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Copyright: A Powerful Tool to Protect, Preserve, and Promote Your Research

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Copyright:

A Powerful Tool to Protect, Preserve,
and Promote Your Research

Sue Gardner & Paul Royster

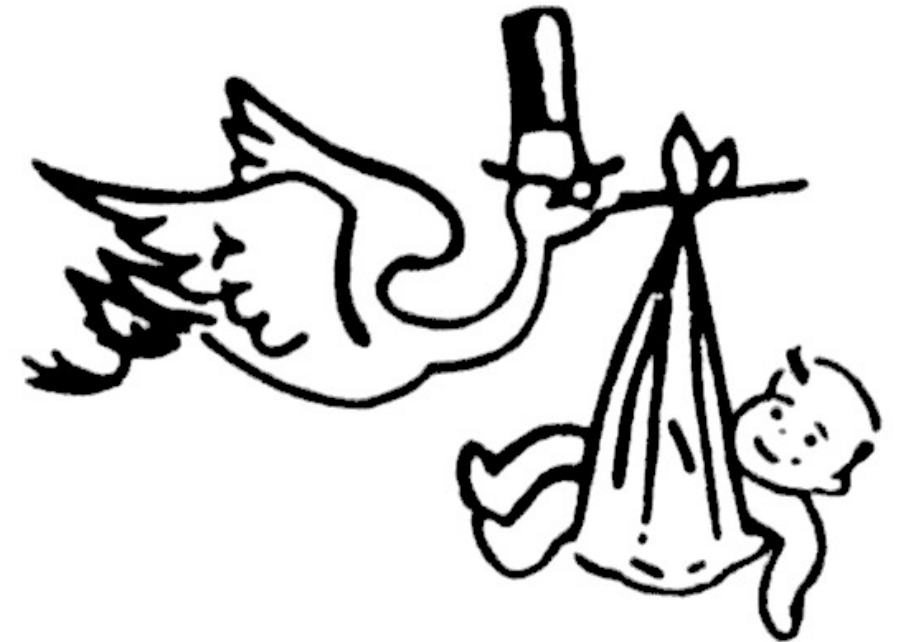
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April 9, 2019

Copyright begins at “birth”

- Not at “conception”
- But when a work assumes “fixed form”
- Conferred automatically
- If there are multiple creators, all are equal co-owners.



You can also register.

- Necessary if bringing suit for infringement
- Cost = \$35-\$55 (online)

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This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 410(a) of title 17, United States Code, attests that copyright registration has been made for the work identified below. The information in this certificate has been made a part of the Copyright Office records.

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Name of Country
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Anonymously? Yes No
Pseudonymously? Yes No

c NAME OF AUTHOR
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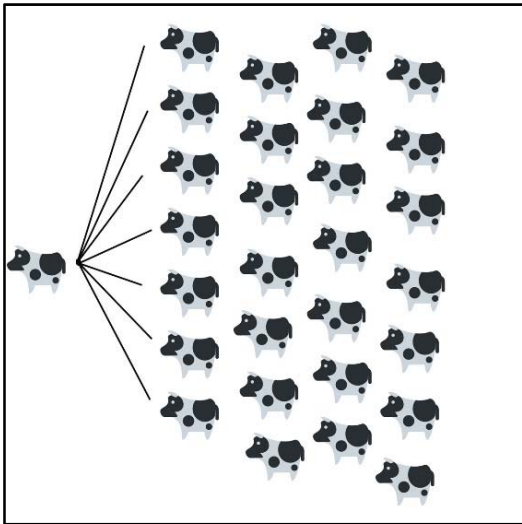
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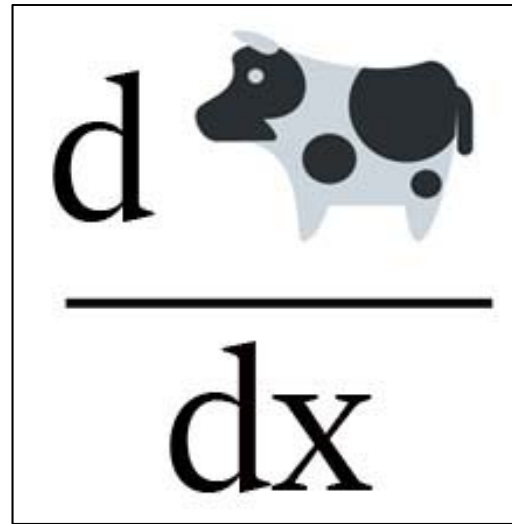
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derivatives



translations



performance

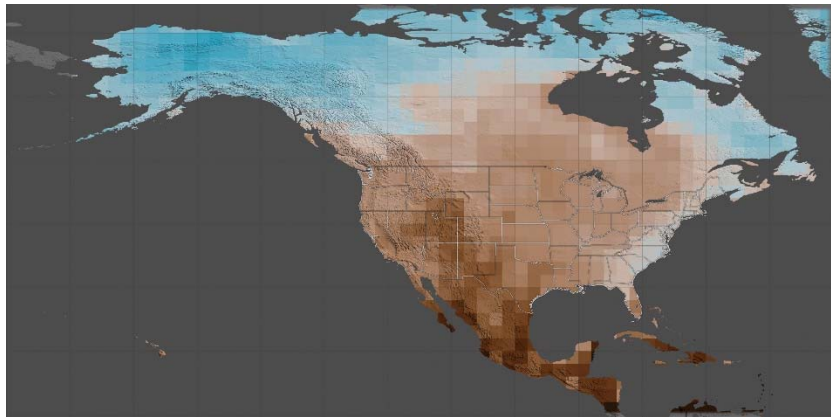


Length of term = until you die + 70 years

So, at least until 2090.



After the global climate meltdown, zombie apocalypse, and invasion from outer space.



Licensing and contracts

- Copyright is intellectual property, and thus can be sold, leased, sub-divided, willed, given away, or otherwise transferred.
- Transfer must be by contract, signed and in writing.



Dog has a **license**, so is not “infringing.”

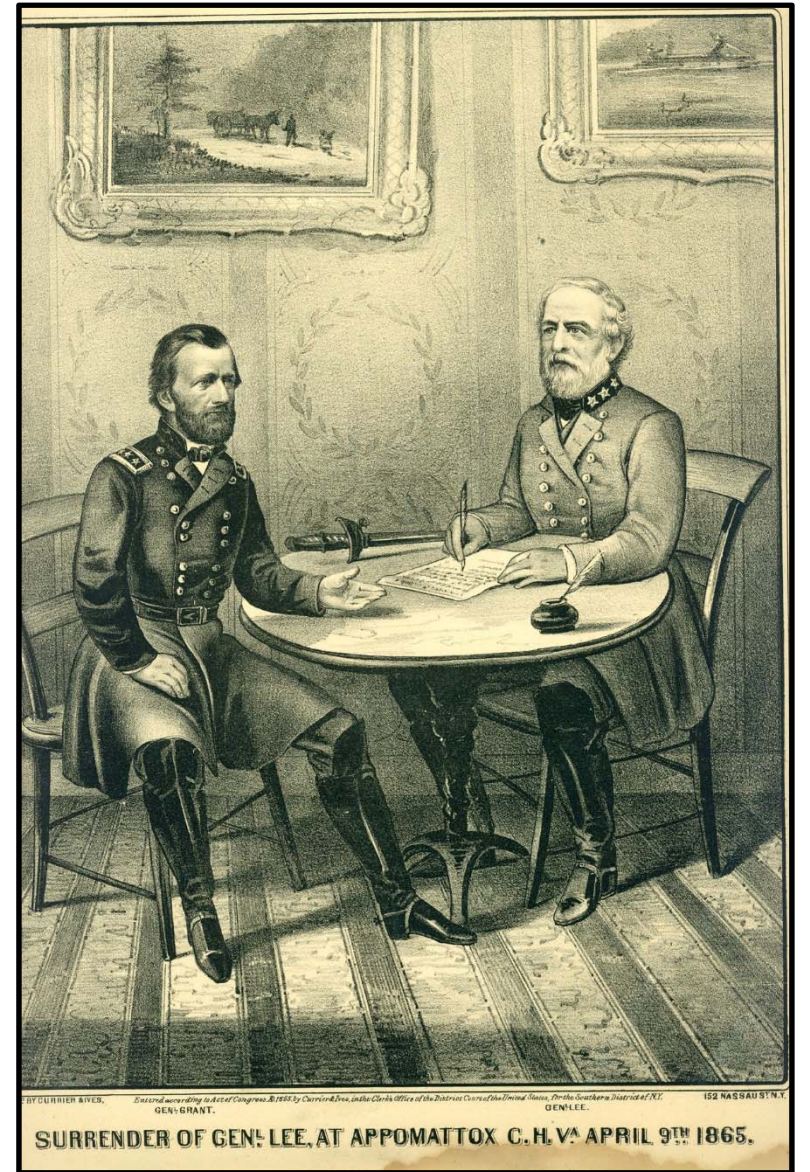
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- If you hold copyright, you can give people permission to re-use it.



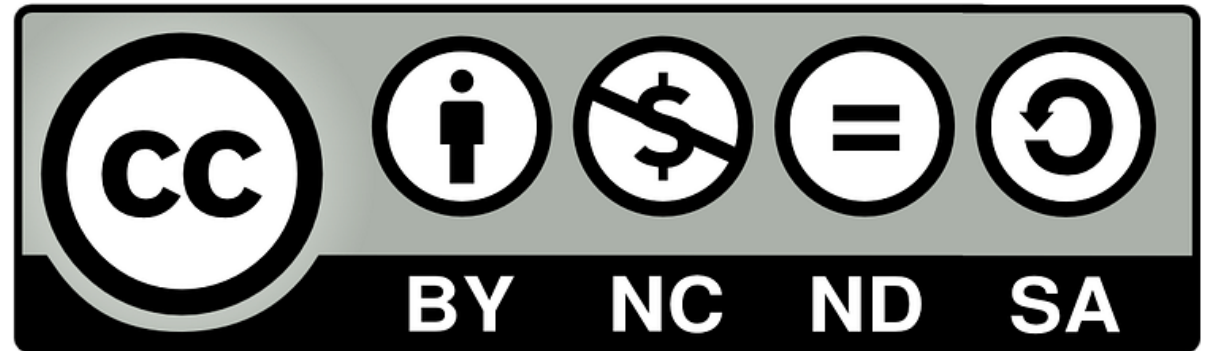
Publisher contracts

- Often require you to surrender your copyright.
- Assignments of copyright must be in writing and signed by the owner of the copyright.
- Contracts may run 4-10 pages of small print.
- May leave you some usage rights.
- Are somewhat negotiable UNTIL you sign.



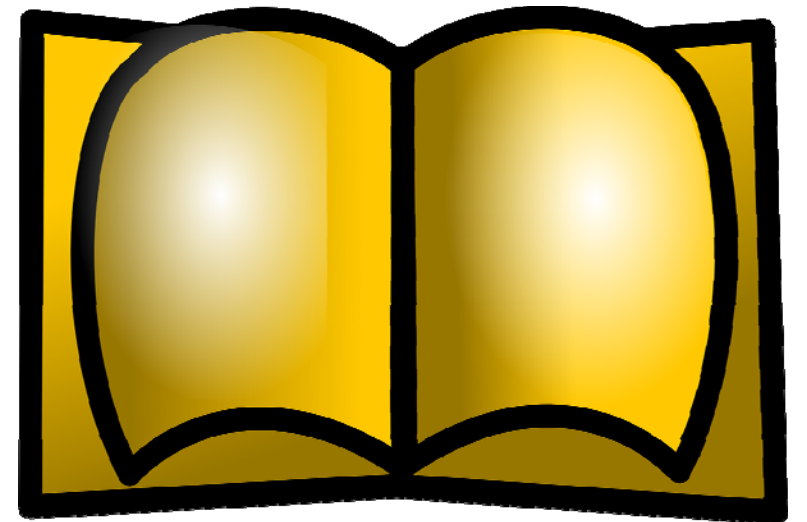
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- **0** (zero) – no restrictions
- **BY** – must give credit
- **NC** – No Commercial
- **ND** – No Derivatives
- **SA** – Share Alike



Gold Open Access/APCs

- Gold = immediate **CC-BY** or **CC-0** in OA journal
- Sometimes involve “article processing charges” (APCs):
\$600 to \$4500
- Examples: PLOS, Hindawi, MDPI, BMC, Frontiers,
Nature Comm & Sci Rpts
- vs. Hybrid (i.e. in non-OA journal)



Predatory journals

- Some unscrupulous journals exist only to collect APC's from unwary authors.
- They masquerade as legitimate publications.
- Despite their claims, they provide no peer review or permanent online presence.
- They take your money and your copyright; give nothing in return.



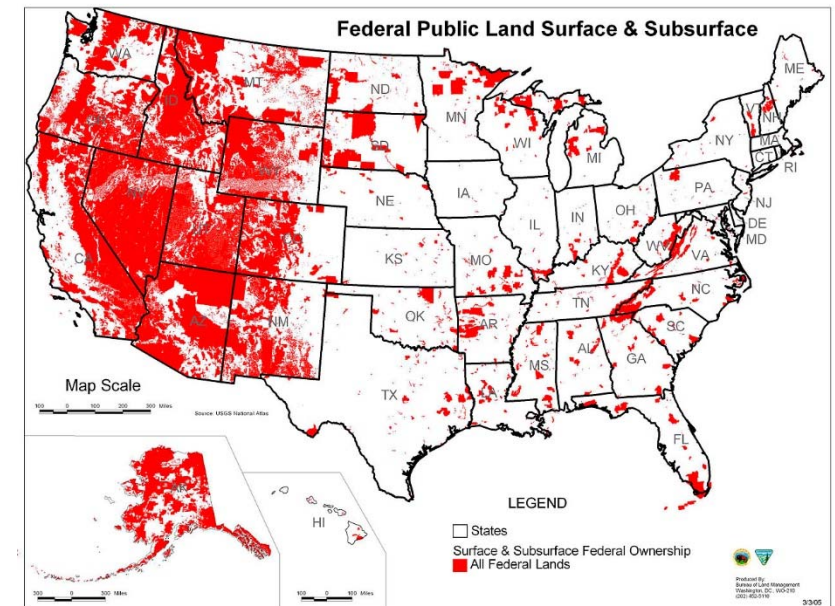
"Can I use this {*image / quote / video clip / ...*}
in my {*lecture / course materials / dissertation / ...*}" ?

- Is it copyright?
- Is it licensed?
- Is it permitted educational use?
- Is it fair use?

- Yes
- No
- Ignore

Public domain (= no copyright)

- Published pre-1924
- Published 1924-1964 without copyright notice
- Published 1924-1964 and (c) not renewed
- United States government work (federal employee or agency author)



Educational use = Not Infringement

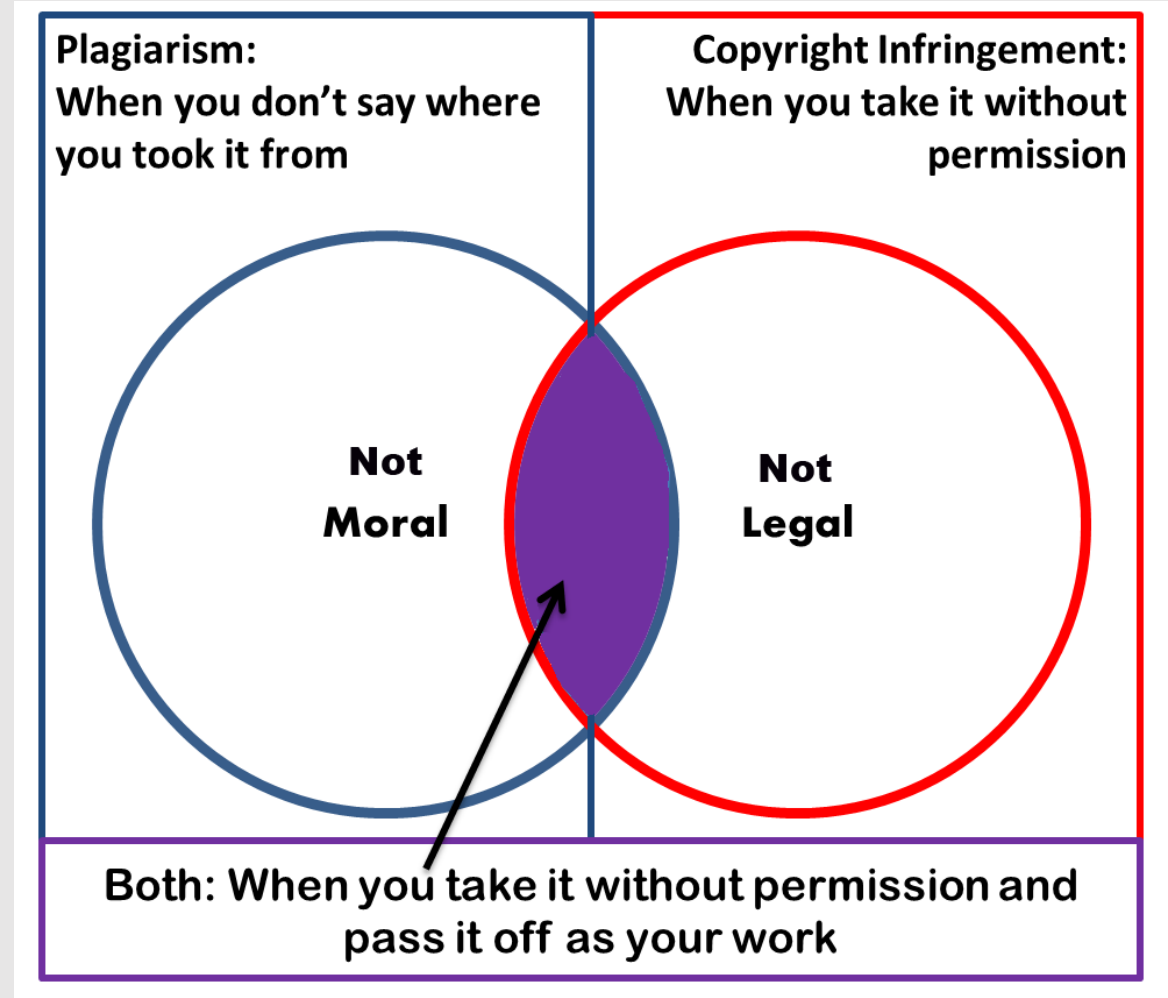
Performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction. (Title 17, Sec. 110)

(TEACH Act of 2002 extends this to distance-learning environments.)

- accredited educational institution
- legally acquired copy
- related to instructional content
- Institution has a copyright policy and educational materials

Plagiarism vs. infringement

- Although similar in some respects, infringement and plagiarism are different things.
- Good advice is “Don’t do either.”



Fair Use (1):

Re-using copyrighted materials in your own work--legally

Reproduction for purposes of:

- criticism, comment, news reporting,
- teaching (including multiple copies for classroom use),
- scholarship, or research,

is not an infringement of copyright.

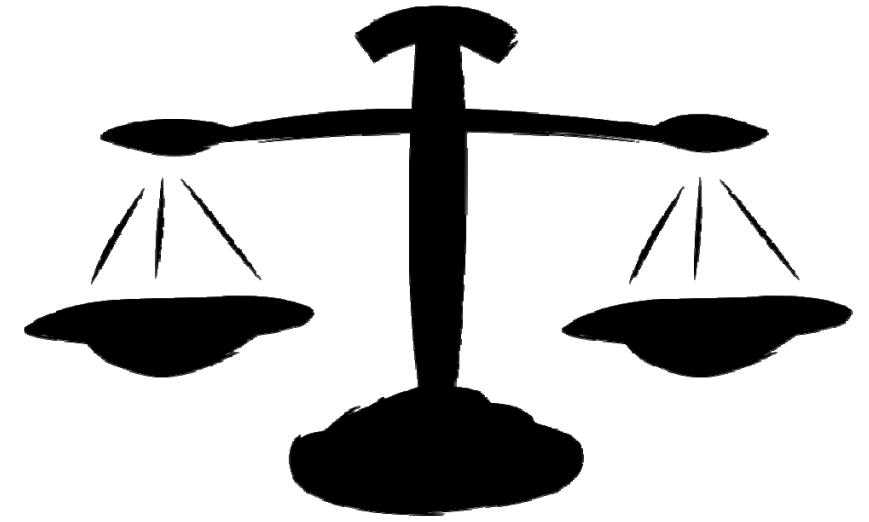
(Title 17, Sec. 107)

So one-to-one sharing for research is generally OK;
one-to-many sharing (like on a list), not so much.



Fair use (2): The 4 Factors

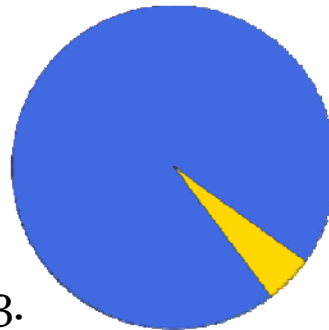
1. Nature of work
2. Nature of use
3. Amount of use
4. Effect on market value of original



1.



2.



3.



4.

Who owns UNL content?

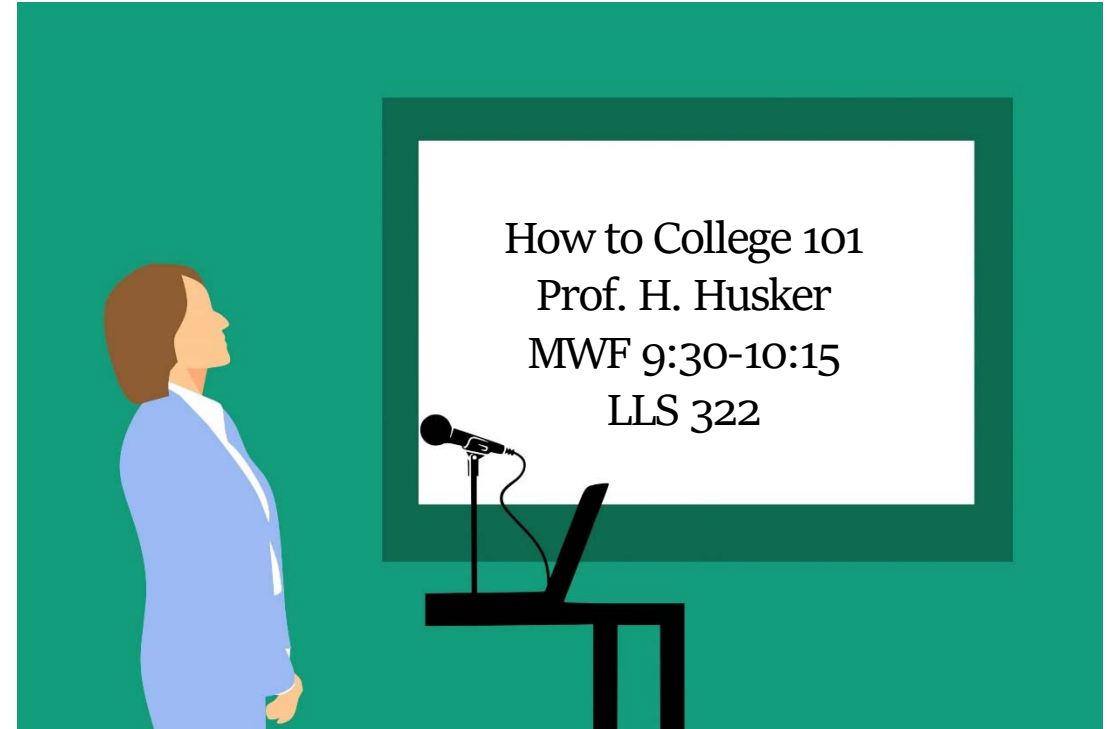
- | | |
|--------------------------------------|---------------|
| 1. Individual work | author |
| 2. University-supported work | |
| a. without substantial UNL resources | author |
| b. with substantial UNL resources | UNL* |
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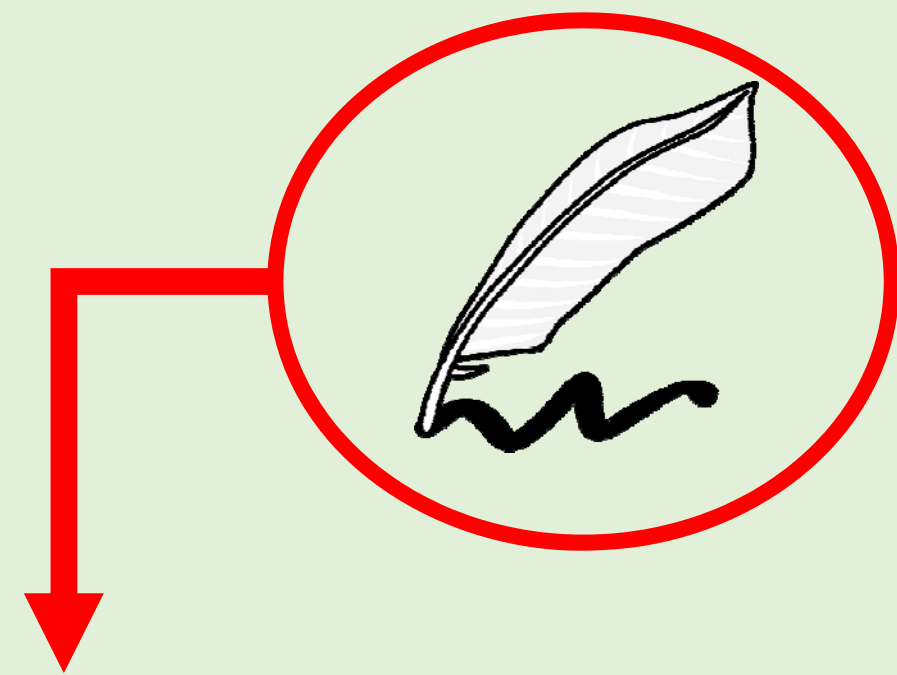
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- Instructional materials are property of the faculty member
- Recordings of lectures are property of the faculty member
 - unless they fall under #2-4 above
- If author departs, must provide copies of instructional materials (except lecture notes) and free license to use --if UNL requests as necessary



Green Open access

- Author (or agent) deposits final manuscript version in open access repository
- Free!
- Permitted by >80% of journals



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3	University of California eScholarship Repository		231	2	2	9
4	CERN Document Server		11	9	5	7
5	MIT Institutional Repository		94	5	4	37
6	University of Nebraska Lincoln Digital Commons		336	6	6	17
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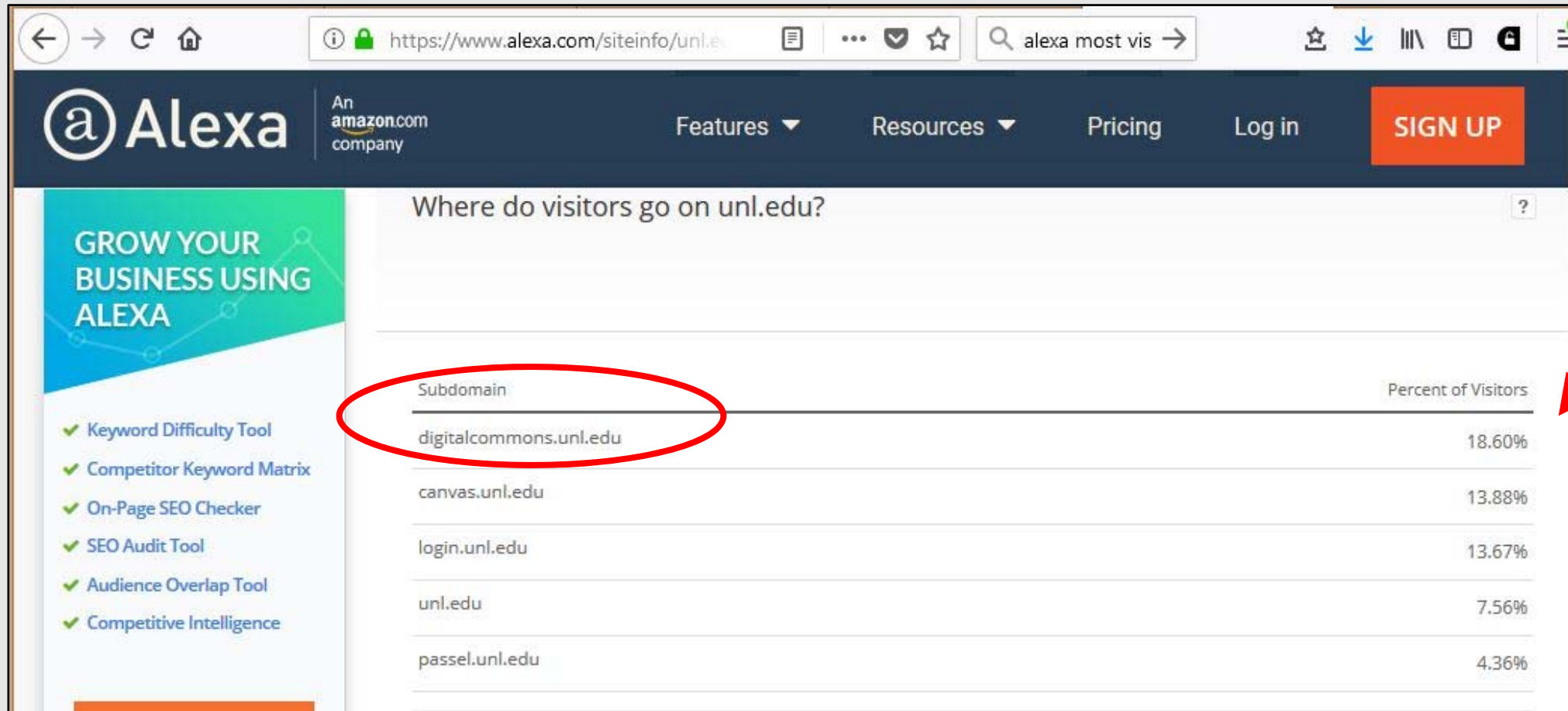


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