

# The Library and Your Research: Copyright, ETDR, and Publishing

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**Ryan Otto (he/him)**

Scholarly Communication Librarian – Associate Professor

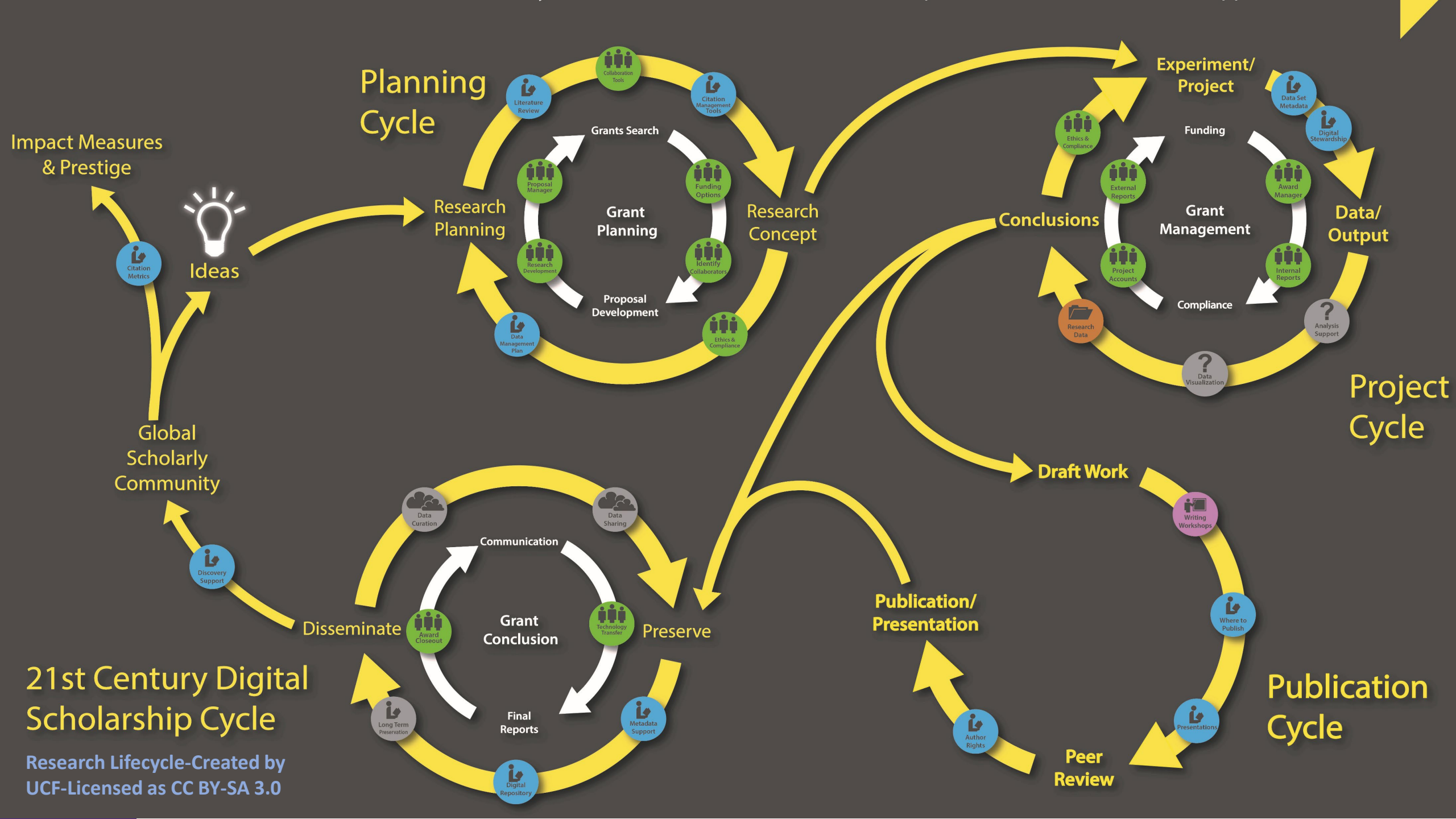
**Gwendolyn Sibley (she/her)**

Copyright & Scholarly Communication Librarian – Assistant Professor

The seal of Kansas State University is partially visible on the left side of the slide. It features a circular design with the text "KANSAS STATE UNIVERSITY" and "FEBRUARY 1863" around the perimeter. In the center, there is a figure holding a book and a torch, with the motto "RULE BY OBEDIENCE" below it.

# DISCLAIMER

*The information presented in this presentation is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to K-State, please contact the Office of General Counsel. Information received from the Scholarly Communication Librarian is not legal advice. The Scholarly Communication Librarian does not act as legal counsel to the university or any members of the university community.*



# 21st Century Digital Scholarship Cycle

Research Lifecycle-Created by UCF-Licensed as CC BY-SA 3.0



# Copyright Law

Let's talk about your rights

# Copyright and Patent Clause:

U.S. Constitution Article 1, Section 8, Clause 8

“The Congress shall have the power...  
To promote the Progress of Science  
and useful Arts, by securing for  
limited Times to Authors and Inventors  
the Exclusive Right to their respective  
Writings and Discoveries.”

# Less Legalese Please!

**Copyright is a Bundle** of rights that protect original creative works.



# What's Protected under Copyright?

## To Qualify, Works Must be:

1. Original
2. Creative
3. Fixed in a tangible medium of expression (i.e.):
  - A. Written on paper;
  - B. Be recorded audio or video;
  - C. Or be physical, like an architectural building.



# Copyright is Automatic

No Official Registration is required for federal protection!

## Registration Lets You:

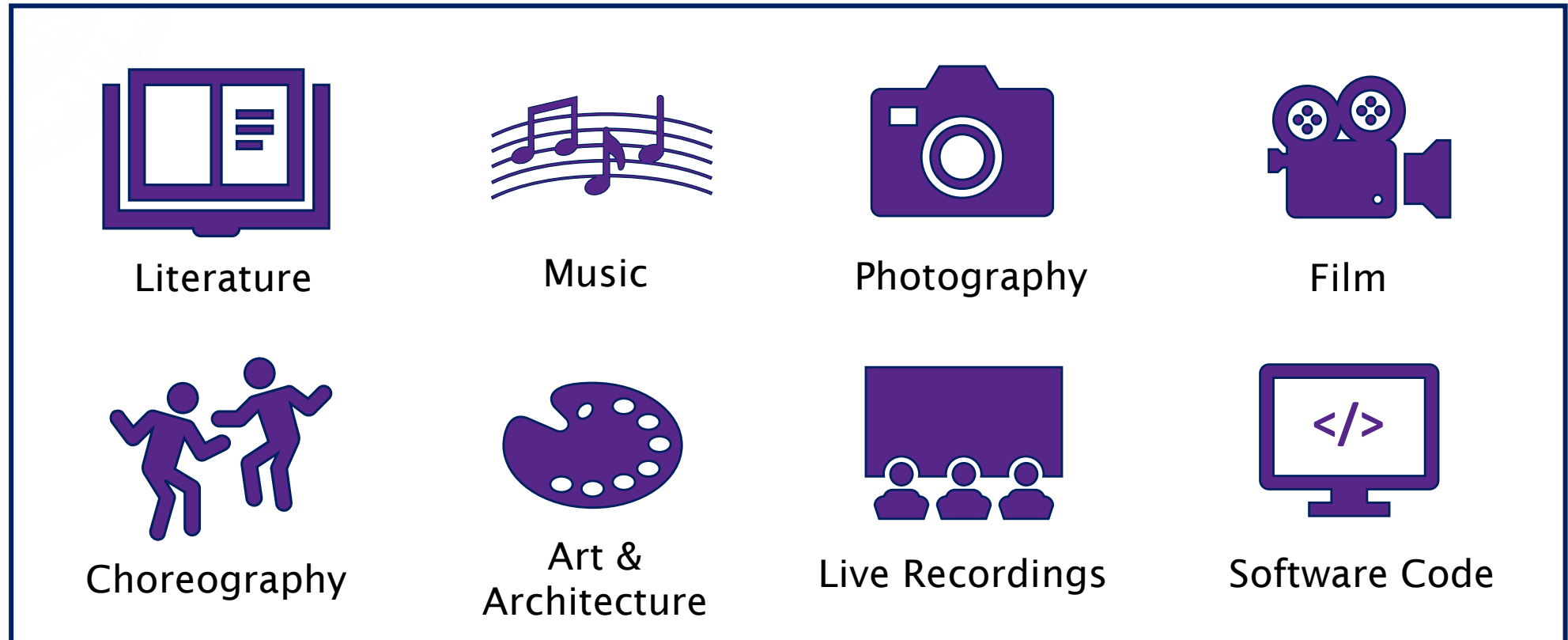
- Make your work discoverable in the Copyright Office Catalog
- Provide better contact information for users of your work
- File a lawsuit

*Note: Registering cost various fees.*



# What's Protected under Copyright?

## Examples of Creative Works



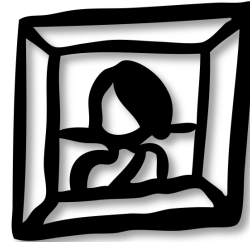
# Bundle of Rights allow you to:

Reproduce & Make Copies



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Distribute Copies



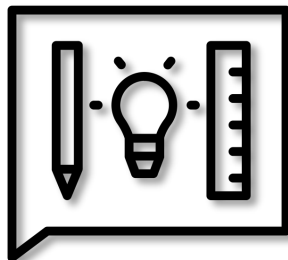
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Display Works Publicly



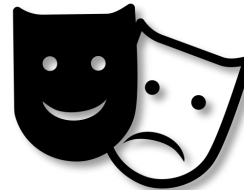
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Prepare Derivative Works



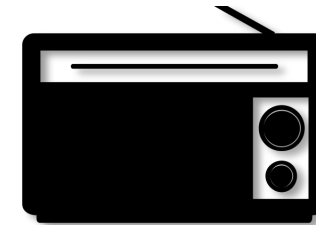
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Perform Works Publicly



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<https://www.youtube.com/watch?v=2U81MTBg5tY>

# What's Not Protected:

1.

Facts &  
Data

2.

Ideas

3.

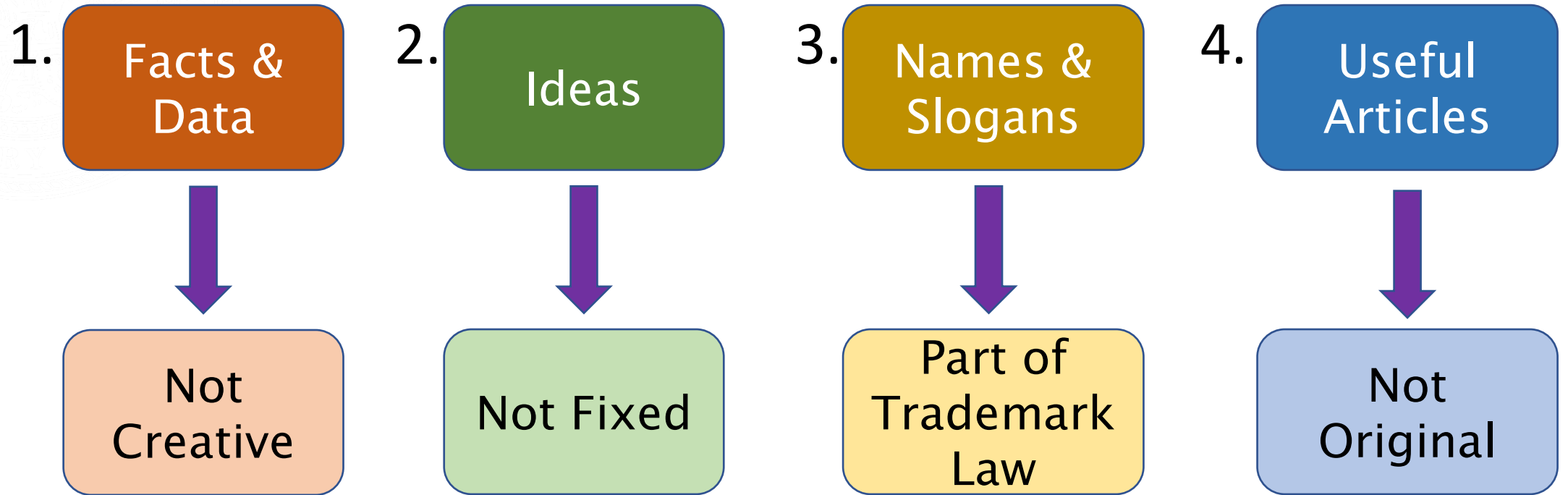
Names &  
Slogans

4.

Useful  
Articles

A selfie taken in 2011 by Naruto, a monkey in Indonesia.  
[Credit...David Slaters/Caters News](#)

# What's Not Protected:



# What's also Not Protected:

- Non-Human Creations:
  - Works Created by Animals
  - Works generated by Artificial Intelligence (AI)
  - Natural objects such as rocks or trees



[Naruto v. Slater, No. 16-15469 \(9th Cir. 2018\) :: Justia](#)

A selfie taken in 2011 by Naruto, a monkey in Indonesia.  
Credit...David Slaters/Caters News



# Determining Copyright

Let's look at an example



# Scenario:

I have found the perfect chocolate fudge recipe online.

What elements of the recipe have copyright protection?

(Image next slide)

# What elements of this recipe have copyright protection?

cookies, bars & candies 203

## CHOCOLATE FUDGE

*This traditional fudge recipe is perfect to make for gifts or to serve on a dessert tray.*

**PREP** 35 min **TOTAL** 2 hr 35 min • 64 candies

- 4 cups sugar
- 1½ cups milk or half-and-half
- ¼ cup light corn syrup
- ¼ teaspoon salt
- 4 oz unsweetened baking chocolate, chopped, or ⅔ cup unsweetened baking cocoa
- ¼ cup butter, cut into pieces
- 2 teaspoons vanilla
- 1 cup chopped nuts, if desired

**1** Check the accuracy of your candy thermometer before starting (see Using a Candy Thermometer, at left). Grease bottom and sides of 8-inch square pan with butter.

**2** In 3-quart saucepan, cook sugar, milk, corn syrup, salt and chocolate over medium heat, stirring constantly, until chocolate is melted and sugar is dissolved. Cook, stirring occasionally, to 234°F on candy thermometer or until small amount of mixture dropped into cup of very cold water forms a soft ball that flattens when removed from water; remove from heat. Stir in butter.

**3** Cool mixture without stirring to 120°F, about 1 hour. (Bottom of saucepan will be lukewarm.)

### Testing Candy Temperatures




**Thread stage (230°F to 233°F):** Fine, thin, 2-inch thread falls off spoon when removed from hot mixture.

**Soft-ball stage (234°F to 240°F):** When dropped into very cold water, forms a soft ball that flattens between fingers.







Recipes are a list of  
facts & instruction

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Copyrightable?  
*Yes or No?*

### Testing Candy Temperatures



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**Soft-ball stage (234°F to 240°F):** When dropped into very cold water, forms a soft ball that flattens between fingers.



Photos:  
Are they a form of  
“creative expression?”

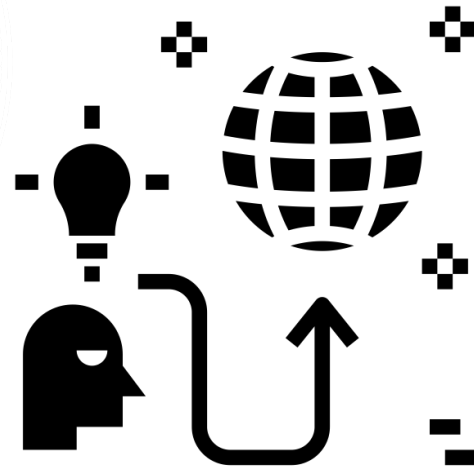
Copyrightable?  
Yes or No?



# Your Copyrights

What do you own?

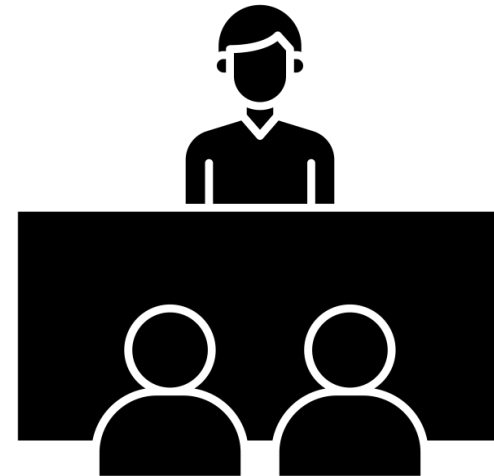
# Who Owns Copyright?



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The First owner  
is Author/Creator

or



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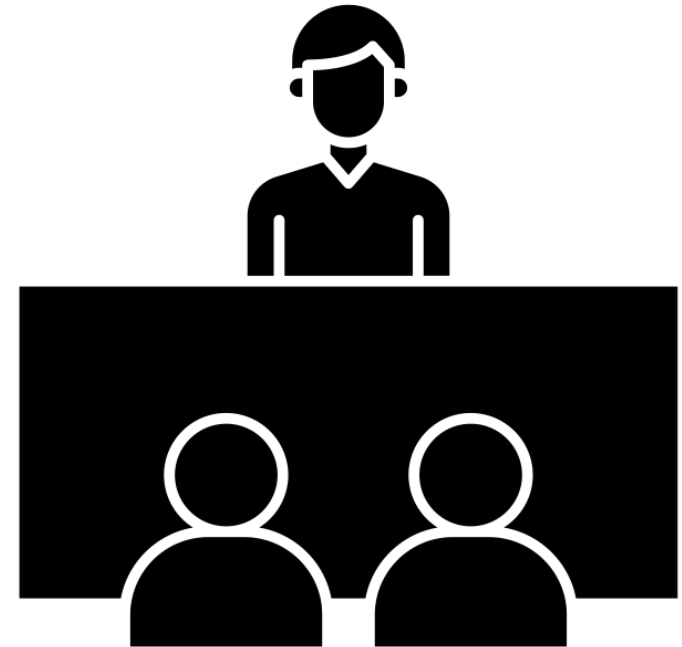
Creator's employer  
if the work was  
"made for hire"

These authors can transfer or license any of their exclusive rights.

# Works are “made for hire” if:

Prepared by an employee acting within the scope of employment OR  
is one of the 9 types of works that a contract can turn into a work made for hire,  
**and** a contract was signed before the work was created.

- As a contribution to a collective work.
- As a part of a motion picture or other AV work.
- As a translation.
- As a supplementary work.
- As a compilation.
- As an instructional text.
- As a test.
- As an answer material for a test.
- As an atlas



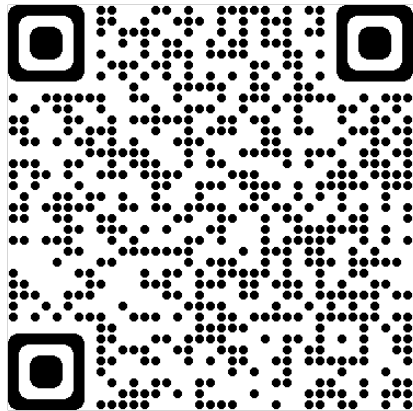
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For more information on “Work for Hire” visit: <https://www.copyright.gov/circs/circ30.pdf>

# Copyright Services



<https://www.k-state.edu/copyright/>



# Resources




Library Home » **Research Guides** » Using Copyrighted and Library Content » Welcome

## Using Copyrighted and Library Content

*Library Research Guide*

<b>Welcome</b>	<b>Know Your Librarians; We're On Your Side</b>
Definitions	Faculty at the Center for the Advancement of Digital Scholarship (CADS) are here to help you with questions you may have pertaining to copyright, reuse, fair use, permissions, and licensing. This guide will help you understand how to legally and ethically reuse content in different contexts. For more specific questions, you can contact them directly.
Licensed K-State Content	<b>CADS</b> can help when you have questions about U.S. copyright law, fair use, Creative Commons Licensing, Open Access (OA), and permissions. They can be reached at <a href="mailto:cads@ksu.edu">cads@ksu.edu</a> or you can set up a <b>copyright consultation</b> .
Online Use	<i>Legal disclaimer: this copyright guide is not meant to offer legal advice; it is intended for informational and educational purposes only.</i>
Closed Online Classrooms	<b>Introduction to This Guide</b>
Academic Work	This guide will explain how you can legally and ethically use copyrighted and library content in your academic research, instruction, essays & writings, and creative projects.
Stock Images	
Emailing Content	
SciHub	

<https://guides.lib.k-state.edu/UsingContent>

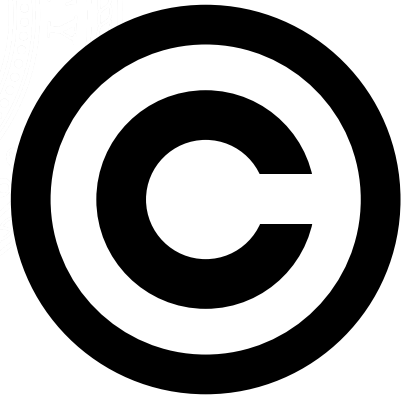


# Copyright & Your ETDR

Finding and Using Works for your Studies.



# Copyright (Law) vs. Plagiarism (Ethics)



Copyright is a legal concept it's a codified right with legal penalties.

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Credit RyanMinkoff

Plagiarism is an ethical issue with academic or professional penalties.

# Framework - U.S. Copyright

1. Does it have copyright protection?
2. Does it have an existing license that covers my use?
3. Can I rely on an exemption, such as fair use?
4. Do I need to seek permission or purchase a license?



## Rights



OR



1. Does it have copyright protection?

- A. Original
- B. Creative
- C. And Fixed

2. Has the copyright expired?

- A. Public Domain

# Is the work in the Public Domain?



All works  
published  
from  
1928\*



Works  
published  
between  
1928 and  
1989



Works  
created  
after  
1989\*

*Images courtesy of [Jacklee](#) at Wikimedia Commons.*

# Public Domain Tools



CORNELL UNIVERSITY  
**Library**

COPYRIGHT INFORMATION CENTER

Home About Copyright Basics Copyright Clearance Cornell Policies For Authors and Faculty Resources

## Copyright Term and the Public Domain in the United States

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(See footnote 1)

**Never Published, Never Registered Works<sup>2</sup>**

<https://copyright.cornell.edu/publicdomain>

Is it Protected by Copyright?  
For works published in the U.S.A.\*

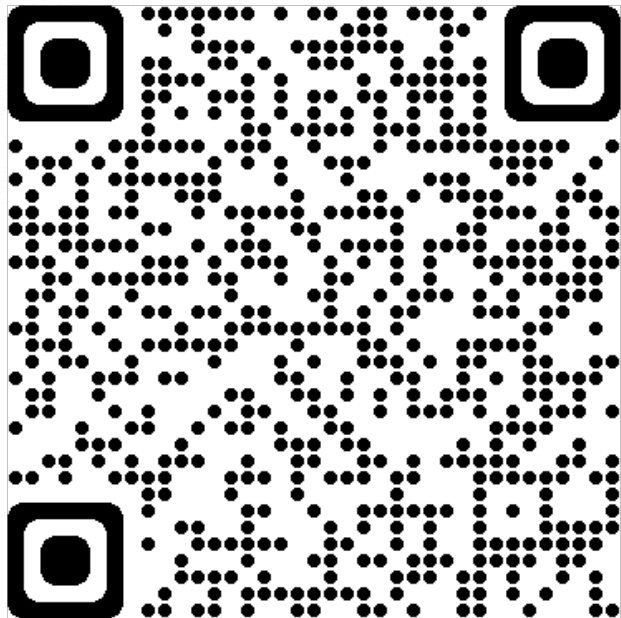
### Date of First Publication

- Before 1925
- After 1924 & Before 1978  
If published without © notice
- After 1924 & Before 1964  
If published with © notice, but not renewed after 28 years
- After 1924 & Before 1964  
If published with © notice, renewed after 28 years
- After 1963 & Before 1978  
If published with © notice
- After 1977 & Before 2003  
Created (unpublished) before 1978 & first published before January 1, 2003
- After 1977 & Before March 1, 1989  
If published without © notice & without subsequent registration
- After 1977 & Before March 1, 1989  
If published without © notice but registered within 5 years; or published with © notice
- On or after March 1, 1989  
Published with or without © notice
- Published after 2002  
Created before 1978 and author died more than 70 years ago
- Created by Individual or Joint Authors

<https://librarycopyright.net/resources/digitalslider/index.html>



# Helpful Tools



<https://librarycopyright.net/resources/>

**THE COPYRIGHT GENIE**

**Fair Use Evaluator**

What this tool can do for you:

- Help you better understand how to determine the "fairness" of a use under the U.S. Copyright Code.
- Clarify, organize & address the information you might need to support a fair use evaluation.
- Provide you with a customized, PDF document for your records, reports, which may prove valuable. Although you are not asked to a copyright lawyer or publisher for a fair use evaluation and the site you need to support it, you also receive:
- The ability to download reports, receive copyright resources, and contact information for copyright help at local & national levels.

What this tool cannot do for you:

- This tool does not provide legal advice. It merely the information you provide to help do your own judgment on the fairness of the use. The tool does not replace the need for a lawyer.
- This tool does not take into account any applicable laws in your state. This tool does not replace or provide a court decision.

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**Is it Protected by Copyright?**

For works first published in the U.S.A.:

No Permission Needed

Copyright Status/Term:  In Public Domain

Directions:	Date of First Publication
• Not when an original date	<b>Before 1922</b>
• Not when published in another country	<b>Between 1922-1977</b>
• Not when published in the U.S.A. by a foreign author	Published under a copyright
	<b>Between 1922-1963</b>
	Published after a notice or otherwise after 95 years
	<b>Between 1964-1977</b>
	Published after a notice
	<b>Between 1978-January 1, 2002</b>
	Created, republished before 1978, and administered January 1, 2002
	<b>Between 1978-March 1, 2002</b>
	Created, republished before a date determined by the law
	<b>Between 1978-March 1, 2002</b>
	Created, republished in either form covered by copyright with a notice
	<b>After March 1, 2002</b>
	Created with or without a notice
	<b>Published after 2002</b>
	Created before 2002 and published after March 1, 2002 with a notice
	<b>Author Living or Dead in the last 70 years</b>
	Author died more than 70 years ago

**Exceptions for Instructors in U.S. Copyright Law**

Under certain conditions, U.S. Copyright Law provides for the educational use of copyrighted material, without the permission of the copyright holder. To find out if your intended use meets the requirements set out in the law, use this free, online tool.

This tool can also help you collect information regarding your educational use and provide you with a summary in PDF format.

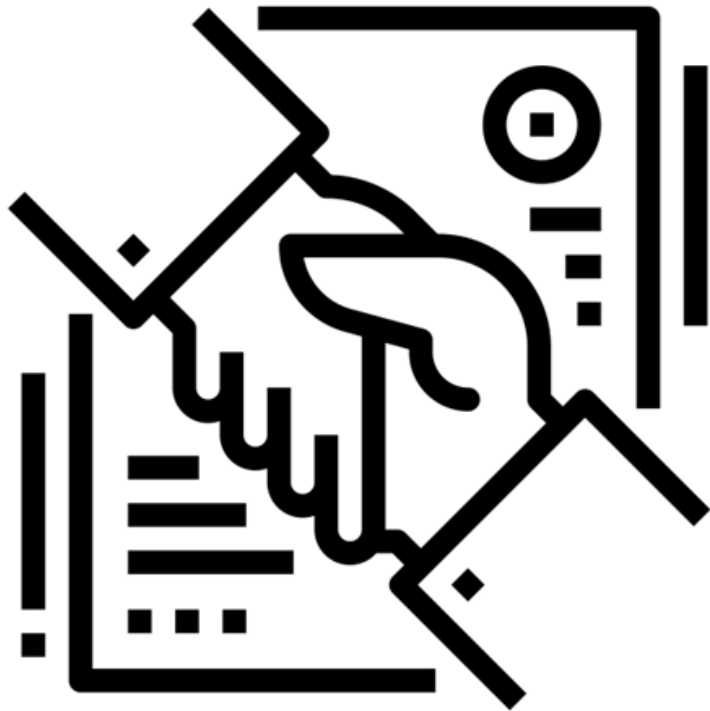
**ENTER**

- [The Copyright Genie](#)
- [Fair Use Evaluator](#)
- [Public Domain Slider](#)
- [Exceptions for Instructors eTool](#)

# Framework - U.S. Copyright

1. Does it have copyright protection?
2. Does it have an existing license that covers my use?
3. Can I rely on an exemption, such as fair use?
4. Do I need to seek permission or purchase a license?





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Contracts/agreements that permits authority to own, do, or use something.

- © is a bundle of rights
- Rights holders can transfer or license any of their exclusive rights, including portions of those rights.
- Does transferring a physical object transfer copyright in that object?--No



# Public Licenses


Rights holder - Licensor

Everybody else - Licensee



Public, or open licenses last until the work enters the public domain at the end of the copyright term.

- (Unless termination rights are exercised)



### 3. Do any user's rights, such as fair use, apply?

Fair use (107) can be used for purposes such as:

- criticism,
- comment,
- news reporting,
- teaching (including multiple copies for classroom use),
- scholarship,
- or research

# Fair Use Basics

## Purpose

- Transformativeness, Not-for-Profit/Profit, Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research" ...or not?

## Nature

- Published/unpublished, factual/creative, consumable?

## Amount

- Limited and Reasonable. Not the "heart of the work."

## Effect

- How much will the use harm the market for the work?

# Fair Use Evaluator

Highly Recommend Learning More About Fair Use and How to Use It

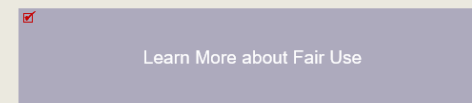
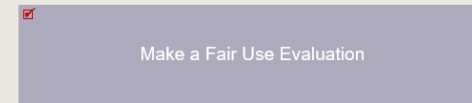
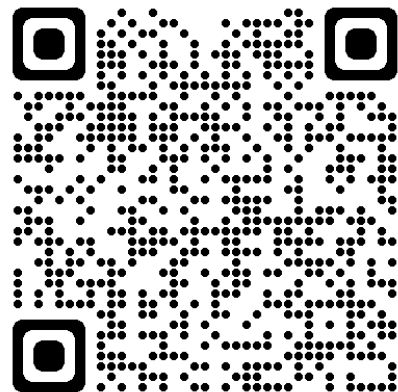


#### What this tool can do for you:

- Help you better understand how to determine the "fairness" of a use under the U.S. Copyright Code.
- Collect, organize & archive the information you might need to support a fair use evaluation.
- Provide you with a time-stamped, PDF document for your records [\(example\)](#), which could prove valuable, should you ever be asked by a copyright holder to provide your fair use evaluation and the data you used to support it. [\(why is this important?\)](#)
- Provide access to educational materials, external copyright resources, and contact information for copyright help at local & national levels.

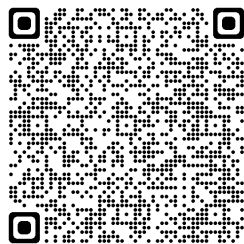
#### What this tool cannot do for you:

- This tool does not provide legal advice. It records the information you provide it as well as your own judgment on the fairness of the use. See the tool [\(disclaimer\)](#) for more information.
- Only a court of law can definitively rule on whether a use is fair or unfair. This tool does not assume or predict a court outcome.



# How to Use Tables Charts & Graphs in Your ETDR and Publications

Region and country of last residence <sup>1</sup>	2010 to 2019	2020	2021
Total	10,633,446	707,362	740,002
Europe	906,816	70,284	60,744
Asia	4,062,777	260,706	283,898
America	4,433,094	275,790	300,808
South America	784,683	60,237	69,058
Africa	1,037,674	76,789	64,983



[https://deepblue.lib.umich.edu/bitstream/handle/2027.42/83329/copyrightability\\_of\\_tables\\_charts\\_and\\_graphs.pdf?sequence=1&isAllowed=y](https://deepblue.lib.umich.edu/bitstream/handle/2027.42/83329/copyrightability_of_tables_charts_and_graphs.pdf?sequence=1&isAllowed=y)

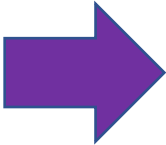


GOOD. "Transparency: Who Is Coming to America?," May 7, 2009. <https://www.good.is/infographics/transparency-who-is-coming-to-america>.



# ETDR HELP

## Questions about these topics:

- Graduation procedures, requirements and deadlines
- ETDR fees
- Embargo (request for delayed publication in K-REx) 
- Commencement

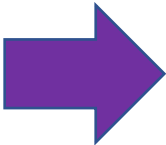
### Graduate School

119 Eisenhower Hall

785-532-6191 or 800-651-1816

[grad@k-state.edu](mailto:grad@k-state.edu)

## Questions about these topics:

- Templates and formatting your ETDR
- Reviewing your ETDR and supplemental files
- Working with image or audio files 
- Converting your Word or LaTeX file to PDF
- Logging into K-REx to submit your ETDR

### IT Help Desk

Students Should Fill out the [ETDR Request Form](#)

785-532-7722 or 800-865-6143

[helpdesk@k-state.edu](mailto:helpdesk@k-state.edu)



# Publishing & Your ETDR

Make sure you read your license agreement.

## Key Functions of Scholarly Communication

Directorate-General for Research and Innovation (European Commission) - [Future of scholarly publishing and scholarly communication](#)

- **Registration** - to establish that work had been undertaken by individuals or groups of researchers at a particular time, and thus their claim to precedence;
  - **Certification** - to establish the validity of the findings;
  - **Dissemination** - to make scholarly works and their findings accessible and visible;
  - **Preservation** - to ensure that the 'records of science' are preserved, and remain accessible, for the long term.
- 
- What about **Evaluation**?



## Key Actors

Directorate-General for Research and Innovation (European Commission) - [Future of scholarly publishing and scholarly communication](#)

- ❖ The researchers, of course!
- ❖ Research institutions (in particular universities)
- ❖ Research funders and policy makers
- ❖ Publishers and other providers
- ❖ Society at large (practitioners, educators, citizen scientists, decision makers, patients and other users of reliable knowledge, etc.

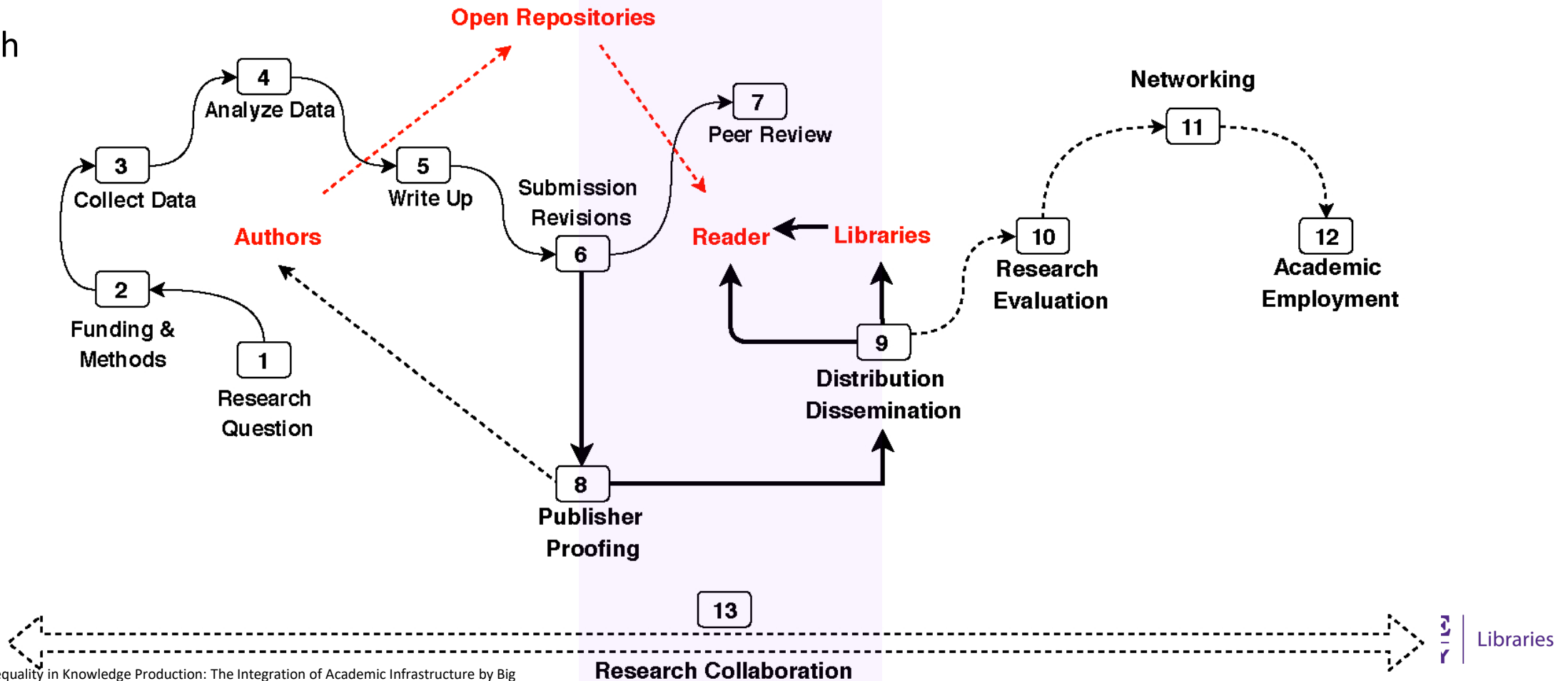
# The Academic Knowledge Research Production Process

## The Academic Knowledge Production Process

### The Publishing Process

### The Evaluation Process

### The Research Process

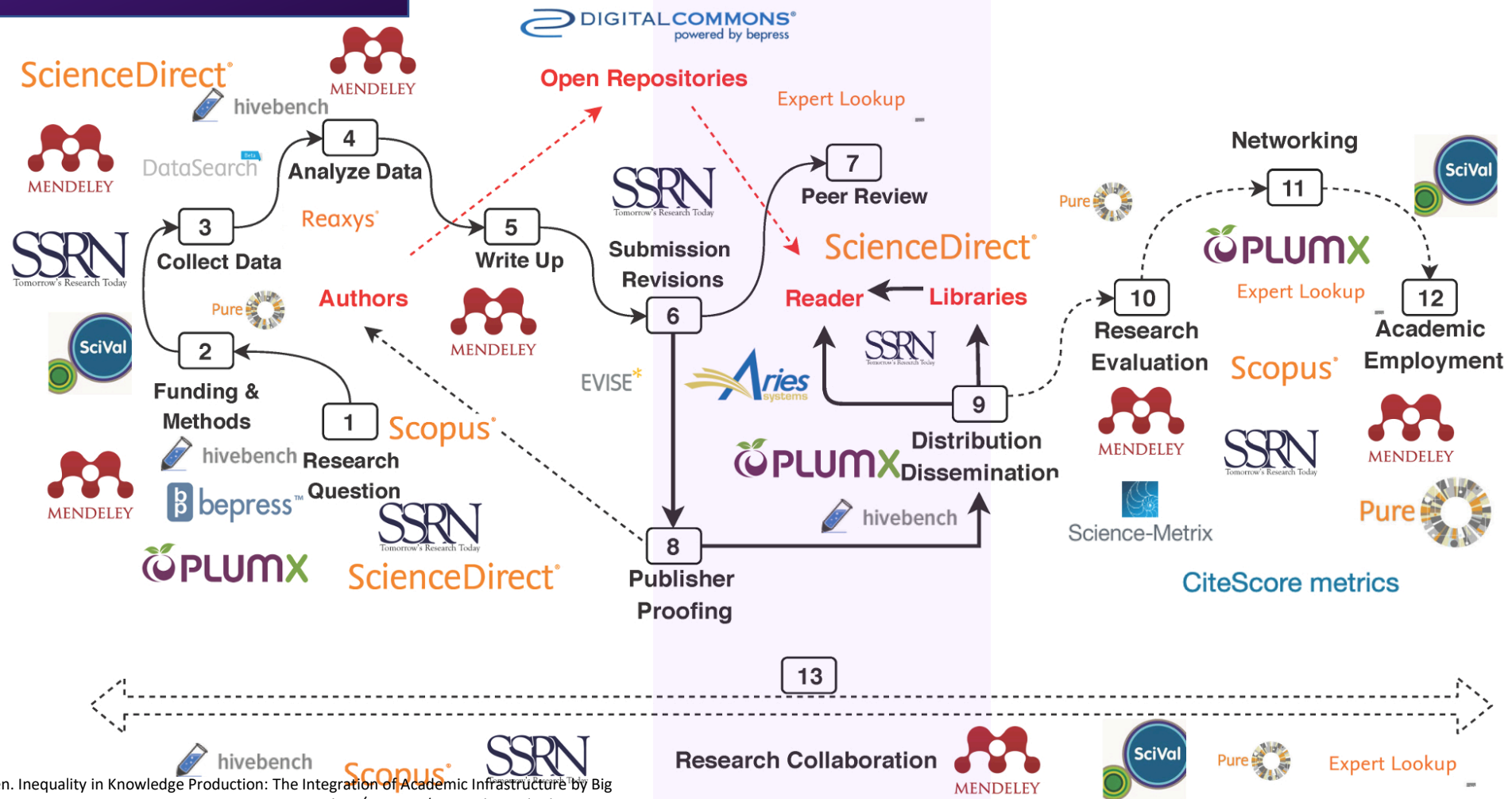


# The Academic Knowledge Production Process

## The Academic Knowledge Research Production Process

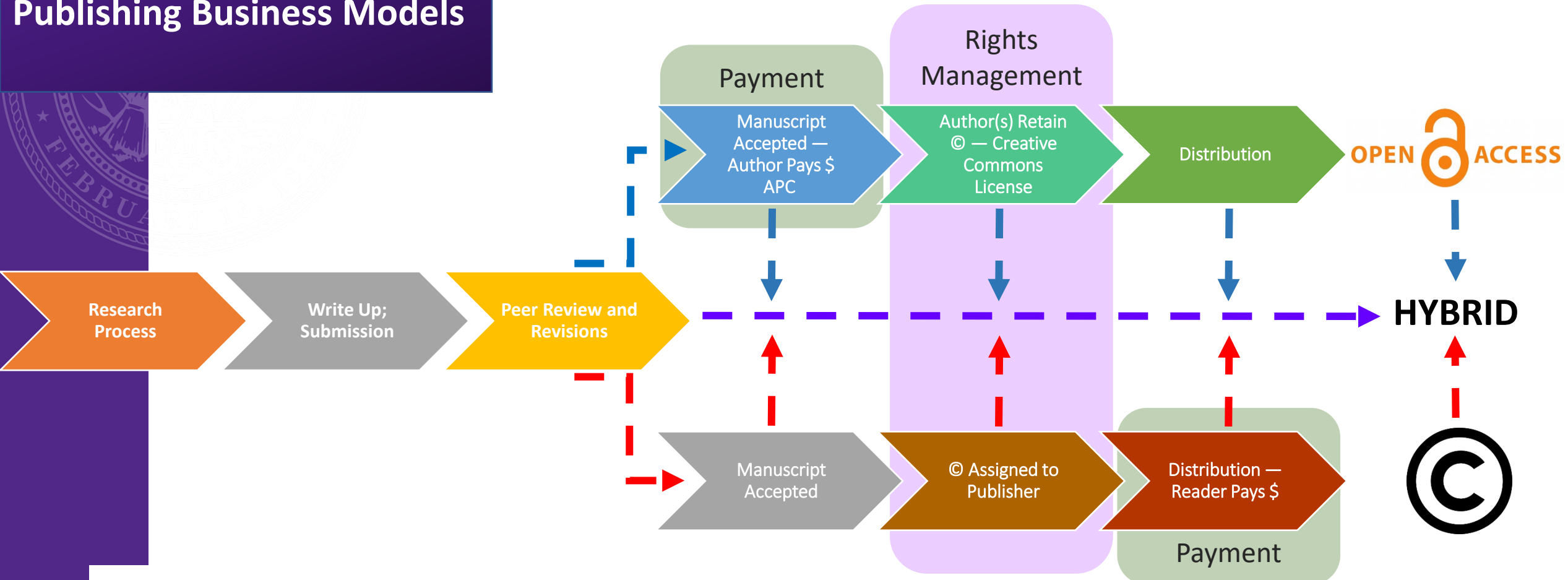
### The Publishing Process

### The Evaluation Process



Question: Does more OA in a Hybrid Journal mean it has a lower subscription price?

# Publishing Business Models



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### All Rights Reserved by Author

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Morphogenesis and migration: investigating the roles of Rap1 in epithelial cell behaviors during  
*Drosophila* oogenesis

by

Christopher Luke Bernard Messer

B.S., University of Alabama in Huntsville, 2017

A DISSERTATION

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## Subscription Journal Article

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## Translating Water Fund Payments for Ecosystem Services in the Ecuadorian Andes

Audrey Joslin

2019 | <https://doi-org.er.lib.k-state.edu/10.1111/dech.12542> |

### Details

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...ymous reviewers and the editors of this special issue for the insightful comments and encouragement they provided. Support from the Doctoral Dissertation Research Improvement Award #1303138, awarded through the National Science Foundation's Division of Behavioral and Cognitive Sciences, enabled much of the data collection.

☰ SECTIONS



PDF



TOOLS



SHARE

### ABSTRACT

As a form of environmental governance, Payments for Ecosystem Services (PES) is imbued with ideological values that can conflict with those of participating rural communities. The discursive frame surrounding PES may be contentious, even if the conservation activities promoted by these initiatives are not. Moving PES into practice therefore requires a process of translation

# Gold-APC Open Access

## Creative Commons BY



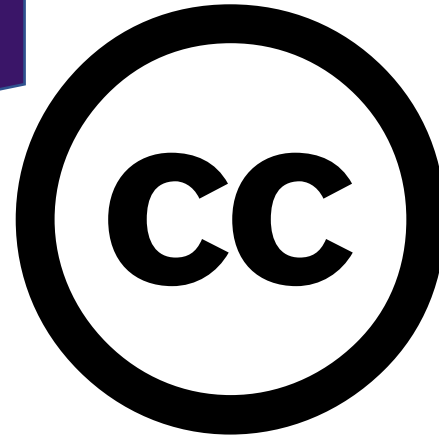
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The screenshot shows the PLOS Pathogens article page. At the top, there are navigation links for 'BROWSE', 'PUBLISH', and 'ABOUT', along with a search bar and a 'sign in' button. The article title is 'Expected and Unexpected Features of the Newly Discovered Bat Influenza A-like Viruses' by Wenjun Ma, Adolfo Garcia-Sastre, and Martin Schwemmler. It is published in PLoS Pathog 11(6): e1004819 on June 4, 2015. The article is marked as 'OPEN ACCESS' and 'PEARLS'. On the right side, there are statistics: 43 Save, 16 Citation, 5,286 View, and 8 Share. Below the article title, there are tabs for 'Article', 'Authors', 'Metrics', 'Comments', and 'Media Coverage'. The 'Article' tab is selected. The main content area shows a 'Figures' section with two image thumbnails. Below the figures, there is a 'Citation' section with the text: 'Citation: Ma W, Garcia-Sastre A, Schwemmler M (2015) Expected and Unexpected Features of the Newly Discovered Bat Influenza A-like Viruses. PLoS Pathog 11(6): e1004819. https://doi.org/10.1371/journal.ppat.1004819'. There is also an 'Editor' section: 'Editor: Rebecca Ellis Dutch, University of Kentucky, Lexington, UNITED STATES' and a 'Published' section: 'Published: June 4, 2015'. At the bottom, there is a 'Copyright' section: 'Copyright: © 2015 Ma et al. This is an open access article distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited'. On the right side, there are buttons for 'Download PDF', 'Print', and 'Share', and a 'Check for updates' button. Below that, there is a section 'Included in the Following Collections' with links to 'Pearls: Viruses', 'Slice of PLOS: The Awesomeness of Bats', and 'ADVERTISEMENT'. At the bottom right, there is a 'Subject Areas' section with a list of topics: 'Influenza A virus', 'Influenza viruses', 'Influenza', 'Bats', and 'Polymerases', each with a radio button.

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


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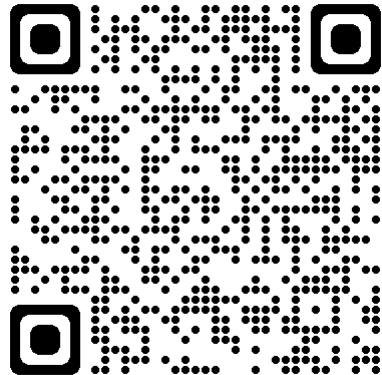
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Attr: [Drew Tarvin](#)

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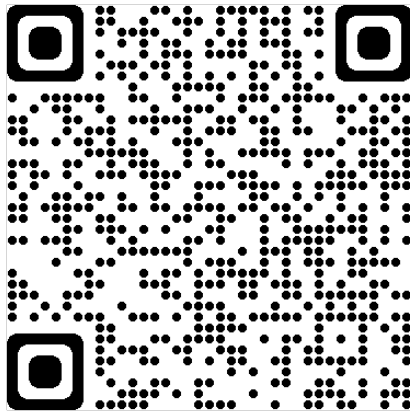
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