Getting Ready to Graduate: Copyright, ProQuest, Your Thesis/Dissertation and You

(slides at http://www.udel.edu/0010005)

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What we'll cover today

- Your copyright in your thesis/dissertation
- Your use of copyrighted material in your thesis/dissertation
- When your chapters are also publications
- Navigating ProQuest's Electronic Thesis & Dissertation (ETD) Interface
- What happens after you submit your ETD

If you have questions
at the end of this presentation,
please get in touch!

Copyright Basics for Thesis/Dissertation Authors



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You hold the copyright in your dissertation as soon as you've written it.

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It's yours, whether or not you register your copyright, or include a © notice.

Your **exclusive** rights as a copyright holder:

- The right to reproduce the copyrighted work;
- To create derivative works from their copyrighted originals;
- To distribute those works (selling, renting, etc.);
- To perform or display the work publicly.

You hold these rights unless you transfer your copyright, or grant permission to others to do these things with your creation.

Do you need to register your copyright?

- Registering creates a public, legal record of your claim to your work
- You cannot pursue an infringement claim unless your work is registered; if you have registered, then you have additional protection against infringement
- If you want to seek statutory damages ($$$), you must register your work within 3 months of publication, or before any infringement starts.
- Registering your work within 5 years of publication grants you the presumption of validity in any litigation

Working with copyrighted material is a normal part of research.

How can you incorporate copyrighted material appropriately and legally?

Thinking through copyright



You are a grad student writing a thesis on bridge construction. You want to use this photo of the Forth Bridge, published in a book in 1989, but dated from the late 19th century, in your thesis, in a discussion of bridge construction.

Are you allowed to use the photo? What do you need to consider?

Best practice for reviewing copyright considerations?

START EARLY! (if you can…)

Create a spreadsheet with a list of copyrighted material that you're including in your dissertation. (Template)

Consider the copyright status of the material

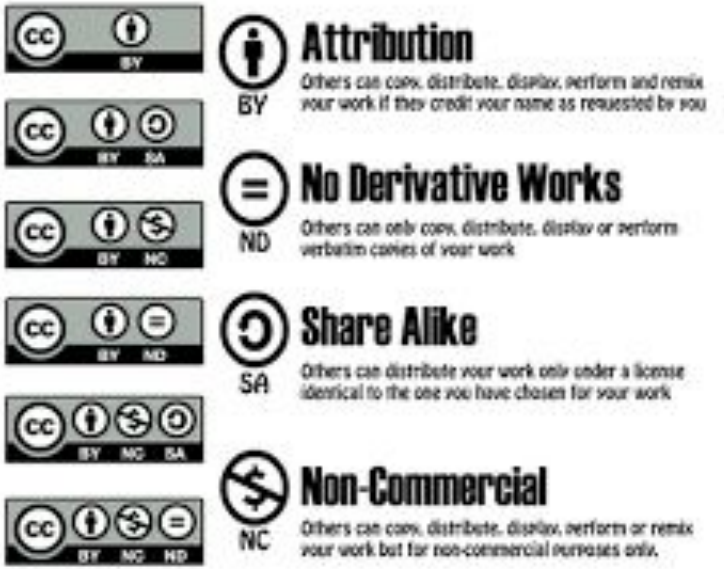
- Information is not copyrightable.
- Copyrighted material in the US eventually enters the public domain (where anyone can use it).
    - Currently: life of the author + 70 years; publication + 95 years for corporate works
    - Copyright law has changed over time – material from before 1978 may be in the public domain already.
    - Material from before 1927 is in the public domain.
- Resource: Copyright Term and the Public Domain (Peter Hirtle, Cornell U)

Options for working with copyrighted material

- Get permission from the copyright holder.
  - This can be complicated if you don’t have contact info.
- Use material that is licensed for reuse.
- Rely on fair use law in order to incorporate the material into your dissertation.

Working with licensed material

- License = advance permission, with certain conditions
- Creative Commons = widely used licenses for all sorts of content
- CC Openverse = search engine for licensed content



What about fair use law?

- 17 US Code § 107
- Incorporated into US copyright law in 1976
- Defines “limitations on [creators’] exclusive rights, where neither permission nor payment of royalties is necessary
- Intended specifically to support research, creative, and educational activities

Fair Use Law's Four Factors

- the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- the nature of the copyrighted work;
- the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- the effect of the use upon the potential market for or value of the copyrighted work.

Use the Fair Use checklist to think through your planned use.

REMEMBER!

- Fair use can only be determined on a case-by-case basis
- There is **always** a degree of risk when relying on fair use
- The only way to get a 100% clear answer is to go to court

What if your thesis/diss includes previously published material?

- If you have an author's contract, read it carefully to understand what you are and aren't allowed to do with your publication.
  - Does the journal allow you to retain your copyright?
  - Sherpa/Romeo database of publisher policies
- If you don't yet have a contract, look on the publisher site to find their information for authors
- If you are planning to revise a chapter of your thesis/diss **into** a publication after submitting, check the journal's rules to see what they allow.

Many journals are supportive of chapters as publications

- You may be asked to include the Final Accepted Manuscript, rather than the final publication, in your diss.
    - Final Accepted Manuscript = post-peer-review
- You may be asked to include an acknowledgement and link to the published version of the paper.
- You may be asked to arrange for an embargo for a designated period (12-48 months, depending on the journal)
- **If you cannot find a clear indication that you have the right to reuse your publication, you should contact the journal editor or publisher to seek permission.**

Create an appendix for your thesis/diss with relevant copyright permissions & decisions

- Credit lines for images and figures (including CC license, if applicable)
- Letters/emails granting permission (redact signatures on printed letters)
- Journal/publisher policies re: incorporating previously published material

Where can you get help with copyright questions?

- Contact the subject librarian for your department
- Use Ask a Librarian in order to reach the Library chat service

Navigating Copyright in the ProQuest ETD system



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ProQuest's Copyright Requirements

- ProQuest's Copyright Guidance (2013)
- ProQuest's requirement: use material that:
  - is licensed, OR
  - is lawful under fair use, OR
  - you have explicit permission for, OR
  - is in the public domain

ProQuest Publishing Options

- **Traditional publishing**
  - Free
  - ProQuest may sell your work and generate royalties
  - Your work is available through institutions with subscriptions to PQ Dissertations & Theses database

- **ProQuest Open Access publishing**
  - $95 fee
  - No royalties
  - Your work is openly available (no subscription necessary)

Registering your copyright: ProQuest or electronic Copyright Office (eCO)?

ProQuest:

- $75 fee
- Takes care of all the administrative aspects for you

eCO:

- $45 fee
- Slightly more work than ProQuest

Copyright registration takes around 3-4 months to fully process.

What happens to your thesis/dissertation after you submit?



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After you submit…

- ProQuest and the UD Graduate College process your thesis/dissertation (3-6 months)
- Your dissertation/thesis becomes available in ProQuest Theses & Dissertations, and openly available* in the UDSpace Institutional Repository
  - Graduate College UDSpace Collections
- People all over the world can find and appreciate your work

* We make your thesis/dissertation open access automatically – no need to pay ProQuest's $95 fee!

If you have questions about copyright later…

- Contact the subject librarian for your department
- Use Ask a Librarian in order to reach the Library chat service

If you have questions now, ask away!

Workshop eval:
http://www.udel.edu/0010006

Thanks for joining me for this workshop!



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