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# Copyright: Protect, Preserve, and Promote Your Research

Sue Ann Gardner

*University of Nebraska-Lincoln*, [sgardner2@unl.edu](mailto:sgardner2@unl.edu)

Paul Royster

*University of Nebraska-Lincoln*, [proyster@unl.edu](mailto:proyster@unl.edu)

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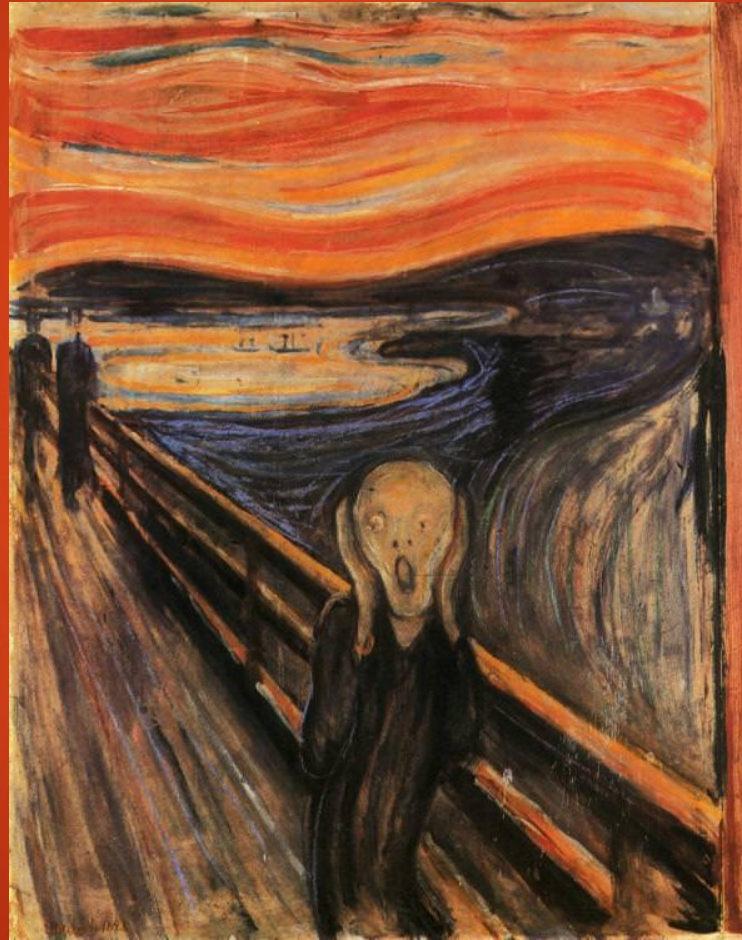


# Copyright

PRESERVE, PROTECT, AND PROMOTE YOUR RESEARCH

Sue Ann Gardner and Paul Royster, April 9, 2019

# Copyright quiz!



# Copyright quiz: True or False

1. Questions asked before
2. Then Paul's presentation
3. Answers given after

(HINT: Some answers are a little more nuanced than just True or False)

# TRUE or FALSE?

\_\_\_ 1. U. S. copyright allows the copyright holder to:

1. make copies of the work
2. create derivative works
3. distribute the work, and
4. perform or display the work.

# TRUE or FALSE?

\_\_\_ 2. In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.

# TRUE or FALSE?

\_\_\_ 3. An item must be published before it is copyrightable.

# TRUE or FALSE?



\_\_\_ 4. Items with the © symbol are copyrighted.



# TRUE or FALSE?

\_\_\_ 5. You have to register a textual work, such as an essay, article, or book, with the Library of Congress for the work to be copyrighted in the United States.

# TRUE or FALSE?

\_\_\_ 6. When you sign a contract with a publisher that gives the publisher the exclusive right to distribute your work, you have the right to put an electronic copy of the published version on *your own* Web site, but not a social media site like ResearchGate.

# TRUE or FALSE?

\_\_\_ 7. You own the copyrights for a photograph that someone takes of you.

# TRUE or FALSE?

\_\_\_ 8. Publishing contracts for articles contain standard legal language, so it is a waste of time to read through them before signing.

# TRUE or FALSE?

\_\_\_ 9. Joint authors have to get permission from all of the other authors before giving permission to someone else to post the work in a university's institutional repository.

# TRUE or FALSE?

\_\_\_ 10. The length of term of copyright in the U.S. for items published in 2019 in most cases is the life of the author plus 70 years.

# TRUE or FALSE?

\_\_\_ 11. Paying an Open Access fee allows an author to retain control of his or her own work.

# TRUE or FALSE?

\_\_\_ 12. Under Fair Use, you can legally create course packs with any materials that are relevant to the course.



# TRUE or FALSE?

\_\_\_ 13. “Public domain” means that there are no copyright or licensing restrictions on a work and it can be distributed, modified, copied, or displayed by anyone legally without asking permission of anyone.

# TRUE or FALSE?

\_\_\_ 14. You can permit free use of your work with a Creative Commons license.

# TRUE or FALSE?

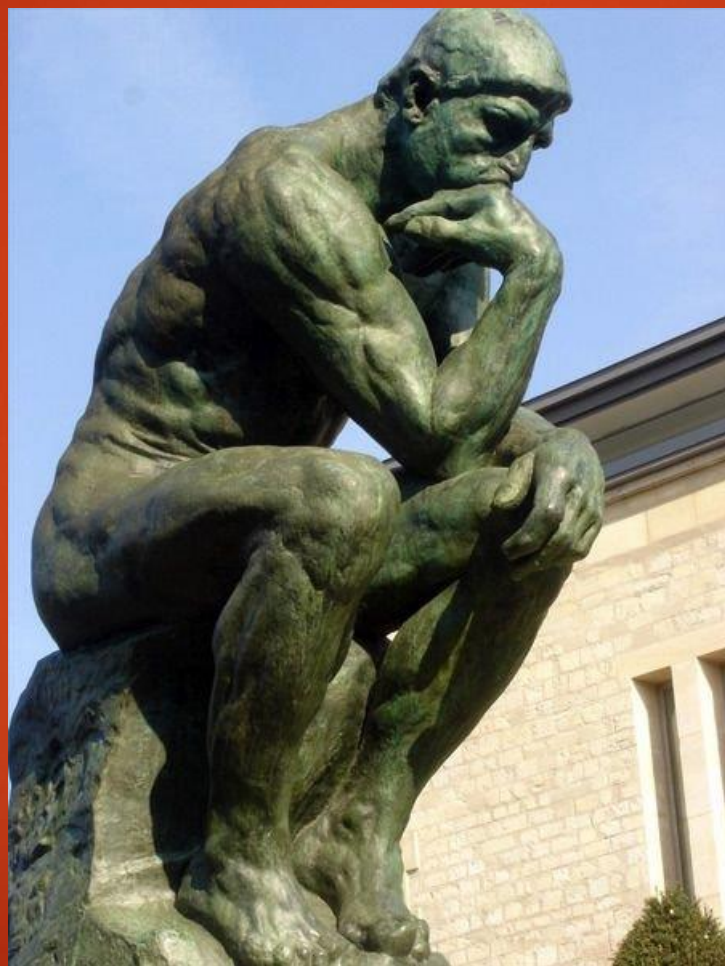
\_\_\_ 15. U. S. government employee-authored works are not copyrighted.

# TRUE or FALSE?



\_\_\_ 16. Copyright laws are the same in every country.

# Answers after Paul's presentation!



Answer: TRUE

\_\_\_ 1. U. S. copyright allows the copyright holder to: 1. make copies of the work, 2. create derivative works, 3. distribute the work, and 4. perform or display the work.

Note: These are the basic rights held in copyright.

Answer: TRUE

\_\_\_ 2. In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.

Note: This language comes directly from the copyright law itself, Title 17 of the U. S. Code.

Answer: FALSE

\_\_\_ 3. An item must be published before it is copyrightable.

Note: Manuscripts are also copyrighted works. A work has to be original, and in a fixed, tangible form, and then it is copyrighted automatically.



Answer: FALSE

\_\_\_ 4. Items with the © symbol are copyrighted.

Note: The answer really is: Not necessarily. Items with the © symbol may be copyrighted. They *may or may not* be copyrighted by the person or entity claiming copyright. Also, the © symbol is no longer a requirement for a claim of copyright.

Answer: FALSE

\_\_\_ 5. You have to register a textual work, such as an essay, article, or book, with the Library of Congress for the work to be copyrighted in the United States.

Note: Registering is not necessary to claim copyright, but the registering of a work allows you to be able to be awarded damages if you are successful in claiming infringement in a legal proceeding.

# Answer: FALSE

\_\_\_ 6. When you sign a contract with a publisher that gives the publisher the exclusive right to distribute your work, you have the right to put an electronic copy of the published version on your own Web site, but not a social media site like ResearchGate.

Note: When you sign your copyrights over to a publisher, the publisher must then give you permission to post your own work online. The publisher may have specific restrictions, such as allowing posting a manuscript version in an institutional repository but not on social media sites, such ResearchGate. You need to read the contract to know what you are giving up when you sign a contract and what you are permitted to do.

Answer: FALSE

\_\_\_ 7. You own the copyrights for a photograph that someone takes of you.

Note: No, you do not own the copyrights of a picture someone takes of you; the photographer does.

Answer: FALSE

\_\_\_ 8. Publishing contracts for articles contain standard legal language, so it is a waste of time to read through them before signing.

Note: Publishers' contracts tend to be all quite different from one another. The same publisher may have changed the contract terms since you last read a version, so it is always important to read the contract.

Answer: FALSE

\_\_\_ 9. Joint authors have to get permission from all of the other authors before giving permission to someone else to post the work in a university's institutional repository.

Note: Any single author of a joint work can permit its use, and any single author of the same joint work can disallow its use, unilaterally.

Answer: TRUE

\_\_\_ 10. The length of term of copyright in the U.S. for items published in 2019 in most cases is the life of the author plus 70 years.

Note: For corporate works, the term is 95 years from publication. Items published in other years may have a different copyright term.



# Answer: FALSE

\_\_\_ 11. Paying an Open Access fee allows an author to retain control of his or her own work.

Note: The answer really is: Not necessarily. The payment of an Open Access fee does not guarantee control of your work. You need to read the contract to see what the agreement allows and disallows.



Answer: FALSE

\_\_\_ 12. Under Fair Use, you can legally create course packs with any materials that are relevant to the course.

Note: You can use copyrighted materials in your classes under Fair Use but, depending on how you make them available, course packs may or may not fall under Fair Use. Look up the Georgia State case for one example of course pack copyright litigation.

Answer: TRUE

\_\_\_ 13. “Public domain” means that there are no copyright or licensing restrictions on a work and it can be distributed, modified, copied, or displayed by anyone legally without asking permission of anyone.

NOTE: This is true.

# Answer: TRUE

     14. You can permit free use of your work with a Creative Commons license.

Note: This is true, you can permit free use of your work with a Creative Commons license. But this is not the only way you may do that. You can just include language within the work that indicates permission to freely use the work. Or another way is to just let people use your work without claiming infringement.

Answer: TRUE

\_\_\_ 15. U. S. government employee-authored works are not copyrighted.

Note: Some publishers will claim that works written jointly by both U. S.-government employees and non-U. S.-government employees are not in the public domain. We disagree with this claim, but our opinion is just that, and you have to navigate publishers' policies using your best judgement.

Answer: FALSE

\_\_\_ 16. Copyright laws are the same in every country.

Note: Thanks to the Berne Convention, copyright laws are similar from country to country, but there are sometimes significant differences that you should become aware of when publishing work in other countries.

# Thank you for attending!

Paul Royster

Love Library

402-472-3628

[proyster@unl.edu](mailto:proyster@unl.edu)

Sue Ann Gardner

Love Library

402-472-8566

[sgardner2@unl.edu](mailto:sgardner2@unl.edu)