

Frequently Asked Copyright Questions: Electronic Theses and Dissertations (ETDs)

Although your thesis or dissertation has not been formally peer-reviewed like an academic book, it is still a published work according to copyright law. This gives you protection of your rights as an author. It also governs your use of materials created by others in your thesis or dissertation.

This FAQ includes commonly asked questions about copyright and ETDs. If you have additional questions, please contact the Scholarly Communications Office at scholcomm@listserv.cc.emory.edu .

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Copyright Basics

1. What is copyright?

Copyright is a federal law that gives creators exclusive rights to control the use of their work for a period of time. These rights include...

- The right to reproduce a work
- The right to distribute a work
- The right to create a derivative work
- The right to publicly perform a work
- The right to publicly display a work

If someone wishes to reproduce a copyright protected work, they need to get permission from the creator.

2. Do you always need to get permission to use a work?

No. The law includes exemptions for the use of copyrighted works in certain situations, such as the fair use exemption. For more information on fair use, see question #3 under *Using Materials Created by Other*.

3. How long does copyright protection last?

Copyright protection occurs automatically at the moment of creation – you don't need to register your work or include a copyright notice. Currently, the term of copyright protection is the life of the creator plus 70 years. When the copyright term expires, the work enters the public domain and can be used without permission.

ETDs and Your Rights as an Author

1. Am I the copyright owner of my thesis or dissertation?

Yes. Once you create a work that is “fixed in a tangible medium of expression”, copyright protection begins. As the creator, you are the copyright owner of that work. For example, once you save your thesis or dissertation to your laptop or Google Drive, it is copyright protected. No additional steps are necessary.

Emory University does not claim any copyright in the theses and dissertations produced by Emory students.

2. **Should I register my copyright?**

Registration is not required for copyright protection. However, registering a work with the U.S. Copyright Office offers benefits.

1. Registration creates a public record of the claim to copyright ownership and deposits a copy of the work in the Library of Congress.
2. Registration is required before a copyright owner can file a lawsuit for copyright infringement.
3. Registration within three months of publication or before an infringement takes place lets a copyright owner to ask for statutory damages and attorney's fees. Statutory damages for copyright infringement can be up to \$150,000 per infringement.

As the copyright owner, it is your choice whether to register a work.

3. **How do I register my copyright?**

You can register your work on the U.S. Copyright Office website, <https://www.copyright.gov/>.

If you are submitting to ProQuest, you can choose to have ProQuest register your copyright for you. You will need to complete the appropriate section of the ProQuest submission form and pay the appropriate fee.

4. **What is Creative Commons?**

Creative Commons is a nonprofit dedicated to making it easier for people to share and build upon the work of others while still respecting copyright law. The Creative Commons has developed a set of licenses to help you keep your copyright while allowing certain uses of your work—a “some rights reserved” copyright. For more information about the six main licenses offered, see <http://creativecommons.org/about/licenses/>

5. **Can I put a Creative Commons license on my thesis or dissertation?**

Yes, you can choose to share your thesis or dissertation under a Creative Commons (CC) license.

To pick and apply a CC license to your thesis or dissertation:

- Go to the CC license site - <https://creativecommons.org/choose/>
- Answer the two questions at the top of the page
- Click on the license under “Selected License
- Copy the URL for that page
- Insert a Creative Commons license statement, including the URL, on the copyright notice page of your thesis or dissertation.
 - For example, instead of:
 - © 2017 Your Name. All Rights Reserved.
 - Insert:
 - © 2017 Your Name. Licensed under a Creative Commons Attribution 4.0 License (<http://creativecommons.org/licenses/by/4.0/>)

Using Materials Created by Others in Your Thesis or Dissertation

If your thesis or dissertation includes any text, audiovisual, or other material that you did not create or for which you no longer own copyright, either the material must be in the public domain or your use must fall under fair use. Otherwise, you must get permission from the copyright owner to include this material.

1. Can I just cite the author of the material I am using, instead of getting permission?

No. Scholarly uses of copyrighted works are not exempt from copyright law. Citation is not a defense to copyright infringement. Accurate citations help you avoid plagiarism, an ethical matter of intellectual honesty and integrity. Copyright law is a legal protection of expressions of ideas that allows creators to control how a work is used. The following examples illustrate how plagiarism and copyright overlap.

Example A – Plagiarism Not Infringement

Imagine that you ask your advisor if you can include a poem that she wrote as an epigraph for your thesis or dissertation. As the copyright owner, she gives you permission, and you include the poem. However, you don't attribute the poem to your advisor in any citation. Legally, you have obtained permission and are not liable for copyright infringement claims. Ethically, you have plagiarized.

Example B – Infringement Not Plagiarism

As in the above example, you want to use your advisor's poem as the epigraph to your thesis or dissertation. You include the poem and attribute it to your advisor. However, you never ask your advisor if you can include the poem as an epigraph. Ethically, you have not plagiarized. However, legally, you may be liable for copyright infringement.

Example C – Both Plagiarism and Infringement

Again, you wish to include a poem written by your advisor as an epigraph to your thesis or dissertation. You include the poem without permission from your advisor and fail to attribute it appropriately. In this example, you have both plagiarized and infringed upon your advisor's copyright.

2. Do I need to obtain permission to use materials created by others, such as text, images, music, or film, in my thesis or dissertation?

You must obtain permission to use materials created by others if...

- these materials are protected by copyright and
- your use doesn't fall within fair use (see question #3)

Generally, any work published in the United States before January 1, 1923, is in the public domain and can be used without permission. Additionally, in the U.S., works created by employees of U.S. federal government acting in their official capacity automatically enter the public domain.

To see if a work is copyrighted, you can use Peter Hirtle's chart, [Copyright Term and the Public Domain](#) or the [Berkeley Law Samuelson Clinic's Public Domain Handbook](#).

3. **What is Fair Use?**

Fair use is an exemption to copyright law. It lets you use a copyrighted works without permission. For a use to be a fair use, the law requires a four-factor analysis of a use ([17 U.S. Code § 107](#)). Fair use is meant to balance the rights of copyright owners with the rights of the public to reuse copyrighted works for public benefit. Fair use is **technologically neutral**, so the same analysis applies regardless of medium.

For more detailed information on fair use, please see the [Scholarly Communications Office website](#).

4. **What kinds of things typically need permission?**

The following are examples of works that often require permission to be published in an ETD.

- Images, particularly from licensed resources like ArtStor, or from archives and museums
- Complex figures or infographics
- Articles or other materials you authored, but for which you no longer own copyright – most common are journal articles where copyright was transferred to the publisher
- Long quotations of a page or more from a book
- Unpublished materials, such as personal letters, when the author died less than 70 years ago
- Poetry or music lyrics when used in their entirety or without comment or criticism
- Musical scores or sound recordings
- Computer Code without an open license

5. **How do I obtain copyright permission?**

If the material you want to use is not in the public domain and you can't make a fair use, you must request permission from the copyright owner. Getting permission can take time, so be sure to request permission well in advance of submission of your thesis or dissertation.

See the Scholarly Communications Office website for more information on [locating the copyright owner](#) and [seeking permission](#).

6. **What do I do if I'm unable to locate or to contact a copyright owner?**

Consider using an alternative work instead. Is there another work that would illustrate the same purpose? If so, contact the copyright owner of the new work and ask permission to use that work in your thesis or dissertation. You may even be able to find a Creative Commons licensed substitute, which you could use without permission as long as you follow the terms of the license. CC Search (<https://search.creativecommons.org/>) is a search portal created by Creative Commons to make locating CC licensed content simple and easy.

Another option is to alter your intended use (for example, use less of the work) and reevaluate it for fair use.

Ultimately, however, if you can't locate a copyright owner or don't receive a response, and your use is not fair, you cannot simply use the work anyway. You must remove the material from the copy of your thesis or dissertation you submit to the ETD repository.

7. What if I previously published an article, and now want to include it as a chapter in my dissertation?

First, you must determine whether you are still the copyright owner of that article. Before a journal publishes an article, they require the author to sign an author's agreement or publication agreement. Sometimes publishers will ask the author to transfer the copyright in the article to the publisher. Look at the agreement you or your PI signed upon publication. If you did not transfer your copyright to the publisher, then you are still the copyright owner of the article, and you may republish the article in your thesis or dissertation. However, if you did transfer your copyright to the publisher, the publisher now owns the copyright in your article and you must ask the publisher for permission to republish the article in your thesis or dissertation.

8. Are the images and figures I want to use in my thesis or dissertation covered under Fair Use?

Including images and figures in your thesis or dissertation may not be a fair use. It depends on several factors, including how much of an image or figure you are using, what purpose the image or figure serves in your thesis or dissertation, and if there is a market to license the image or figure for a thesis or dissertation.

The Visual Resource Association's [Statement on the Fair Use of Images for Teaching, Research, and Study](#) and the College Art Association's [Code of Best Practices in Fair Use for the Visual Arts](#) may help you assess whether or not your use of an image or figure is a fair use.

9. Can I use images from ARTstor (or other image database) in my thesis or dissertation without permission?

The use of images from ARTstor and Luna Insight is covered by copyright law. It is also likely covered by a license agreement. The terms of the license agreement dictate the use of the images from that collection. Licenses are legal contracts and take precedence over copyright law, even where the license is more restrictive than copyright law. For example, the license agreement for ARTstor does NOT allow you to publish ARTstor images in your thesis or dissertation.

10. Can I use images from a library, archive, or museum?

The use of images from library, archive and museum collections, while covered by copyright law, may also have additional restrictions placed on their use by the owner of the images. Contact the library, archives, or museum directly for permission to use these images

11. Can I use images I found on Google?

Images found online are likely copyright protected. To include them in your thesis or dissertation, you will want to either seek permission from the copyright owner or ensure that you are making a fair use with these images.

Additionally, some websites have terms of use that restrict how you can use content on the website, including images. Terms of use are contractual and take precedence over copyright law, even where the terms are more restrictive than copyright law. If this is the case, contact the website directly for permission to use these images.

12. Can I include images from a government website in my dissertation without permission?

Works created by U.S. federal government employees in their official capacity are not protected by copyright, and are freely available for use. However, if a government agency hired a contractor to take the picture, then that picture may be protected by copyright. If the picture was taken by a contractor, there will likely be a statement to that effect, either on the image itself or on the web page.

13. Can I use data from a government website in my dissertation without permission?

Data is not protected by copyright. However, a compilation of data can be copyrightable if it is sufficiently unique. An expression of data, like a graph, chart, or figure, is also copyrightable. If you plan on using only the underlying data found on a website and it is not an original compilation, you do not need permission. However, if you plan to use an original compilation of data or an expression of that data, you will likely need to obtain permission.

If the graph or chart was created by a U.S. federal government employee. In that case, you would not need permission. (See question #12)

14. Can I use satellite images in my dissertation without permission?

It depends on who created the satellite images. If the images were created by a U.S. federal government employee, then you do not need permission, as such works are not protected by copyright. However, if another government (for example, a state or foreign government) or organization created the images, you will likely need permission. If you need permission, contact that government or organization and explain your use.

See the Scholarly Communications Office website for more information on [seeking permissions](#).

15. Can I include a still image from a movie or television show in my thesis or dissertation without permission?

Film stills are copyright protected works. You can include film stills in your thesis or dissertation if your use fits within [fair use guidelines](#).

The Society for Cinema and Media Studies' [Fair Usage Publication of Film Stills](#) may help you assess whether or not your use of an image or figure is a fair use

16. If I need to remove material from my dissertation because I couldn't get permission to use it, what should I put in its place?

If the material, such as an image, is available online, you can insert a link to it. Linking to material online is not an infringement. You are not making a copy, but merely pointing to the

location of that material. NOTE - If you link to a subscription-based resource, the user must have subscription access to that resource to view the material.

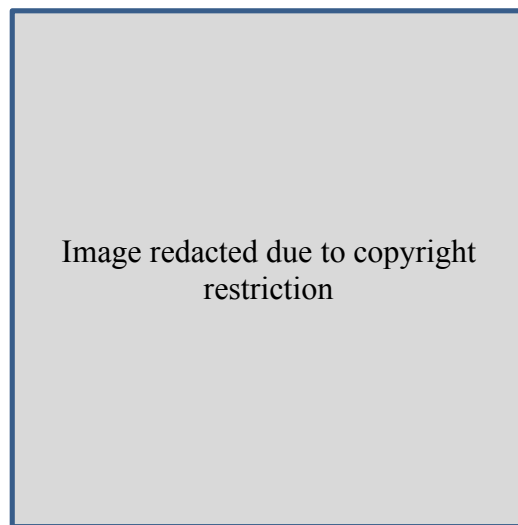
If the material is not available online, you could insert a citation, and a sentence stating that you had to remove the material due to lack of permissions. For example:

Statue of Liberty. John Doe. 28 May 2008. Image removed due to copyright restriction.

With images, it is best to replace the image with a plain grey box. This will main your spacing and pagination.



Puppy ennui © 2017 Melanie T. Kowalski



Puppy ennui © 2017 Melanie T. Kowalski

17. Once I get permission, how do I cite that in my dissertation?

When you receive permission, the copyright owner may tell you how they wish to be cited. If not, it is best to cite the work by including a brief caption, as follows:

© [Date of Publication or Creation] [Name of Copyright Owner] Reproduced by Permission.

18. How do I cite something that has a Creative Commons License, and where do I put that on the ETD form?

Most creative commons licenses require that you attribute the original creator when using their work. For more information, see the Creative Commons [Best Practices for Attribution](#) wiki.

Part 4 of Emory's ETD submission form asks that you list the items for which you've sought permission. Even though you do not need to ask for permissions for things licensed under

Creative Commons licenses, you can list that information in this section. List the item and then state the Creative Commons license under which it is licensed. For example:

Statue of Liberty. John Doe. 2008. Licensed under a Creative Commons Attribution 3.0 License (<http://creativecommons.org/licenses/by/3.0>)

ETDs and Open Access

1. What does open access mean?

Open access (OA) is a digital, online, free method of sharing scholarship. Emory's Electronic Theses and Dissertations system is open access, which means your thesis or dissertation will be freely available for anyone in the world to read. Open access does not mean that you are not the copyright owner of your thesis or dissertation. It does not mean that anyone can use, copy, or distribute your work without permission. It only means that your work is freely available for them to read and download. If anyone would like reuse your work, they will need to contact you for permission.

2. Should I embargo my thesis or dissertation? For how long?

Emory's ETD program allows you to restrict access to your thesis or dissertation for a limited period of time through an embargo. You may choose to restrict access to your work for six months, one year, two years, or six years, depending on your school's embargo policies. Consult with your advisor about your wish to restrict access to your thesis or dissertation. Your school or program must approve any embargo request.

There are several reasons you may want to restrict access to your work for a period of time, including patent applications, sensitive data, or publication concerns. If your dissertation contains work you previously published in journals or elsewhere, check that your access level is compatible with the permissions granted by the entities who published your work. If you plan to publish all or part of your thesis or dissertation in the future, check whether the publishers with whom you might publish consider an electronically accessible thesis or dissertation to be "prior publication." However, most books produced from dissertations require considerable revision, so your publisher may not consider depositing your thesis or dissertation in the repository as a prior publication. Some publishers may want to be the first place your work is published, a requirement that you can satisfy through the use of an embargo.

If your ETD describes an invention or discovery that could potentially have commercial application and therefore may be patented, further conversation is required before you submit your ETD. If you or your faculty advisor(s) have any questions about patents and commercial applications, please contact the Emory Office of Technology Transfer.

Please note that an embargo does not eliminate the need to seek permission to use copyrighted material. Copyright law applies to both embargoed and unrestricted theses and dissertations submitted to Emory's ETD repository.

3. Do I need to register for open access with ProQuest?

No. Your thesis or dissertation will be openly accessible through Emory's ETD repository.

More information

1. How can I get more information about copyright and my thesis or dissertation?

The Emory University Scholarly Communications Office (SCO) offers “Copyright and Your ETD” workshops throughout the academic year. These workshops are announced on the SCO website at <http://sco.library.emory.edu/about/workshops.html>. You can also find additional information about [copyright](#) and [open access](#) on the SCO's website.

You can also contact the Emory Libraries' Scholarly Communications Office at scholcomm@listserv.cc.emory.edu for a consultation. We're here to help!

Recommended resources:

- [*Copyright and Your Dissertation or Thesis: Ownership, Fair Use, and Your Rights and Responsibilities*](#) – Kenneth Crews
- [*Owning and Using Scholarship: An IP Handbook for Teachers and Researchers*](#) – Kevin Smith