Copyright

Sue Kunda

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## Copyright in the IR

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<tr>
<th>CONTENT TYPE</th>
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<th>THINGS TO THINK ABOUT</th>
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<tbody>
<tr>
<td>Journal Articles</td>
<td>Authors transfer rights to publishers.</td>
<td>Science Commons Addendum:</td>
<td>Author can retain rights through an addendum (e.g., Science Commons).</td>
</tr>
<tr>
<td></td>
<td>Not all publishers allow self-archiving in IR.</td>
<td>Check self-archiving policies.</td>
<td><a href="http://www.sherpa.ac.uk/romeo/index.php">SHERPA/Romeo:</a></td>
</tr>
<tr>
<td></td>
<td>Funding agencies require deposit of research products.</td>
<td>Check funding agency article sharing requirements.</td>
<td><a href="http://researchsharing.sparcopen.org/articles">Funding Agency Article Sharing:</a></td>
</tr>
<tr>
<td>Books and Book Chapters</td>
<td>Authors transfer rights to publishers.</td>
<td>Author can retain rights through an addendum (e.g., Science Commons).</td>
<td><a href="http://scholars.sciencecommons.org/">Science Commons Addendum:</a></td>
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<tr>
<td>Conference Presentations, Papers and Posters (Faculty)</td>
<td>Conference presentations and papers may be collected into published journal or proceedings.</td>
<td>Conference proceedings’ self-archiving policies often mirror publisher self-archiving policies for journals.</td>
<td>SHERPA/Romeo: <a href="http://www.sherpa.ac.uk/romeo/index.php">http://www.sherpa.ac.uk/romeo/index.php</a></td>
</tr>
<tr>
<td>Posters generally not published like papers and presentations.</td>
<td>Check with author regarding signing CTA for poster.</td>
<td>Check individual conference websites.</td>
<td></td>
</tr>
<tr>
<td>Graduate Electronic Theses and Dissertations (ETDs)</td>
<td>ETDs often contain third party copyrighted works (e.g., quotes, images, charts, proprietary testing instruments).</td>
<td>Generally, integrity of ETD should be maintained.</td>
<td>Code of Best Practices in Fair Use for Academic and Research Libraries.</td>
</tr>
<tr>
<td>Note: Faculty cannot claim authorship in student work even if they provided ideas, guidance or minor editorial work.</td>
<td>Student should conduct fair use analysis.</td>
<td>Fair Use Checklist: <a href="https://wou.libapps.com/libguides/admin_c.php?g=551289&amp;p=3785417">https://wou.libapps.com/libguides/admin_c.php?g=551289&amp;p=3785417</a></td>
<td></td>
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<tr>
<td>Use of student’s previously published journal articles in ETDs.</td>
<td>Do not attach entire proprietary testing instruments (e.g., Stanford-Binet, MMPI, WISC-V).</td>
<td>Fair Use Evaluator: <a href="http://librarycopyright.net/resources/fairuse/">http://librarycopyright.net/resources/fairuse/</a></td>
<td></td>
</tr>
<tr>
<td>Creative Commons Licenses can be attached to ETDs in the IR.</td>
<td>Students often need help making informed decisions about Creative Commons licenses.</td>
<td>Consult publisher’s author rights information page (e.g. Elsevier: <a href="https://www.elsevier.com/__data/assets/pdf_file/0007/55654/AuthorUserRights.pdf">https://www.elsevier.com/__data/assets/pdf_file/0007/55654/AuthorUserRights.pdf</a>)</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Creative Commons Licenses: <a href="https://creativecommons.org/share-your-work/licensing-types-examples/">https://creativecommons.org/share-your-work/licensing-types-examples/</a></td>
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<td>Undergraduate Research</td>
<td>Undergraduate research often contains third party copyrighted works (e.g., quotes, images, charts).</td>
<td>Undergraduates -- and their advisors -- need help making fair use decisions.</td>
<td>Fair Use Checklist: <a href="https://wou.libapps.com/libguides/admin_c.php?g=551289&amp;p=3785417">https://wou.libapps.com/libguides/admin_c.php?g=551289&amp;p=3785417</a></td>
</tr>
<tr>
<td>Note: Undergraduates and their advisors may be unaware of, or less concerned by, copyright issues due to unfamiliarity with IR dissemination practices.</td>
<td></td>
<td></td>
<td>Fair Use Evaluator: <a href="http://librarycopyright.net/resources/fairuse/">http://librarycopyright.net/resources/fairuse/</a></td>
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<td></td>
<td>Human subject research needs IRB approval to deposit in the IR.</td>
<td>Contact faculty advisor regarding IRB status of works using human subjects</td>
<td>IRB Fundamentals: <a href="https://www.hhs.gov/ohrp/education-and-outreach/human-research-protection-program-fundamentals/index.html">https://www.hhs.gov/ohrp/education-and-outreach/human-research-protection-program-fundamentals/index.html</a></td>
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<tr>
<td></td>
<td>Creative Commons Licenses can be attached to undergraduate research in the IR.</td>
<td>Students often need help making informed decisions about Creative Commons licenses.</td>
<td>Creative Commons Licenses: <a href="https://creativecommons.org/share-your-work/licensing-types-examples/">https://creativecommons.org/share-your-work/licensing-types-examples/</a></td>
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<tr>
<td>Conference Papers, Presentations, and Posters (Students)</td>
<td>Research often contains third party copyrighted works (e.g., quotes, images, charts, proprietary testing instruments).</td>
<td>Undergraduates and their advisors need help making fair use decisions.</td>
<td>Fair Use Checklist: <a href="https://wou.libapps.com/libguides/admin_c.php?g=551289&amp;p=3785417">https://wou.libapps.com/libguides/admin_c.php?g=551289&amp;p=3785417</a></td>
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<td>Note: This information relates to conference papers, presentations and posters held on campus by the parent institution.</td>
<td></td>
<td></td>
<td>Fair Use Evaluator: <a href="http://librarycopyright.net/resources/fairuse/">http://librarycopyright.net/resources/fairuse/</a></td>
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<tr>
<td>For works presented at professional conferences, see Conference Presentations, Papers and Posters (Faculty)</td>
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<td>IRB Fundamentals: <a href="https://www.hhs.gov/ohrp/education-and-outreach/human-research-protection-program-fundamentals/index.html">https://www.hhs.gov/ohrp/education-and-outreach/human-research-protection-program-fundamentals/index.html</a></td>
</tr>
<tr>
<td></td>
<td>Human subject research needs IRB approval to deposit in the IR; undergraduate research often doesn’t have IRB approval.</td>
<td>Contact faculty advisor regarding IRB status of works using human subjects; include IRB approval in IR (consider &quot;hiding&quot; the file).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Creative Commons Licenses can be attached to student work in the IR.</td>
<td>Students often need help making informed decisions about Creative Commons licenses.</td>
<td>Creative Commons Licenses: <a href="https://creativecommons.org/share-your-work/licensing-types-examples/">https://creativecommons.org/share-your-work/licensing-types-examples/</a></td>
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<td>Datasets</td>
<td>Data ownership</td>
<td>Universities formalizing data ownership/copyright policies.</td>
<td>Check institutional policies – Technology Transfer Office</td>
</tr>
<tr>
<td></td>
<td>Data is not copyrightable; but its expression might be.</td>
<td>Underlying data (facts) cannot be copyrighted; database can have thin copyright protection.</td>
<td>Creative Commons Data Page: <a href="https://wiki.creativecommons.org/wiki/Data#Which_components_of_databases_are_protected_by_copyright.3F">https://wiki.creativecommons.org/wiki/Data#Which_components_of_databases_are_protected_by_copyright.3F</a></td>
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<td>Data reuse</td>
<td>Licensing</td>
<td>Open Data Licenses: <a href="https://opendatacommons.org/licenses/">https://opendatacommons.org/licenses/</a></td>
</tr>
<tr>
<td></td>
<td>Privacy issues</td>
<td>Data may be in public domain, but privacy concerns may require data to remain hidden.</td>
<td>Creative Commons CC0 License: <a href="https://creativecommons.org/share-your-work/public-domain/cc0/">https://creativecommons.org/share-your-work/public-domain/cc0/</a></td>
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**Datasets**

- **Data ownership**
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- **Data reuse**
  - Licensing
  - Open Data Licenses: https://opendatacommons.org/licenses/

- **Privacy issues**
  - Data may be in public domain, but privacy concerns may require data to remain hidden.
  - Health Information Privacy for Research: https://www.hhs.gov/hipaa/for-professionals/special-topics/research/index.html
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<td>Privacy issues</td>
<td></td>
<td>Transcripts generally aren’t copyrightable – word-for-word copy of interview is not original content.</td>
<td>Right of privacy &amp; defamation (9.4) p. 180-185 from “Copyright &amp; Cultural Institutions: Guidelines for Digitization for U.S. Libraries, Archives, and Museums”: <a href="https://ecommons.cornell.edu/bitstream/handle/1813/14142/Hirtle-Copyright_final_RGB_lowres-cover1.pdf?sequence=2&amp;isAllowed=y">https://ecommons.cornell.edu/bitstream/handle/1813/14142/Hirtle-Copyright_final_RGB_lowres-cover1.pdf?sequence=2&amp;isAllowed=y</a></td>
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<td>Release forms</td>
<td></td>
<td>Consider privacy of interviewee and/or anyone discussed in the interview.</td>
<td>Oral History release forms often ask interviewees to sign away some or all of their rights.</td>
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<td></td>
<td></td>
<td>Could anything be considered defamatory?</td>
<td>Oral History Release Forms: <a href="https://www.lib.umich.edu/copyright/oral-history-release-forms">https://www.lib.umich.edu/copyright/oral-history-release-forms</a></td>
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<td>Oral History release forms often ask interviewees to sign away some or all of their rights.</td>
<td>Make sure interviewee understands openness of IR.</td>
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