Portland State University

PDXScholar

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Copyright

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Copyright in the IR

CONTENT TYPE	COPYRIGHT ISSUES	THINGS TO THINK ABOUT	MORE INFORMATION
Journal Articles	Authors transfer rights to publishers.	Science Commons Addendum: http://scholars.sciencecommons.org/	Author can retain rights through an addendum (e.g., Science Commons).
	Not all publishers allow self-archiving in IR.	Check self-archiving policies.	SHERPA/Romeo: http://www.sherpa.ac.uk/romeo/index.php
	Funding agencies require deposit of research products.	Check funding agency article sharing requirements.	Funding Agency Article Sharing: http://researchsharing.sparcopen.org/articles
			Check individual funding agency websites.
	Work by federal employees cannot be copyrighted.	Was author acting within scope of federal employment?	ARL Brief on Copyright Status of Federal Employees Work: http://www.arl.org/storage/documents/copyright-status-of-government-works.pdf
Books and Book Chapters	Authors transfer rights to publishers.	Author can retain rights through an addendum (e.g., Science Commons).	Science Commons Addendum: http://scholars.sciencecommons.org/
	Not all publishers allow self-archiving of book chapters in IR.	Check self-archiving policies.	SHERPA/Romeo: http://www.sherpa.ac.uk/romeo/index.php
			Book Chapters Self-Archiving Policies: http://osc.cam.ac.uk/monographs/open-access-and-monographs/making-book-chapters-available-repositories
	Publishers rarely allow self-archiving of entire books.	Contact publishers directly.	

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Conference Presentations, Papers and Posters (Faculty)	Conference presentations and papers may be collected into published journal or proceedings.	Conference proceedings' self-archiving policies often mirror publisher self-archiving policies for journals.	SHERPA/Romeo: http://www.sherpa.ac.uk/romeo/index.php
			Check individual conference websites.
	Posters generally not published like papers and presentations.	Check with author regarding signing CTA for poster.	
Graduate Electronic Theses and Dissertations (ETDs) *Note: Faculty cannot claim authorship in student work even if they provided ideas, guidance or minor editorial work.*	ETDs often contain third party copyrighted works (e.g., quotes, images, charts, proprietary testing instruments).	Generally, integrity of ETD should be maintained.	Code of Best Practices in Fair Use for Academic and Research Libraries.
		Student should conduct fair use analysis.	Fair Use Checklist: https://wou.libapps.com/libguides/admin_c.php?g=551289&p=3785417
			Fair Use Evaluator: http://librarycopyright.net/resources/fairuse/
		Do not attach entire proprietary testing instruments (e.g., Stanford-Binet, MMPI, WISC-V).	
	Use of student's previously published journal articles in ETDs.	Many publishers allow use of student's previously published articles (in their entirety) in the IR.	Consult publisher's author rights information page (e.g. Elsevier: https://www.elsevier.com/__data/assets/pdf_file/0007/55654/AuthorUserRights.pdf)
	Creative Commons Licenses can be attached to ETDs in the IR.	Students often need help making informed decisions about Creative Commons licenses.	Creative Commons Licenses: https://creativecommons.org/share-your-work/licensing-types-examples/

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Undergraduate Research *Note: Undergraduates and their advisors may be unaware of, or less concerned by, copyright issues due to unfamiliarity with IR dissemination practices.*	Undergraduate research often contains third party copyrighted works (e.g., quotes, images, charts).	Undergraduates -- and their advisors -- need help making fair use decisions.	Fair Use Checklist: https://wou.libapps.com/libguides/admin_c.php?g=551289&p=3785417 Fair Use Evaluator: http://librarycopyright.net/resources/fairuse/
	Human subject research needs IRB approval to deposit in the IR.	Contact faculty advisor regarding IRB status of works using human subjects	IRB Fundamentals: https://www.hhs.gov/ohrp/education-and-outreach/human-research-protection-program-fundamentals/index.html
	Creative Commons Licenses can be attached to undergraduate research in the IR.	Students often need help making informed decisions about Creative Commons licenses.	Creative Commons Licenses: https://creativecommons.org/share-your-work/licensing-types-examples/
Conference Papers, Presentations, and Posters (Students) *Note: This information relates to conference papers, presentations and posters held on campus by the parent institution.* *For works presented at professional conferences, see Conference Presentations, Papers and Posters (Faculty)*	Research often contains third party copyrighted works (e.g., quotes, images, charts, proprietary testing instruments).	Undergraduates and their advisors need help making fair use decisions.	Fair Use Checklist: https://wou.libapps.com/libguides/admin_c.php?g=551289&p=3785417 Fair Use Evaluator: http://librarycopyright.net/resources/fairuse/
	Human subject research needs IRB approval to deposit in the IR; undergraduate research often doesn't have IRB approval.	Contact faculty advisor regarding IRB status of works using human subjects; include IRB approval in IR (consider "hiding" the file).	IRB Fundamentals: https://www.hhs.gov/ohrp/education-and-outreach/human-research-protection-program-fundamentals/index.html
	Creative Commons Licenses can be attached to student work in the IR.	Students often need help making informed decisions about Creative Commons licenses.	Creative Commons Licenses: https://creativecommons.org/share-your-work/licensing-types-examples/

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Datasets	Data ownership	Universities formalizing data ownership/copyright policies.	Check institutional policies – Technology Transfer Office
	Data is not copyrightable; but its expression might be.	Underlying data (facts) cannot be copyrighted; database can have *thin* copyright protection.	Creative Commons Data Page: https://wiki.creativecommons.org/wiki/Data#Which_components_of_databases_are_protected_by_copyright.3F
	Data reuse	Licensing	Open Data Licenses: https://opendatacommons.org/licenses/
			Creative Commons CC0 License: https://creativecommons.org/share-your-work/public-domain/cc0/
	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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Oral Histories	Copyright ownership
	  1. Interviewer
	  2. Interviewee
	  3. Script writer
	  4. Sound recording
		Obtain permission from all participants.	*Case Study 1: Interviews and Oral Histories (11) p. 215-225* from "Copyright & Cultural Institutions Guidelines for Digitization for U.S. Libraries, Archives, and Museums":
			
			https://ecommons.cornell.edu/bitstream/handle/1813/14142/Hirtle-Copyright_final_RGB_lowres-cover1.pdf?sequence=2&isAllowed=y

		Transcripts generally aren't copyrightable – word-for-word copy of interview is not original content.	
	Privacy issues	Consider privacy of interviewee and/or anyone discussed in the interview.	*Right of privacy & defamation (9.4) p. 180-185* from "Copyright & Cultural Instituions: Guidelines for Digitization for U.S. Libraries, Archives, and Museums": https://ecommons.cornell.edu/bitstream/handle/1813/14142/Hirtle-Copyright_final_RGB_lowres-cover1.pdf?sequence=2&isAllowed=y
		Could anything be considered defamatory?	
	Release forms	Oral History release forms often ask interviewees to sign away some or all of their rights.	Who Owns Oral History? a Creative Commons Solution: http://ohda.matrix.msu.edu/2012/06/a-creative-commons-solution/
			Oral History Release Forms: https://www.lib.umich.edu/copyright/oral-history-release-forms
		Make sure interviewee understands openness of IR.	