Copyright in the Digital Age…

Gray Murky Ooze

IT DEPENDS
Shedding Some Light on COPYRIGHT:

Copyright and Your Dissertation:
*What you absolutely, positively need to know now*

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*Disclaimer:*
I’m not an attorney
The information presented here should not be construed as legal advice.
GOALS for today’s presentation:
Provide (non–legal) guidance:
What you absolutely positively need to know
...So you can MANAGE the OOZE—to achieve your goals

- Some “Basics” about Copyright (non–legal advice)/MYTHS
- “Categories” of resources vis a vis Copyright
- “Things to think about” when choosing content
- “Attribution” vs. “Permission” vs. “Fair Use”
- Manage Copyright—Don’t Let it Manage You!
INTRODUCTION

MANAGE Copyright...Don't let it Manage You!

NOTE: Information provided in this LibGuide should NOT be construed as legal advice. For legal advice, please consult your attorney.

Copyright TIP of the WEEK

What's the BIG DEAL about Copyright? Copyright can seem like a "gray, murky zone."

MANAGE COPYRIGHT—Don't let it manage you!

Let the LSL help you manage copyright to achieve your goals!

The LSL offers this TIP of the WEEK as a non-legal "bite sized" intro to the "Basics of Copyright."

• Copyright TIP of the WEEK

CAN I USE IT?

This image/article/quotation/clip is great!

Copyright 

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508-856-1041
Send email
Links: Profile & Guides

http://libraryguides.umassmed.edu/copyright
Copyright Ownership

Secured *automatically* when the work is created and fixed in a tangible form

may belong to the:

- Author(s)
- Employer/Funder

Rights can be transferred in whole or in part—often, authors transfer all of their ownership rights to a publisher when accepting the offer to be published—BE WARE!! Read the fine print!
AND...just to complicate matters a bit more...

© is no longer required...

So its is not a reliable indication of the copyright status of the work.

But we do recommend that you continue to use it.

© 2012 University of Massachusetts Medical School
SUME the work you want to use is COPYRIGHTED—
til you can determine otherwise!

is includes:

- Articles
- Chapters
- Lectures
- E-mail messages
- Blog postings
- Webpages
- Social media
- Images (photos, charts, graphs, tables, illustrations, slides)
- Video
- Audio
- Cartoons
- Clipart

Even notes on paper napkins….AND “Happy Birthday”
Just because you **CAN** Right Click…

doesn’t mean you **SHOULD**

**ALWAYS ASSUME** it’s COPYRIGHTED…until you can determine otherwise.
Publicly ACCESSIBLE

Does NOT necessarily mean

--FREE-To-USE
--Public Domain

ALWAYS check the “terms and conditions of use”
OPTIONS for choosing content:

1. **FREE** to use—no restrictions. No permission or fee required

2. Use with **CONDITIONS**—follow the rules set by the copyright owner

3. **MUST** obtain **PERMISSION**

ALWAYS include an attribution/citation
FREE to use—no restrictions. No permission or fee required

PUBLIC DOMAIN
(Works in the PUBLIC DOMAIN are not covered by copyright)

- Works first published in the U.S. pre-1923
- Expired Copyright
- Never Copyrighted—due to:
  - oversight
  - don’t qualify for copyright protection**
    (original works not fixed in a tangible format, titles/names/slogans, ideas/facts/data, lists of content/ingredients)
- US. Government documents—created by federal employees or contractors

(Not all materials on a U.S. Govt web site .gov are in the Public Domain—3rd party content may be copyrighted)

** HOWEVER, trademark or patent law may apply
U.S. Government Documents are in the Public Domain—

If a federal employee or federal contractor created the content as part of their employment.

Some U.S. Government sites include content created by a 3rd party which holds the copyright... OR the Copyright was transferred to the government.

Look closely!!

These .gov sites include content copyrighted by 3rd parties:

E.g.: PubMedCentral

IH Public Access Policy. Copyright still applies.)
POSSIBLE SOURCES FOR PUBLIC DOMAIN IMAGES: (U.S. Government)

http://phil.cdc.gov/phil/about.asp

http://www.nih.gov/about/nihphotos.htm

The NIH Image Bank contains images from the collections of the 27 institutes and Centers that comprise the National Institutes of Health. Contents include general biomedical and science-related images, technicians, computers, patient care-related images, microscopy images, and various exterior images.

http://research.archives.gov/search?v:project=opa&query=626166

Photographs Relating to Disasters and Emergency Management Programs, Activities, and Officials. "View all Online Holdings" to access over 8,000 photographs.

www.usa.gov/Topics/Graphics.shtml

S. Government journals in the Public Domain:

Addiction Science & Clinical Practice
Emerging Infectious Diseases
Preventing Chronic Disease
NOTE:

STATE government documents *may or may not* be in the Public Domain.

It often depends on the particular department/agency/publication.
USE with CONDITIONS—

No permission required, but you may have to comply with rules set by the copyright owner (“terms and conditions”)

1. Digital content LICENSED by UMMS. Must review the “permitted uses, “terms and conditions of use.” Generally, the T+C can be found at the bottom of any screen for the content on that site.

However: The license UMMS has signed may not allow for “re-publication” or use off campus. (Contact: Barbara.ingrassia@umassmed.edu)

2. Blanket LICENSE: Copyright Clearance Center Annual License. UMMS has such a license, but, again, it generally does not allow for use outside of UMMS, including re-publication. However, it may be possible to pay for a particular use.
3. **CREATIVE COMMONS**—
These works are **copyrighted**, but the copyright owner has indicated that **certain uses do not require permission**.
This is a LICENSE with **CONDITIONS**—**not** Public Domain.

SEE:  [http://search.creativecommons.org](http://search.creativecommons.org)
Open Access materials

e, unrestricted, online access

copyright Holder retains copyright Transmission, reproduction, or

use of protected material, beyond that allowed by the fair use

principles of the copyright laws, requires the written permission of

copyright owners


Creative Commons License

copyright Holder retains copyright but grants certain permissions to

users without requiring written permission. User must follow certain

rules.

E: Intro to OPEN ACCESS AND What is CREATIVE COMMONS?
What are Creative Commons licenses?

http://creativecommons.org/licenses/

Copyright Holder retains copyright, but grants certain permissions to Users without requiring the User to seek written permission. User must credit the original AND to the particular license::

There are 6 basic types:

**Attribution** (The most accommodating). User may distribute, remix, tweak, build upon—even for commercial purposes)

**Attribution—Share Alike** (Very similar to #1, but any derivatives must allow the same uses as the original work)

**Attribution—NoDerivs** (User must pass along the original work in whole and unchanged)

**Attribution—NonCommercial** (Very similar to #1, but for non-commercial purposes only)

**Attribution—NonCommercial--ShareAlike** (Combination of # 2 and # 4)

**Attribution—NonCommercial–NoDerivs** (The most restrictive. Combination of # 3 and # 4.)
We are most familiar with these Open Access Publishers
They actually use CREATIVE COMMONS licensing (copyrighted with some rights to re-use)

BioMedCentral (BMC)
PLoS

The Lamar Soutter Library is a member of those 2 publishers = UMMS authors receive a discount on author fees to publish

BMC
http://www.biomedcentral.com/info/about/supportermembership

PLoS
http://www.plos.org/support/instmembeship.php

PubMedCentral also has a very small set of articles that are copyrighted with some rights to re-use
PubMed Central Open Access Subset
http://search.creativecommons.org/
SEARCHING FOR IMAGES:

Specific Resources for UMMS:

Consult this WORD document on the LSL Copyright LibGuide:

http://tinyurl.com/SEARCHING-for-IMAGES
“Fair Use” –

Probably the MOST MISUNDERSTOOD part of the Copyright Law

- “Every educational use” is **NOT AUTOMATICALLY** a Fair Use
- There are **NO MAGIC** numbers, percentages, etc. in the U.S. Copyright Law

Any “numbers” that you see in articles on this topic *may be*:
- Simply **Guidelines**—without the force of law
  - OR
- If within a **signed license**—those *are* binding.
  (“License trumps Law.”)
Whether a proposed use is a FAIR USE is determined by the careful analysis of the 4 FACTORS---for each piece of 3rd party copyrighted content—including each image—that you propose to use.

IT DEPENDS… on the SPECIFICs of the situation:

- Purpose and character of the proposed use
- Nature of the copyrighted work
- Amount and substantiality of the portion used
- Effect of the use on the Market for the original Work

This must be done BEFORE you use the work.
When you need to obtain permission
This does not have to be:
• arduous
  or
• time – consuming
  or
• even expensive.

BUT...you must plan ahead

General discussion of the “permissions process” from the:
  Columbia University Libraries/Information Services
  Copyright Advisory Office

Tips for obtaining permission.

Includes sample Language for requests
http://www.copyright.com/

The CCC has a PAY-PER-USE option.
Many publishers now post permission procedures on their web page or even next to the article:

**RightsLink** (another service from the Copyright Clearance Center) (SEE: example from Elsevier)

This is particularly useful for requests to “republish”—that is—use the copyrighted content outside of a UMMS course.

**NOTE:** Use of images often requires contacting the publisher directly. (Publisher may not own the rights)
Using Rightslink for permissions

If the content you wish to re-use is on ScienceDirect then request permission using Rightslink®.

With Copyright Clearance Center’s Rightslink® service it’s faster and easier than ever before to secure
permission to re-use material from Elsevier titles, simply follow the steps below:

1. Locate your desired content on ScienceDirect (guest users can view abstracts for free simply by
dicking on the article or chapter title.)
2. Click on the “Permissions & Reprints” link in the top left hand corner of the page.
3. The following page will then be launched (turn off your pop-up blocker):

© Elsevier. 

For questions about using the Rightslink service, please contact Customer Support via phone 877/622-
5543 (toll free) or 978/777-9929, or email customercare@copyright.com.

//www.elsevier.com/wps/find/authorsview.authors/permissionsguide
If a CC license doesn’t give you the rights you need, you certainly can contact the copyright owner.

**FAIR USE**
Citing 3rd party images: Best Practices

Figure 1.4 A representation of... Reprinted with permission from Smith and Jones *Very Important Journal* 2010: 10, 325-349. (License No. 123456789).
Citing 3rd party images: Best Practices

Figure 2.5. Protein immunity… Rest of caption… (Johnson and Clark. 2005. Another Journal. 45:79. Reprinted with permission under the terms of the Creative Commons Attribution License (http://creativecommons.org/licenses/BY/2.0), which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.
Publisher Policies:
Thesis Content and Article Publishing

MIT Libraries has created a helpful “table that summarizes publisher policies regarding graduate students’ reuse of their previously published articles in their theses, and policies on accepting submissions that first appeared in an author’s previously released thesis.”


- Publisher
- Reuse of author’s previously published article in author’s thesis
- Submission of new articles by author that first appeared as part of author’s thesis

**BUT always double check**—policies can change.
If YOUR Publisher is not included, please contact the LSL; we’ll find their policies and create a UMMS table.
Some additional points to consider:

**REGISTERING** your copyrighted work with the U.S. Copyright Office
- Not required—but adds *strength* to your claims.
- Easy to do online: [http://www.copyright.gov/eco/](http://www.copyright.gov/eco/)
- Not expensive (*presently* $35)

**BE WARE** of “offers to publish” your dissertation.
- Investigate carefully.
- If it seems “too good to be true,”
  …it probably is.

SEE: Dean Carruthers’ email message of 1/5/2012
“IMPORTANT: Info about publishing your doctoral thesis”
(concerning LAMBERT ACADEMIC PUBLISHERS)
Best Practices:

KEEP COMPLETE RECORDS FOR ANY WORK YOU USE
ASSUME that a work is copyrighted
A © copyright statement is no longer required
Remember that publicly accessible IS NOT automatically Free to Use
Check “terms and conditions of use”
Use resources licensed by UMMS, if permitted
Use resources in the PUBLIC DOMAIN
Use Creative Commons Resources; attribute to the specific license
Include complete attribution at the “point of use”
When seeking “permission,” retain all documentation
Include the © copyright statement
Add “Used with permission” as appropriate
If doing a “Fair Use Analysis,” retain dated documentation.
On your completed work, include a copyright statement
And Remember:

in *any* copyright situation...

**IT DEPENDS**

*Each case must be analyzed individually*

*Thank you!*
BUT...

The Lamar Soutter Library is here to help you **MANAGE COPYRIGHT** to meet YOUR Goals.

Members of the UMMS/UMMHC community:

If you have any questions about copyright, please contact me at:

**Barbara.ingrassia@umassmed.edu**

**508-856-1041**

While I cannot give legal advice, I may be able to serve as a resource.
BEFORE you transfer those rights…

✓ Read the “fine print”

✓ Consider your future plans for using the work

✓ Explore the Options

✓ Consult your Mentors

✓ Make your Decision for *this particular situation*
RESOURCES:

Lamar Soutter Library Copyright LibGuide
p://libraryguides.umassmed.edu/copyright

S. Government PUBLIC DOMAIN Resources (especially images)
p://phil.cdc.gov/about.asp
p://www.nih.gov/about/nihphotos.htm
p://research.archives.gov/search?v:project=opa&query=626166
w.usa.gov/Topics/Graphics.shtml

Creative Commons
p://creativecommons.org/about
p://creativecommons.org/licenses
p://search.creativecommons.org
p://wiki.creativecommons.org/FAQ#How_do_I_properly_attribute_a_Creative_CommonsLicensed_work.3F
p://www.biomedcentral.com/info/about/supportermembership
p://www.plos.org/support/instmembership.php
RESOURCES cont:

SL Copyright LibGuide--Images
http://tinyurl.com/SEARCHING-for-IMAGES

SL Copyright LibGuide—FAIR USE
http://libraryguides.umassmed.edu/content.php?pid=154236&sid=1329810

SL Copyright LibGuide—Permission
http://libraryguides.umassmed.edu/content.php?pid=154236&sid=1329857
http://www.copyright.com

Publisher Policies—Reuse/Submission (MIT)

Registering a copyright with the U.S. Copyright Office
http://www.copyright.gov/eco
http://www.copyright.gov

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