



Copyright Issues for Dissertations: Guidelines on Use of Prior Works

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March 26, 2014

Using previously published works in theses and dissertations- issues

- Provide proper citation
- Clarify contribution to the earlier work
- Read publication contract
 - Understand copyright ownership and transfer and whether to obtain permission
 - Because dissertations are considered “published” by ProQuest/UMI, it matters that students have the rights to re-publish or publish the prior works
 - Because dissertations are considered “published” by RUcore as a form of open access, it matters that students have the rights to re-publish or publish the prior works
- Understand copyright ownership in unpublished prior works
- Understand rights of co-authors

Legal framework

- **Copyright law**
 - In creating one's own copyrighted works: dissertations, scholarly articles, books
 - In using others' copyrighted works in research, publication, teaching
- **Contract law**
 - Scholarly publishing- your publication contracts
 - RUcore for your dissertation
 - Proquest/UMI for your dissertation
 - Publication contracts for scholarly articles and books
 - Contracts/licenses that govern many types of material, incl. most intangible digital resources you use for research and teaching
- **Policies**- university, funding agency, etc.

Copyright ownership and transfer

- Creator of a work is generally the author
- Who holds initial copyright in a work?
 - Authors
 - Employer or commissioning entity in “works for hire”
 - Copyright ownership may be set by contract
 - Publication contracts
- Student holds the copyright in the original dissertation, see University Copyright Policy, Section III:

“Students typically will own the copyright to works created as a requirement of their coursework, degree, or certificate program. The university, however, retains the right to use student works for pedagogical, scholarly, and administrative purposes.”
- But not for sections for which copyright has been transferred, that become “third party materials”

Copyright ownership and transfer

- Who else could hold copyright in a work?
 - Heirs or other special beneficiaries
 - Transferees/assignees
- Copyright ownership may be shared
 - Joint authorship (co-ownership)
 - Inseparable or interdependent parts of a unitary whole
 - Collective authorship
 - Separate and independent works of authorship
- Compilations
 - Copyright in original and creative selection and arrangement of material, apart from copyright in the individual parts
 - Edited compilations
 - Data compilations

The dissertation

- Student grants non-exclusive right to RUL to archive, reproduce, and distribute dissertation in RUcore,
<https://etd.libraries.rutgers.edu/login.php>
- Student grants ProQuest/UMI non-exclusive right to reproduce and distribute under traditional or open access publishing,
http://gsnb.rutgers.edu/sites/gsnb/files/umi_publishing_agreement.pdf
- Rights may only be granted by the entity that holds them

Prior works as third party materials: ProQuest/UMI

ProQuest/UMI Publishing Agreement, Section I

Rights Verification. Author represents and warrants that Author **is the copyright holder of the Work and has obtained all necessary rights to permit ProQuest/UMI to reproduce and distribute third party materials** contained in any part of the Work, including all necessary licenses for any non-public, third party software necessary to access, display, and run or print the Work. **Author is solely responsible and will indemnify ProQuest/UMI** for any third party claims related to the Work as submitted for publication.

Prior works as third party materials: ProQuest/UMI

ProQuest/UMI Guidelines,
http://www.proquest.com/en-US/products/dissertations/submitted_authors.shtml

Inclusion of other people's copyrighted material

Including material produced by other authors in your dissertation or thesis can serve a legitimate research purpose, but you want to avoid copyright infringement in the process. **Republishing someone else's work, even in abbreviated form, requires permission from the author or copyright owner. You must receive permission from the author(s) and include it with your submission** before we can publish it in your dissertation or thesis.

Prior works as third party materials: ProQuest/UMI

ProQuest Copyright Guide

“Copyright and Your Dissertation or Thesis,”

http://www.proquest.com/assets/downloads/products/UMI_CopyrightGuide.pdf (2011)

- “Legal use, without permission, of copyrighted work is limited to ‘fair use’ of the work.”
- “The following are the kinds of materials that we might expect to see accompanied by a permission letter if they appear in your manuscript, or that may cause us to contact you regarding permission or other resolution. You are responsible for obtaining proper permissions for all material used within your work.”

Prior works as third party materials: ProQuest/UMI

ProQuest Copyright Guide, cont.

- Long quotations, more than 1.5 single-spaced pages
- **Reproduced publications**
- Unpublished materials- extensive reference
- Poetry and music lyrics-lengthy excerpts
- Dialogue from a play, screenplay, broadcast, or novel-more than brief quotations
- Music-excerpts should be brief
- Graphic or pictorial works
- Computer software
- Sources located on the Internet

Prior works as third party materials: ProQuest/UMI

Kenneth D. Crews, *Copyright and Your Dissertation or Thesis: Ownership, Fair Use, and Your Rights and Responsibilities* (2013),

http://www.proquest.com/assets/literature/services/copyright_dissthesis_ownership.pdf

“Chemistry Journal Articles. Belinda successfully published two articles in leading chemistry journals during her years as a graduate student. When the articles were originally accepted for publication, she and her advisor were delighted, and Belinda was happy to move the articles as quickly as possible toward publication. She is now preparing her final dissertation, and it will include full reprints of the two articles.

Prior works as third party materials: ProQuest/UMI

However, she only now realized that her publication agreements with the journals included a transfer in full of the copyrights. She may be the author, but she no longer holds the right to reproduce the articles in her dissertation. Belinda's solution? By understanding her own rights as an author and taking greater care with her publication agreements she might have avoided this situation. Most journals would probably support Belinda's dissertation, but she now needs to find the right contact for each journal and clear the right to use even her own articles. Advance planning when she originally published the articles would have been best.”

(p. 3-4)

Prior works as third party materials: RUcore

RUetd deposit agreement

... I represent and stipulate that the thesis or dissertation and its abstract are **my original work, that they do not infringe or violate any rights of others, and that I make these grants as the sole owner of the rights to my thesis or dissertation and its abstract. I represent that I have obtained written permissions, when necessary, from the owner(s) of each third party copyrighted matter to be included in my thesis or dissertation and will supply copies of such upon request by my school.** I acknowledge that RU ETD and my school will not distribute my thesis or dissertation or its abstract if, in their reasonable judgment, they believe all such rights have not been secured.

Prior works as third party materials: RUcore

I acknowledge that I retain ownership rights to the copyright of my work. I also retain the right to use all or part of this thesis or dissertation in future works, such as articles or books.

Future scholarly publications

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 - Use authors' addenda (SPARC, CIC, Science Commons) or
 - Redline contracts
- Use alternative licensing when appropriate
 - Open access versions
 - Creative Commons licenses
- Transfer copyright
 - If other options not available

Future scholarly publications

- If transferring copyright, negotiate rights to enable re-use for scholarly and teaching purposes
- To use, reproduce, distribute, display, perform (sound and audiovisual), create derivative works, revise, republish, for
 - Use in a thesis or dissertation
 - One's own teaching (course reader, syllabus, course website)
 - Professional presentations
 - Sharing with professional colleagues
 - Deposit in institutional digital repository
 - Posting to personal or university website
 - Institutional uses

Future scholarly publications

- Read and retain publishing contract
- Self-archiving in RUcore
 - New RU open access policy implementation
- When selecting a publisher, review publisher policies for self-archiving in SHERPA/RoMEO, <http://www.sherpa.ac.uk/romeo/> or
- See publisher sites for author self-archiving policy
- If you sign away your copyright in the scholarly article, the publisher owns it and your uses may be restricted

Guidelines: Published prior works

- Read the publication agreement
- If copyright in prior work is held by a publisher
 - If copyright transferred or “work made for hire,” publisher holds copyright
 - Read terms on re-publication or re-use
 - Obtain permissions if necessary
- If copyright in prior work retained by author
 - Read terms to ensure that specific rights retained
- If prior work was co-authored
 - Need for acknowledgment
 - If joint authorship, permissions generally not required
 - If collective authorship, be mindful of what parts are being used

Guidelines: Unpublished prior works

- If the prior work remains unpublished
 - Copyright likely remains with the student as author
 - But if prior work was created under a grant, copyright may be held by another entity and permission may be needed
- If prior unpublished work was co-authored
 - Need for acknowledgment
 - If joint authorship, permissions generally not required
 - If collective authorship, be mindful of what parts are being used



Thank you!

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