

Copyright Basics for Graduate and Professional Students

Texas A&M University Libraries

Office of Graduate and Professional Students



TEXAS A&M
UNIVERSITY.

Overview

- I. What is Copyright?
- II. Keep a look out for....
- III. Texas A&M University Policy



Overview

I. What is Copyright?

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What is Copyright?

- Copyright is a form of intellectual property protection grounded in the U.S. Constitution and granted by law.
- Codified in the United States Code, Title 17, Chapters 1 to 13.



What is Copyright?

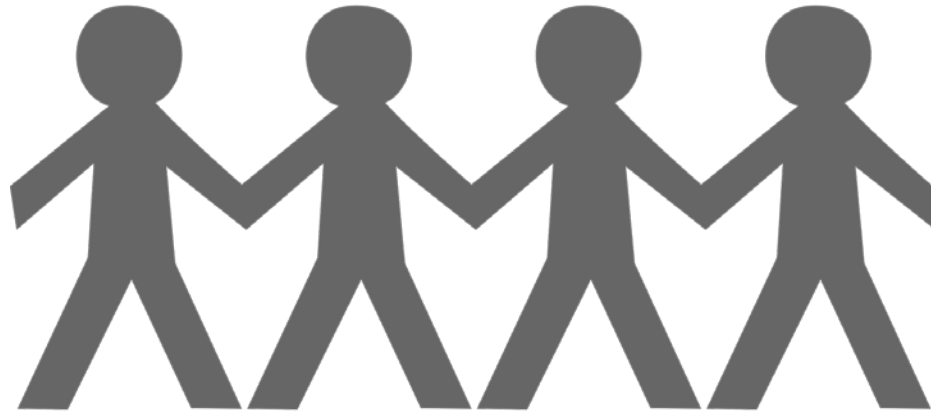
To qualify for copyright, a work must be:

- An original work of authorship
- Fixed
- In a tangible medium of expression



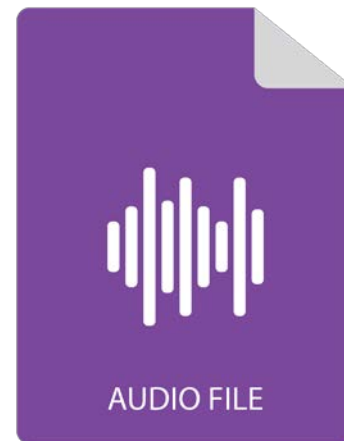
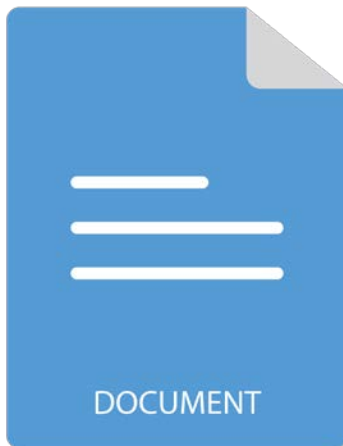
How a work qualifies

- A work has to be an **original expression**: it cannot be a simple copy of another work



How a work qualifies

- A work has to be **fixed**: on paper, or in an electronic file, or recorded as an audio file (e.g. MP3, wav), or recorded as a digital video (e.g. AVI, MXF, MOV)



How a work qualifies

- A work has to be in a **tangible medium of expression**, either with or without the aid of a computer (read upon)



Common Copyrighted Materials

What are some common materials that are copyrighted?

- Published and unpublished works: research articles
- Literary works: books, poems
- Musical works: original compositions, original arrangements
- Pictorial, graphic, and sculptural works: paintings, comics, sculpture, photographs
- Motion picture works: movies, home videos, YouTube videos



Common Copyrighted Materials

What are some common copyrighted works in academia?

- Class papers
- Research articles, published and unpublished
- Posters
- Conference proceedings
- Textbooks
- Teaching materials



What isn't protected?

Copyright does not cover:

- Data (like tables of numbers)
- Facts
- Ideas
- Methods
- Systems



What is protected, and off-limits?

- Copying, distributing, and displaying any materials made for the educational market: e.g. lab manuals, LSAT prep booklet, etc.

What rights do I have?

Having copyright lets authors:

- **Reproduce** your work: make a copy
- Prepare a **derivative work**: a translation, or make your book into a movie
- **Distribute** your work: post to a password-protected website, sell it, rent it



What rights do I have?

Having copyright lets authors:

- **Perform and display** your work publicly: show your movie in public, playing your song publicly in public, perform dramatic reading in public
- For sound recordings, to **play your work publicly**: play your song on the radio, or through file-sharing



How do I copyright a work?

Once your work is:

- Your original expression
- Fixed (on paper, or in an electronic file)
- In a tangible medium of expression
(handwritten on a notepad, or saved to your hard drive)...

...you are now the copyright owner.



Publishing Copyrighted Work

What happens to my copyright when I publish my work?

- In some cases, like with Open Access journals, you can retain your copyright.
- However, very often you will be asked to **transfer** your copyright ownership to the publisher of your journal, or **sell** it to another person, or **license** it to another entity.



Publishing Copyrighted Work

What can I do with someone else's copyrighted work without asking permission?

- Research, scholarship, parody
- News reporting, criticism, and commentary
- These are called **Fair Uses**



Publishing Copyrighted Work

And additionally, you can:

- Privately view/listen: watch a movie at home, or listen to music in the car
- Privately display, hang a poster in your room



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Investigate more when you...

You might need to look into copyright more when you...

- Use works made by others, e.g. writings, music, artwork, code, etc.
- Include previously published materials in your dissertation, including your own articles
- Sign publishing contracts
- Teach online, or consider reusing and copying educational materials, e.g. textbooks, test booklets, worksheets, etc.

Investigate more when you...

- Are working on grant- or privately-funded contracts
- Are writing with other authors
- Are collaborating with authors in different countries
- Have already signed a publisher's contract

This list is not comprehensive.

Ask your advisor, the Copyright/Fair Use Librarian, or the Graduate Studies Librarian if you have questions.



Other Considerations

- **Ask questions early!** Don't wait until late in the a project to work out copyright details.
- **Read** your publishing contract, and read it **carefully**. Try to **keep the copyright** in your own work.
- Copyright relies heavily on the context and facts of any given situation. In other words, **it can take time** to get answers to your copyright questions.



Keep a look out for...

Copyright is not the only form of intellectual property.

- An invention or a discovery is protected by **patent** law.
- Words, phrases, symbols, or designs are protected by **trademark** law.



Keep a look out for...

- Copyright infringement and plagiarism are not the same thing; you can do one without doing the other.
- Avoiding both is an important part of ethical authorship and research.

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TAMU Copyright Policy

- 2.1.2 The system recognizes and affirms the traditional academic freedom of its faculty and staff to publish pedagogical, scholarly or artistic works without restriction. ***In keeping with this philosophy, the system does not claim copyright to pedagogical, scholarly or artistic works, regardless of their form of expression, unless required by a funding or research contract.*** Such works 17.01 Intellectual Property Management and Commercialization Page 3 of 21 include, but are not limited to, faculty-prepared works such as textbooks, course materials and refereed literature, and ***copyrightable works of students created in the course of their education, such as dissertations, papers and journal articles.*** Furthermore, the system claims no ownership in popular nonfiction, novels, poems, musical compositions or other works of artistic imagination that do not constitute significant use of resources and/or are not works for hire as defined in Section 2.3.1 of this policy.



TAMU Copyright Policy

For TAMU's complete policy go to:

- Texas A&M System's web page:
 - <https://www.tamus.edu>
- Choose the Policy and Regulation Library:
 - <http://www.tamus.edu/legal/policy/policy-and-regulation-library/>
- See System Policy 17.01, Intellectual Property Management and Commercialization



Additional Resources

- For more information about how the Office of Graduate and Professional Students processes your thesis/dissertation, embargoes, and the placement of your work in the online institutional repository, please contact Thesis and Dissertation Services at thesis@tamu.edu.



Additional Resources

- Have questions? Ask a Librarian!
- Copyright/Fair Use Librarian, Emilie Algenio
 - Email: emilie [underscore] [at] library.tamu.edu
 - Office: 979.845.1496
- Graduate Studies Librarian, Dr. Kathy Anders
 - Email: kanders@tamu.edu
- For patents and software, see the Office of Technology Commercialization:
 - <http://techtransfer.tamu.edu>



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Self-Certification Acknowledgement

I hereby certify:

“I have reviewed the content of this training and agree to comply with the information contained in this course.”

Print Name

Signature

Date





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