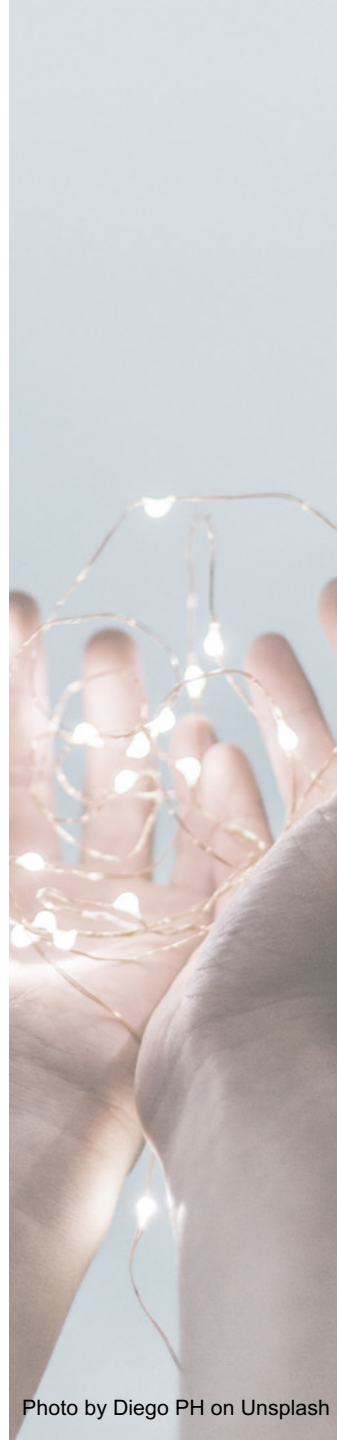
Workshop Background

Purpose

- Provide an overview of the opportunities and challenges “copyright” affords you as a researcher, particularly in your research outputs.

Context

- Workshop Series: Preservation and Curation of ETD Research Data and Complex Digital Objects
- Other topics: Data Organization, File Formats, Metadata, Storage, Version Control
- <https://educopia.org/research/etdplus>



Learning Objectives

- Learn when to seek appropriate permission to use existing works.
- Learn ways you may establish and signal copyright for your own works.
- Learn about what research outputs are and are *not* copyrighted automatically.

Understanding Copyright

- **US Copyright:** a legal tool authors and creators use to signal what other people can – or cannot – do with their works
- **Public Domain:** works not limited by copyright that can be freely used by anyone. Usually, a work enters the public domain once a defined period of copyright protection has lapsed.



Understanding Copyright

Fair Use: If you use a work that is within copyright, but meets certain “fair use” criteria, courts have found that no formal permission is needed.

Fair Use criteria include:

- the purpose
- the type
- the amount
- the effect

<http://copyright.gov/circs/circ01.pdf>

Understanding Copyright

Giving credit is no substitute for asking permission!

Photo by Josh Johnson on Unsplash

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

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., CC-BY)



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/>

Registering Copyright

The notice for visually perceptible copies should contain all the following three elements:

- The symbol © (the letter C in a circle), or the word “Copyright,” or the abbreviation “Copr.”
- The year of first publication of the work
- The name of the owner of copyright in the work

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”
<http://www.collegeart.org/pdf/fair-use/best-practices-fair-use-visual-arts.pdf>
- Cornell University “Fair Use Checklist”
https://copyright.cornell.edu/sites/default/files/2016-10/Fair_Use_Checklist.pdf

Copyright

US Copyright is a legal tool authors and creators use to signal what other people can – or cannot – do with their works.

Public Domain: Works are in the public domain once a defined period of copyright protection has lapsed, at which point they are no longer governed by copyright and can be freely used by anyone.

If you are using a work that is within copyright, but meets certain “fair use” criteria, courts have found that no formal permission is needed. The criteria that are taken into account include 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); and the effect (e.g., no negative impact on the copyright holder). <http://copyright.gov/circs/circ01.pdf>

Giving credit is no substitute for asking permission!

Creative Commons (recommended)

- 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/>

What can copyright protect?

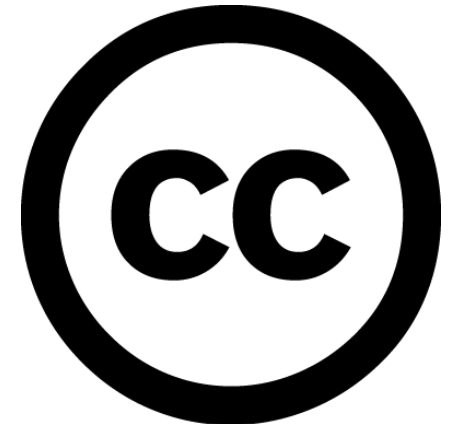
1. literary works
2. musical works, including accompanying words
3. dramatic works, including accompanying music
4. pantomimes and choreographic works
5. pictorial, graphic, and sculptural works
6. motion pictures and other audiovisual works
7. sound recordings
8. architectural works

What about my copyright?

Copyright for a work you author automatically belongs to you. However, copyright may not extend to research outputs you produce as part of your thesis or dissertation. For example, data is only thinly protected by copyright; specifically designating a CC license to accompany datasets (e.g., CC0) is a good approach for simultaneously sharing and protecting these outputs.

Resources

- NCA “Best Practices in Fair Use in Scholarly Research”
https://www.natcom.org/fair_us_e.aspx
- CAA “Code of Best Practices in Fair Use for the Visual Arts”
<http://www.collegeart.org/pdf/fair-use/best-practices-fair-use-visual-arts.pdf>
- Cornell University “Fair Use Checklist”
http://copyright.cornell.edu/policies/docs/Fair_Use_Checklist.pdf



Activity

- Select a chapter or research item of your thesis or dissertation work. Identify all the works you cite, reference, or borrow from.
- Now determine which (if any) of these works require additional research to determine if a copyright holder's permission is needed.
 - Use: 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](#)

