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### Preparing for Sharing Your Research: Publishing and Copyright

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A photograph of a library interior. The room is filled with bookshelves, some of which are on wheels. A blue armchair is visible in the foreground. A sign for 'GRAPHIC NOVELS' is visible on a shelf in the background. The ceiling has recessed lighting.

# Preparing for Sharing Your Research

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Paul Royster and Sue Gardner

UNL Libraries

October 27, 2021

Step 1:

# Write something !!

Step 2:

# You have written something

Now what?

# Your Concerns

## **Publishing**

- Selecting a journal or publisher
- Avoiding predatory journals
- How to write for publication
- How to endure peer review
- Publishers' contracts
- Open access
- Preprints
- Your thesis/dissertation online

## **Copyright**

- Basic copyright
  - Know your rights
- Rights transfer
  - Permissions
  - Licensing
- Use of your work
  - Fair use
  - Educational use

# PUBLISHING

How it pertains to you and your work

# Publishing -- Selecting a journal or publisher

- Who do you read?
- Who do you cite?
- Can you afford the time/expense?
- What does your advisor recommend?
- Remember student journals

# Publishing -- Avoiding predatory journals

- Have you ever heard of them?
- Can you find their stuff?
- Does it sound almost too good to be true?
- What are you giving up?
- Do a little searching.
- Normally they contact you.

# Publishing -- How to write for publication

- Use their model. Look at several articles—how they are organized, what is the tone or level. What are they looking for? How and how heavily footnoted?
- Work on the **Abstract**, so it conveys the significance of the work.
- Almost universal: 1) Introduction, 2) Materials and Methods, 3) Results, 4) Discussion
- Get help if you need it. A reader or editor can address language or usage issues apart from the science.



# Publishing -- How to endure peer review

- It's not about you.
- It's about somebody trying to understand; help them.
- Everyone has horror stories. But mostly it is the system that we have and that works, in its way. Be grateful for positive and helpful reviews. Express that to the editors.

# Publishing -- Publishers' contracts

- Read it !
- Before you sign it !
- What does it transfer?
- What does it allow you to do?

# Publishing -- Open access

- Sharing your work is good for you.
- Almost no one earns anything from scholarly articles. Their value is for your reputation. The wider and more easily they are distributed, the better for you.
- You should get to decide. There are various levels and types of "open"—too many for me to get into here.

# Publishing -- Preprints

- A way to get research results out in a hurry
- Use a standard, reputable site
- Consult your leader
- Check on journal policy regarding

# Publishing -- Your thesis/dissertation online

- Yes, it will happen, should you graduate.
- UNL Digital Commons for masters' theses
- ProQuest ETDs for doctoral dissertations,  
with *optional* deposit in UNL Digital Commons
- Can be embargoed (restricted)
- Public access receives significant traffic; avg > 200/year

# COPYRIGHT

How it pertains to you and your work



pep talk

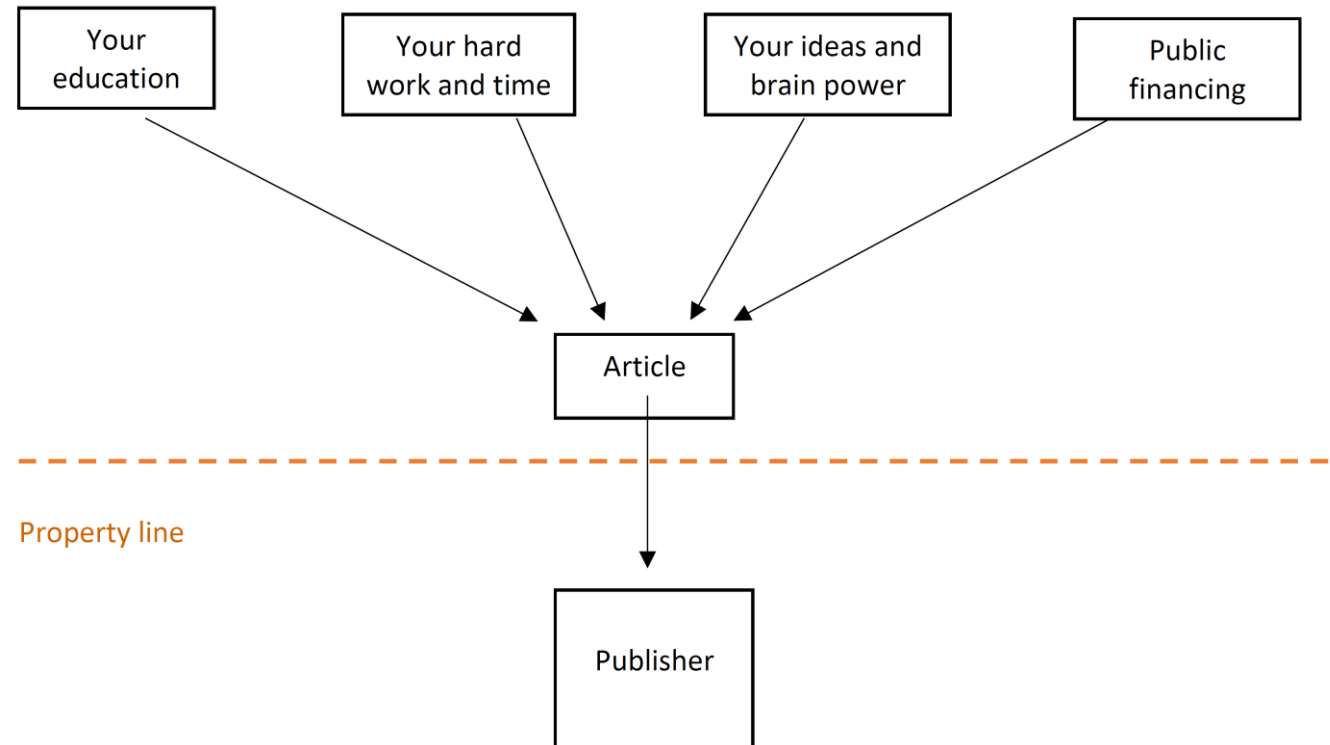
# Copyright

From the perspective of

- the author
- the user



# Copyright



# United States Copyright

## Copyright is a bundle of exclusive rights

- Right to distribute
- Right to make multiple copies
- Right to public performance or display
- Right to create derivatives
- Right to authorize others to do these things

Copyright is (intellectual) property. Violations of these rights are known as **infringement**.

# Copyright

United States Constitution gives the power to regulate copyrights to Congress

“To promote the progress of science and the useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries”

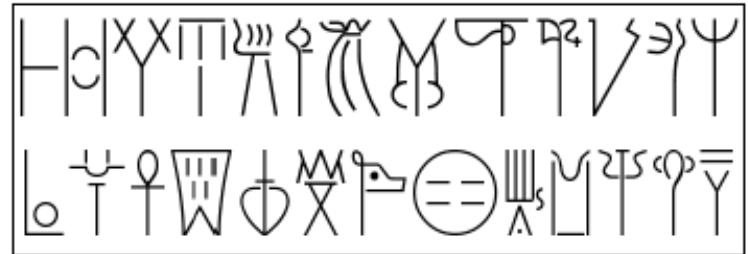
– Article I, Section 8, Clause 8



# Copyright

Copyright requires two things

1. Creative act
2. Fixed in a tangible medium of expression



# Examples of types of copyrightable materials

- Texts
- Photographs
- Software
- Some databases (may be considered to be compilations)
- Websites
- Musical recordings
- And many others

# Copyright

Copyright does **not** cover

- Facts
- Data
- Titles, words, phrases
- Formatting and layout
- Mechanical processes (such as transcribing)

# Copyright in 2021

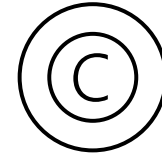
- Immediate
- Automatic = no need to register it or publish it for it to take effect
- Copyright lasts a very long time (see later slides for details)

# Copyright can be transferred

- By agreement or contract, in writing
- If you transfer it, then you don't own it anymore  
= it's no longer yours
- The transferee controls it until 70 years after you die



# Copyright registration



- Why register a copyright?
- To officially claim an item as yours
- This allows you to collect damages when suing successfully for infringement in federal court
- Note: Academics do not tend to sue others for infringements

# Copyright registration

- How do you register a copyright?

Apply with the United States Library of Congress (online process)

Submit one or more copies of the work to the Library of Congress

Pay a fee (varies, usually \$45)

# Copyright

Once you give up your copyrights, can you ...

Post it on your website? No

Distribute it to your students? No

Publish a translation? No

Include it in a collection? No

Make it available for free? No

*Not without the publisher's permission !*

# Copyright: Permissions

- Means: Getting consent to use copyrighted work
- Even if you wrote it, you may need permission to use it
- Depending on many factors, you don't always need explicitly to ask for permission to use a work
- Often permission is granted through a license

# Copyright: Licensing

- Licenses constitute blanket permissions
- They allow certain, defined uses of copyrighted works
- The terms of the license spell out what you can do legally

# Copyright: Creative Commons Licenses

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01

CC licenses confer blanket permissions on works in perpetuity

02

Often used on open access material, but not the only option

03

Many types and jurisdictions  
For example,  
CC BY-ND 4.0  
International

# Copyright terms

The length of copyright over an item varies depending on

- Where it was copyrighted
- When it was copyrighted
- Whether it was published or not

# Copyright terms

- The term of copyright for works created today
  - Published, by people: 70 years after death
  - Published, by corporations: 95 years
  - Unpublished: 120 years
- Figuring out whether something is copyrighted can be hard
- Peter Hirtle's chart can help  
<https://digitalcommons.unl.edu/scholcom/106/>



# Copyright: Co-authorship

- For academic works, co-authorship is common
- All co-authors have equal copyrights
- Any one co-author can make unilateral decisions about permissions
- If one co-author is a United States government employee, the entire work may be in the public domain

# Copyright: Public Domain

- You can use these in any way you like without restriction
- There's no need to ask for permission to use them
- **What types of works are in the public domain?**
  - United States government employee-authored works
  - Works with a CC-0 license
  - Works whose copyright term has expired
  - (As of today:) Works published before January 1, 1926

# Works published in 1926

Will be in the public domain as of January 1, 2022:

- *The Sun Also Rises*, Ernest Hemingway
- *My Mortal Enemy*, Willa Cather
- *The Weary Blues*, Langston Hughes
- *Color Struck*, Zora Neale Hurston
- *Winnie-the-Pooh*, A. A. Milne

# USCO training videos

[https://youtube.com/playlist?list=PLkNEbE0KewNfnpvwNO3-17ci0h\\_6gBDdS](https://youtube.com/playlist?list=PLkNEbE0KewNfnpvwNO3-17ci0h_6gBDdS)

The screenshot shows a web browser displaying a YouTube playlist. The browser's address bar shows the URL [https://youtube.com/playlist?list=PLkNEbE0KewNfnpvwNO3-17ci0h\\_6gBDdS](https://youtube.com/playlist?list=PLkNEbE0KewNfnpvwNO3-17ci0h_6gBDdS). The browser's search bar contains the text "Search with Google Search". The browser's tabs show several open pages, including "aily Buzz | UNL Lib...", "sue-liz-meetings.do...", "running-meeting-n...", "UCLA Stata Learning Mod...", and "Sue Gardner - Sear...". The YouTube interface shows a search bar, a microphone icon, and a user profile picture. The playlist contains six videos, all from the U.S. Copyright Office:

1. **What is Copyright?** (5:27)
2. **Hey That's My Idea!** (3:10)
3. **Copyright on the Internet** (4:37)
4. **Fair Use** (3:52)
5. **What is Public Domain?** (3:25)
6. **Copyright Registration** (U.S. Copyright Office)

# Fair use



- Use of a copyrighted work for a transformative purpose such as to comment on it, criticize it, or parody it
- No permission is required
- To determine whether a use is fair, use the Four Factor test

A close-up, high-angle photograph of a silver pen writing on a document. The pen is positioned in the upper right corner, and its tip is touching the paper. The document features a line graph with a jagged, upward-trending line. The number '2,47' is visible on the right side of the graph. The overall color palette is a soft, muted blue.

## Fair use: The four factors

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- The purpose and character of the use
- The nature of the copyrighted work
- The amount and substantiality of the part used
- The effect of the use upon the potential market
  
- Checklist: <https://digitalcommons.unl.edu/scholcom/188/>



Image courtesy of Aoki, Boyle, and Jenkins, *Bound by Law*, 2006

# Educational use

- The TEACH Act permits use of copyrighted works in classroom settings
- There are significant restrictions (see this checklist, courtesy of the University of Texas Libraries: <https://guides.lib.utexas.edu/copyright/teachactchecklist>)
- If the TEACH Act does not cover a use, fair use often does





## CASE Act of 2019

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- Copyright Alternative in Small-Claims Enforcement Act
- Establishes a copyright tribunal within the United States Copyright Office
- Putative copyright owners may seek damages for alleged copyright violations
- Will be established between December 2021 and June 2022
- Those accused may opt out of the process
- If you receive a notice, it is not spam

# Copyright: Clearing some FUD\*

## **Copyright law actually charges educators to engage in fair uses of works**

MYTH: *Better be safe and not use it or get permission.*

**FACT:** Fair use is founded on fairness. Go through the four factors to check your common sense assessment.

*\* Fear, uncertainty, and doubt*

Adapted from Quilter, Fair use: A virtual anthem of empowerment and joy for librarians and educators

# Copyright: Clearing some FUD\*

*MYTH: The legal precedent in fair use doesn't help us.*

**FACT:** Actually, the case law is remarkably positive. It's especially heartening for public purposes, like education and disability access.

*MYTH: Fair use excuses unethical behavior. It's more ethical to ask permission.*

**FACT:** The Copyright Act encourages educators to rely on fair use.

*\* Fear, uncertainty, and doubt*

# Copyright: The main takeaways

- As an **author**, you will want to control your rights, usually so you can make your work free for others to use easily
- As a **researcher**, you will want to be able to access and use copyrighted works so you can create new knowledge
- As a **teacher**, you will want to be able to teach your students what they need and want to learn how you see fit

# Copyright quiz

- Copyright: Preserve, Protect, and Promote Your Research: QUIZ

(<http://digitalcommons.unl.edu/scholcom/102>)

- Key to the quiz

(<http://digitalcommons.unl.edu/scholcom/103>)

*Take home, Open book, No due date*



# Contact us!

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