Making & Sharing Scholarship: Copyright Issues in Scholarly Communication (2017 Nebraska ACRL Scholarly Communication Roadshow, University of Nebraska-Lincoln)

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Making and Sharing Scholarship: Copyright Issues in Scholarly Communication

Will Cross & Elizabeth Brown
University of Nebraska-Lincoln
July 12, 2017
Agenda

• Review copyright basics
• Who owns copyright in scholarly work
• Incorporating existing works into new work
• Sharing scholarship
Agenda

• **Review copyright basics**
• **Who owns copyright in scholarly work**
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Copyright and Academic Values

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Copyright attaches automatically to original works of authorship fixed in a tangible medium of expression.
Copyright attaches automatically to original works of authorship fixed in a tangible medium of expression.
Exclusive rights of a copyright holder:

- Reproduction
- Distribution
- Public display and performance
- Creation of derivative works
Transfers vs. Licenses

“Bundles of sticks used as ornamentation in the garden” by thaths is licensed under CC BY-NC 2.0
Copyright’s protection has limits

Exceptions:
- Libraries
- Classroom display
- Fair use

Public Domain & Expiration

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Agenda

• Review copyright basics
• **Who owns copyright in scholarly work**
• Incorporating existing works into new work
• Sharing scholarship
“Author” = owner
Joint authors = co-owners

"Duet in Blue" by Glen Zazove is licensed under CC BY-NC-SA 2.0
Sometimes

author = employer

"Spa" by Catriona Ward is licensed under CC BY-SA 2.0
In higher education, look to local policy
July 2001

Intellectual Property Policy of the University of Nebraska

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*see also, fund requirements
*and remember, not everything's copyrightable
Agenda

• Review copyright basics
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Think about the work you want to use:

- Is it protected by copyright?
- Is there a license?
- Is your use fair use?
Is it protected by copyright?
Is it protected by copyright?

Is there a license?
Balance the 4 factors of fair use:

1. Purpose and character of the use
2. Nature of the work used
3. Amount & substantiality used
4. Market harm
Consider

Transformativeness

1. Is the new purpose different from the original purpose?
2. Is the amount used appropriate for that purpose?
STATEMENT ON THE FAIR USE OF IMAGES FOR TEACHING, RESEARCH, AND STUDY
Different publishers: YMMV

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- Is your use fair use?
Is there an exception?
110(1): “...performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, ...”
“Author” = owner
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Publication Agreements Exercise

Once each agreement is signed...

• Who owns copyright?

• What does the publisher promise they will do?

• How can you share your article? (With colleagues? With students? At conferences?)

• What can you archive? Where?

• What would you change?