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Legal Pitfalls: What You Need to Know About Copyright

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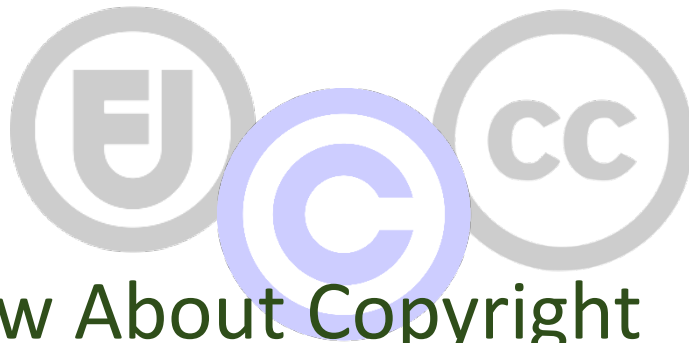
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LEGAL PITFALLS

What You Need to Know About Copyright



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Today's presentation:

- What is copyright?
- Why do you need to know?
- How can you use copyrighted works?
- Who owns your dissertation?
- How can you use your intellectual property?
- Library and related resources

What is copyright?

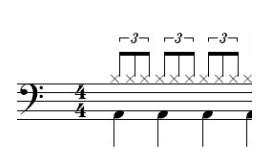
- Right granted by law to the creator
- Of “original works of authorship”
- “fixed in a tangible medium”
- To control duplication, distribution, derivatives, performance and display of work

What is and is not protected by copyright?

- Protected:
 - Original and creative



```
chris@riedquat:~/Wikipedia
1 public class 啊 {
2 +--+ 4 lines: static
6 public static void
7     system.out.prn
8     system.out.prn
9
10 }
```



- Not Protected:
 - Facts, ideas, methods, names, short phrases, useful articles, works in the public domain

Why do you need to know about copyright?

- To manage your own rights
- Because copyright legislation can often affect privacy and free speech
- Because copyright infringement may result in
 - Civil penalties including injunctions and monetary damages
 - Criminal penalties

Are you using copyrighted content in your thesis/dissertation?

- You are using copyrighted content if you include:
 - Your previously published articles
 - Figures and tables from other publications
 - Pictures found online
 - Information from company webpages, brochures or manuals
 - Etc.

How can you use copyrighted work in your thesis/dissertation?

- Obtain permissions or rights of use
- In accordance with an existing license, ex:
 - Library negotiated material
 - Creative commons licensed material
- In accordance with exceptions to copyright law:
 - Fair Use

What is creative commons?

- Easy to use licenses that allow copyright owners to communicate allowed uses of their work



- Where can I find Creative Commons licensed material?
 - ccMixer, Flickr creative commons search, Wikimedia Commons, Google images advanced search

What is fair use?

- An exception to copyright under specific conditions, ex: criticism, news reporting, teaching
- All uses must be considered under four factors:
 - Purpose and character
 - Nature of work
 - Amount and substantiality
 - Effect of the use on market and value of work
- [USF Fair Use Checklist](#)

How do you apply the four factors?

PURPOSE AND CHARACTER

Educational, teaching, research & scholarship, criticism, parody, news reporting or comment, transformative, restricted access, and nonprofit

NATURE OF COYRIGHTED MATERIAL

Factual/non fiction, important to educational objectives, published work, non consumable

AMOUNT IN RELATION TO THE WHOLE

Small amount, necessary to accomplish the purpose, important to educational objective, lower quality than original, not the heart

EFFECT ON MARKET OF ORIGINAL

no significant effect on market, does not replace a sale, you have a legal copy, copyright holder is unidentifiable, lack of licensing mechanism, not made publicly accessible



YOUR INTELLECTUAL PROPERTY

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Who owns your dissertation?

- You own the copyright to your dissertation.
- **“I retain all other ownership rights to the copyright of the thesis or dissertation. I also retain the right to use in future works (such as articles or books) all or part of the thesis or dissertation.”**

ETDs in Scholar Commons

- USF will reserve the right to make your dissertation publicly accessible.
- “I hereby grant to USF and its agents the **non-exclusive license** to archive and make accessible my thesis or dissertation in whole or in part **in all forms of media, now or hereafter known.**”

Publishing before completing your dissertation

- You can publish parts of your dissertation as a journal article before defending, but be careful!
 - Pay attention to your copyright agreement form
 - Know your rights!

What can you do with your dissertation after you defend?

- Embargo
 - 1 year max. Can be renewed once.
- Publish dissertation as a monograph
- Publish journal articles based on dissertation
- Translations of your dissertation

What resources are available to me?

- Copyright and subject guidance at the library
- Library collections
- Open Use Media Resources



Questions?

<http://guides.lib.usf.edu/copyright>



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