Overview

I. What is Copyright?
II. Keep a look out for....
III. Texas A&M University Policy
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What is Copyright?

• Copyright is a form of intellectual property protection grounded in the U.S. Constitution and granted by law.

• Codified in the United States Code, Title 17, Chapters 1 to 13.
What is Copyright?

To qualify for copyright, a work must be:

- An original work of authorship
- Fixed
- In a tangible medium of expression
How a work qualifies

• A work has to be an original expression: it cannot be a simple copy of another work
How a work qualifies

• A work has to be **fixed**: on paper, or in an electronic file, or recorded as an audio file (e.g. MP3, wav), or recorded as a digital video (e.g. AVI, MXF, MOV)
How a work qualifies

• A work has to be in a **tangible medium of expression**, either with or without the aid of a computer (read upon)
Common Copyrighted Materials

What are some common materials that are copyrighted?

- Published and unpublished works: research articles
- Literary works: books, poems
- Musical works: original compositions, original arrangements
- Pictorial, graphic, and sculptural works: paintings, comics, sculpture, photographs
- Motion picture works: movies, home videos, YouTube videos
Common Copyrighted Materials

What are some common copyrighted works in academia?

- Class papers
- Research articles, published and unpublished
- Posters
- Conference proceedings
- Textbooks
- Teaching materials
What isn’t protected?

Copyright does not cover:

• Data (like tables of numbers)
• Facts
• Ideas
• Methods
• Systems
What is protected, and off-limits?

- Copying, distributing, and displaying any materials made for the educational market: e.g. lab manuals, LSAT prep booklet, etc.
What rights do I have?

Having copyright lets authors:

- **Reproduce** your work: make a copy
- Prepare a **derivative work**: a translation, or make your book into a movie
- **Distribute** your work: post to a password-protected website, sell it, rent it
What rights do I have?

Having copyright lets authors:

- **Perform and display** your work publicly: show your movie in public, playing your song publicly in public, perform dramatic reading in public
- For sound recordings, to **play your work publicly**: play your song on the radio, or through file-sharing
How do I copyright a work?

Once your work is:

- Your original expression
- Fixed (on paper, or in an electronic file)
- In a tangible medium of expression
  (handwritten on a notepad, or saved to your hard drive)...

...you are now the copyright owner.
Publishing Copyrighted Work

What happens to my copyright when I publish my work?

• In some cases, like with Open Access journals, you can retain your copyright.

• However, very often you will be asked to transfer your copyright ownership to the publisher of your journal, or sell it to another person, or license it to another entity.
Publishing Copyrighted Work

What can I do with someone else’s copyrighted work without asking permission?

• Research, scholarship, parody

• News reporting, criticism, and commentary

• These are called Fair Uses
Publishing Copyrighted Work

And additionally, you can:

• Privately view/listen: watch a movie at home, or listen to music in the car

• Privately display, hang a poster in your room
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Investigate more when you…

You might need to look into copyright more when you…

• Use works made by others, e.g. writings, music, artwork, code, etc.

• Include previously published materials in your dissertation, including your own articles

• Sign publishing contracts

• Teach online, or consider reusing and copying educational materials, e.g. textbooks, test booklets, worksheets, etc.
Investigate more when you…

• Are working on grant- or privately-funded contracts
• Are writing with other authors
• Are collaborating with authors in different countries
• Have already signed a publisher’s contract

This list is not comprehensive.
Ask your advisor, the Copyright/Fair Use Librarian, or the Graduate Studies Librarian if you have questions.
Other Considerations

• **Ask questions early!** Don’t wait until late in the project to work out copyright details.

• **Read** your publishing contract, and read it carefully. Try to **keep the copyright** in your own work.

• Copyright relies heavily on the context and facts of any given situation. In other words, **it can take time** to get answers to your copyright questions.
Keep a look out for…

Copyright is not the only form of intellectual property.

- An invention or a discovery is protected by **patent** law.
- Words, phrases, symbols, or designs are protected by **trademark** law.
Keep a look out for…

• Copyright infringement and plagiarism are not the same thing; you can do one without doing the other.
• Avoiding both is an important part of ethical authorship and research.
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2.1.2 The system recognizes and affirms the traditional academic freedom of its faculty and staff to publish pedagogical, scholarly or artistic works without restriction. In keeping with this philosophy, the system does not claim copyright to pedagogical, scholarly or artistic works, regardless of their form of expression, unless required by a funding or research contract. Such works include, but are not limited to, faculty-prepared works such as textbooks, course materials and refereed literature, and copyrightable works of students created in the course of their education, such as dissertations, papers and journal articles. Furthermore, the system claims no ownership in popular nonfiction, novels, poems, musical compositions or other works of artistic imagination that do not constitute significant use of resources and/or are not works for hire as defined in Section 2.3.1 of this policy.
TAMU Copyright Policy

For TAMU’s complete policy go to:

• Texas A&M System’s web page:
  – https://www.tamus.edu

• Choose the Policy and Regulation Library:

• See System Policy 17.01, Intellectual Property Management and Commercialization
Additional Resources

• For more information about how the Office of Graduate and Professional Students processes your thesis/dissertation, embargoes, and the placement of your work in the online institutional repository, please contact Thesis and Dissertation Services at thesis@tamu.edu.
Additional Resources

• Have questions? Ask a Librarian!

• Copyright/Fair Use Librarian, Emilie Algenio
  – Email: emilie [underscore] [at] library.tamu.edu
  – Office: 979.845.1496

• Graduate Studies Librarian, Dr. Kathy Anders
  – Email: kanders@tamu.edu

• For patents and software, see the Office of Technology Commercialization:
  – http://techtransfer.tamu.edu
Image References

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