What is copyrighted?

Ideas are not copyrighted, but the expression of those ideas captured in writing, video, audio, or other formats is protected by the copyright law. The old rule of copyrighted materials containing a copyright symbol is gone. Since January 1, 1978, anything set into a physical format (such as slides, handouts, illustrations, video and audio recordings, Web pages, PowerPoint presentations, photos, artwork, books, journals, even personal notes) is protected under the copyright law, whether it contains a copyright symbol or not.

Best Practices

• For anything published on or after 1978, assume that it is copyrighted!
• Seek permission from the copyright holder for repeated or extensive use.
Who owns the copyright?

Authors think they own the copyright, but rarely do. Most often the publisher of the journal, book or image owns the copyright and not the author(s) or creator(s). Most faculty sign the copyright to their article or book over to the publisher. Many publishers do allow authors to use and share their works for educational and non-profit use. Several publishers have recently given retroactive permission to authors to post their work on an institutional repository or their own faculty Websites. Check the agreement you signed with your publisher or the publisher's Website to determine your rights.

**Best Practices**
- Use the tips above for finding the true copyright holder.
- You should review your contract or agreement with the publisher to see what copyrights you hold.
- Write the copyright holder for permission before using the work.
- To use your own work, create a link from your Web page to the publisher's version of your article.
- Use government documents, which are usually in the public domain, i.e., not copyrighted.
- Decide whether your use fits under fair use or if you should pay a permission fee.
- When you publish an article, make sure your agreements with the publisher gives you the rights to make copies, use it in classes, and post it on your Website.

What are the general steps for considering whether something is fair use?

If you can answer yes to all these questions you are probably covered by fair use, but if you answer no to one of them, you will need to carefully weigh all the fair use criteria.
- Are you using the material for non-profit educational purposes?
- Are you teaching or presenting for a non-profit group?
- Are you using selected images and portions of the text and not substantial amounts of one article?
- Have you purchased multiple copies of a readily available commercial work that is designed for your course/program, such as a workbook, exam questions or a study guide — in stead of making copies to avoid the cost?
Is there a formula for determining whether the amount I am using is covered by fair use? Is 10% or 25% of a work too much or too little?

There are precise formulas for sound recordings, videos, and creative works, but there are no similar guidelines for factual and scientific information. Think about how you would want your work used. The article may be 20 pages long, but if you use the most important page or section of the article, it may not be fair use. Would you want someone to use all the images or figures from your article, or just a few?

**Best Practices**

- Select only one chapter from a book or place the book on reserve in the Medical Center Library.
- Use one, at most two, articles from a single journal issue.
- Use materials from several current journals instead of from one journal title.
- Select material from a journal supplement and do not use the entire publication.
- Use 2 or 3 images from a book or multimedia resource.
- Select images from several sources, not just one.
- Use a variety of sources of information.
- Seek permission when in doubt.

What does it mean when something is in the public domain? May I freely use it?

When something is in the "public domain," it is not covered by the copyright law. What is in the public domain? Usually U.S. government documents and works that have expired copyright terms are public domain materials.

U.S. government documents are considered to be free to the public and are not covered by the copyright law. Therefore, government documents are usually within the public domain unless they specifically state that they have restrictions on their use. However, documents created by the governments of other countries may be copyrighted.

When copyrights do expire, the works pass into the public domain and are freely available for use. However, this is complicated by several prior and recent changes in the copyright law that have an impact on how items may be copyrighted, how long those copyright terms last, and how the copyrights may be renewed.

**Best Practices**

- Assume that everything published before 1923 is in the public domain.
- If the work was published in 1923 or later, check the public domain chart to see if it is copyright-protected.
- Use U.S. government materials that do not have copyright restrictions.
Are materials on the Web/Internet publicly available for free use?

Like other materials, Web pages and their content are protected under the copyright law. Most people who have Web content expect others will use it, but not for commercial purposes.

Best Practices

• Check the Website for statements about restrictions on use.
• Give attribution - state the source of information (Website name and URL).
• Check to see if there is a Creative Commons license.
• Ask permission to use the materials - most sites will say yes.
• Link to the site instead of copying the content for handouts or use on your Website.

Open Access

"its free availability on the public internet, permitting any users to read, download, copy, distribute, print, search, or link to the full texts of these articles, crawl them for indexing, pass them as data to software, or use them for any other lawful purpose, without financial, legal, or technical barriers other than those inseparable from gaining access to the internet itself. The only constraint on reproduction and distribution, and the only role for copyright in this domain, should be to give authors control over the integrity of their work and the right to be properly acknowledged and cited."

Budapest Open Access Initiative
Reasons for Publishing Open Access

- Has the potential to reach the widest possible audience, one not restricted to a pay-for-access model;
- Lead to greater research impact and higher citation rates;
- Can more quickly and powerfully facilitate collaboration amongst peers and innovation within and across disciplines;
- A funding agency has required research supported with public funds be deposited in a public archive;

Examples of Open Access

- PLoS, the Public Library of Science
  - accelerate progress in science and medicine by leading a transformation in research communication
- arXiv.org
  - the arXiv.org repository holds over 730,000 preprints in the fields of physics, mathematics, computer science, quantitative biology, quantitative finance, and statistics
- Social Science Research Network (SSRN)
  - of a disciplinary repository containing working drafts and pre- and post-prints in fields such as law, economics, and political science