Copyright & the Doctoral Candidate

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Copyright Overview

- Federal laws designed to balance:

  Rights of authors to protect and monetize their work

  Rights of the public to access knowledge and advance society.

*Exclusive Rights*  
*Limitations*
Copyright Overview

- Applies to fixed, creative works
  - Literary works
  - Musical works
  - Dramatic works
  - Choreography, pantomimes
  - Pictorial, graphic, sculptural works
  - Motion pictures
  - Other A/V, sound recordings, architectural works
- Does **not** apply to facts
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Exclusive Rights

Limitations
Copyright Overview

**Exclusive rights** of copyright owners

- **Reproduction**
  - Make physical/digital copies for colleagues, students, others

- **Distribution**
  - Distribute physical/digital copies to colleagues, students, others

- **Publicly display**
  - Show video of your field work in the classroom, at conferences

- **Publicly perform**
  - Show photos, exhibits, figures from your work in the classroom, at conferences

- **Create derivatives**
  - Prepare subsequent article, chapter, book that builds upon original or prior research on a particular topic
Copyright Overview

Statutory **limitations** to exclusive rights
- *Fair use*
- Libraries exception
- First sale doctrine
- Classroom exception
- TEACH Act

Contractual limitations to exclusive rights
- Publishing agreements
- Licensing agreements
- Academic agreements
Copyright Overview

Fair use common limitation for scholars

• Case-by-case analysis depending on very nuanced facts
• Use Cornell Copyright Information Center Fair Use checklist to make determination
Copyright Overview

Publishing agreements

- Scholars often sign away their copyrights when publishing
- Result: Can’t use their own works in their courses

Licensing agreements

- Private agreements to access works
- Access limited/restricted based on terms of licensing agreements between publisher and licensee
Copyright Overview

Academic agreements

• Cornell’s copyright policy
  – Copyright in student works belongs to the student, with exceptions:
    • Grants, contracts
    • Works for hire
    • Substantial use of university resources
  – CU Inventions Policy trumps copyright policy
  – Clarify rights among collaborators
  – Grant non-exclusive rights to Cornell
Graduate Uses of Copyright

“…”

Using others’ works

Publishing your dissertation

Publishing articles, books
Graduate Uses of Copyright

Using Others’ Works

• Evaluate whether your use is “fair” under the law
  – Purpose of your use
  – Nature of the copyrighted work
  – Amount you use compared to the original
  – Effect of your use on the market

• If fair, acknowledge source with citation
• If not a fair use, seek permission
Graduate Uses of Copyright

Using Others’ Works

• Seeking permissions/license
  – Process
    • Email rights owner
    • Describe work, attach or link to copy
    • Describe proposed use, number of students
    • Ask for free permission
    • Retain every attempt and any responses
  – Caveats
    • They can say no
    • They can request payment
    • They can define terms
    • They may not respond (meme creators, protesters)
Graduate Uses of Copyright

Publishing Your Dissertation

• Requirement for graduation

• Consider:
  – Granting non-exclusive rights to publishers
  – Imposing an embargo on your work
  – Attesting to not violating copyright law
  – Registering your copyright
  – Applying a Creative Commons license
  – Your future publication plans
Graduate Uses of Copyright

Publishing Your Dissertation

- Creative Commons licenses; free, easy-to-use licenses

Others can use and modify, must attribute to you

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Others can use and modify for non-commercial uses, must attribute to you

![Creative Commons BY NC license](image)

Others can use and modify, must attribute to you and allow others to do the same to their works

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Others can use and share for non-commercial uses, must attribute to you with NO modification of your work

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Graduate Uses of Copyright

Publishing Articles, Books

• Publishers typically demand:
  – Complete transfer of copyright
  – No derivative or “competing” works
  – Payment for open access publishing
Graduate Uses of Copyright

Publishing Articles, Books

• Understanding and managing your rights as an author
  – Consult:
    • Publishing agreement
    • Publisher’s website
    • SHERPA/RoMEO
    • Cornell Author Rights Lib Guide
    • SPARC Author Rights Addendum
  – Negotiate your rights
  – Save your agreement and any related documentation
Graduate Uses of Copyright

Publishing Articles, Books

• SPARC Author Rights Addendum Clause

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http://www.sparc.arl.org/sites/default/files/Access-Reuse_Addendum.pdf
Resources

• Copyright Information Center
  – http://copyright.cornell.edu/

• Cornell Fair Use Checklist
  – http://copyright.cornell.edu/policies/docs/Fair_Use_Checklist.pdf

• Cornell Author Rights Lib Guide
  – http://guides.library.cornell.edu/c.php?g=527755&p=3608367

• Immersion Program Copyright LibGuide
  – http://guides.library.cornell.edu/olingrad/copyright

• Harvard Finding PD & CC Media
  – guides.library.harvard.edu/finding_images

• Creative Commons
  – https://creativecommons.org/
Questions?

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Thank you.