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## Legal Pitfalls: What You Need to Know About Copyright

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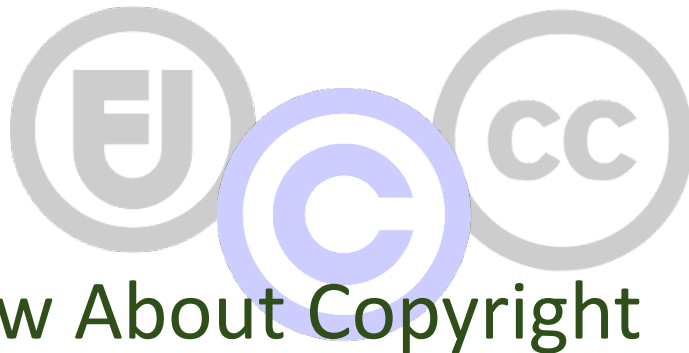
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# LEGAL PITFALLS

What You Need to Know About Copyright



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# Today's presentation:

- What is copyright?
- Why do you need to know?
- How can you use copyrighted works?
- Who owns your dissertation?
- How can you use your intellectual property?
- Library and related resources

# What is copyright?

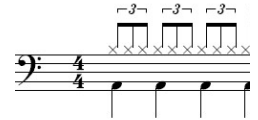
- Right granted by law to the creator
- Of “original works of authorship”
- “fixed in a tangible medium”
- To control duplication, distribution, derivatives, performance and display of work

# What is and is not protected by copyright?

- Protected:
  - Original and creative



```
chris@riedquat:~/Wikipedia
1 public class 啊 {
2 +--+ 4 lines: static
6 public static void
7     system.out.prn
8     system.out.prn
9
10 }
```



- Not Protected:
  - Facts, ideas, methods, names, short phrases, useful articles, works in the public domain

# Why do you need to know about copyright?

- To manage your own rights
- Because copyright legislation can often affect privacy and free speech
- Because copyright infringement may result in
  - Civil penalties including injunctions and monetary damages
  - Criminal penalties

# Are you using copyrighted content in your thesis/dissertation?

- You are using copyrighted content if you include:
  - Your previously published articles
  - Figures and tables from other publications
  - Pictures found online
  - Information from company webpages, brochures or manuals
  - Etc.

# How can you use copyrighted work in your thesis/dissertation?

- Obtain permissions or rights of use
- In accordance with an existing license, ex:
  - Library negotiated material
  - Creative commons licensed material
- In accordance with exceptions to copyright law:
  - Fair Use



# What is creative commons?

- Easy to use licenses that allow copyright owners to communicate allowed uses of their work



- Where can I find Creative Commons licensed material?
  - ccMixer, Flickr creative commons search, Wikimedia Commons, Google images advanced search

# What is fair use?

- An exception to copyright under specific conditions, ex: criticism, news reporting, teaching
- All uses must be considered under four factors:
  - Purpose and character
  - Nature of work
  - Amount and substantiality
  - Effect of the use on market and value of work
- [USF Fair Use Checklist](#)

# How do you apply the four factors?

## **PURPOSE AND CHARACTER**

Educational, teaching, research & scholarship, criticism, parody, news reporting or comment, transformative, restricted access, and nonprofit

## **NATURE OF COYRIGHTED MATERIAL**

Factual/non fiction, important to educational objectives, published work, non consumable

## **AMOUNT IN RELATION TO THE WHOLE**

Small amount, necessary to accomplish the purpose, important to educational objective, lower quality than original, not the heart

## **EFFECT ON MARKET OF ORIGINAL**

no significant effect on market, does not replace a sale, you have a legal copy, copyright holder is unidentifiable, lack of licensing mechanism, not made publicly accessible



# YOUR INTELLECTUAL PROPERTY

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# Who owns your dissertation?

- You own the copyright to your dissertation.
- **“I retain all other ownership rights to the copyright of the thesis or dissertation. I also retain the right to use in future works (such as articles or books) all or part of the thesis or dissertation.”**

# ETDs in Scholar Commons

- USF will reserve the right to make your dissertation publicly accessible.
- “I hereby grant to USF and its agents the **non-exclusive license** to archive and make accessible my thesis or dissertation in whole or in part **in all forms of media, now or hereafter known.**”

# Publishing before completing your dissertation

- You can publish parts of your dissertation as a journal article before defending, but be careful!
  - Pay attention to your copyright agreement form
  - Know your rights!

# What can you do with your dissertation after you defend?

- Embargo
  - 1 year max. Can be renewed once.
- Publish dissertation as a monograph
- Publish journal articles based on dissertation
- Translations of your dissertation



# What resources are available to me?

- Copyright and subject guidance at the library
- Library collections
- Open Use Media Resources



# Questions?

<http://guides.lib.usf.edu/copyright>



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