

## Copyright and Your Dissertation

Copyright law as it relates to scholarly works can be complex with few clear guidelines around what constitutes fair and legal use of other people's work — or even the reuse of our own published works. It is common for researchers not to be offered formal copyright training as part of their professional development, making it difficult to understand what protections are applied to their scholarly works under the law. Below are a few fundamentals about copyright as it pertains to your dissertation work. For more in-depth assistance, please consult the resources section of this handout.

### 1. You control your work!

Your dissertation (and any other scholarly works you produce) is automatically copyrighted in your name as soon as it assumes a fixed form — i.e., as soon as it is written down.

It remains under your full control until such a time that you sign a contract with someone else (e.g. a publisher) that gives them rights over your work.

### 2. Submitting your work to UH Graduate School and ProQuest: you *still* control your work!

UH policy mandates that all successfully defended theses and dissertations are submitted in electronic form (PDF) to the Graduate School, UH Libraries, and ProQuest as part of every student's requirements for graduation.

The publication (or deposit) of your dissertation in the UH Libraries' digital library and ProQuest's dissertations database provides an independently verified date of record to protect against future plagiarism or unauthorized use of your intellectual property. For good measure, the UH Graduate School requires that you include a copyright notice following the title page (see front matter template). This page helps to establish that you are the owner of the work and protects you, as the copyright holder, from anyone claiming innocent infringement or unintentional violation of copyright.

When you submit your final dissertation to UH (through a submission site called Vireo), you will sign a licensing agreement that covers future access and third-party copyrighted materials. The agreement gives UH Libraries the "non-exclusive right to copy, display, perform, distribute, and publish [your] content." While you maintain full copyright over your dissertation, this agreement makes it possible for UH to make a copy of your ETD available to others at some point in the future.

### 3. Others' use of the original work presented in your dissertation

Any material that you present as original work in your dissertation is copyrighted to you and, beyond brief excerpts, may not be used by others without the written permission of you, the copyright holder.

#### **4. Your use of others' copyrighted materials in your dissertation (e.g. figures, photographs)**

Likewise, any materials that are copyrighted to other people and that you wish to use in your dissertation, beyond brief text excerpts, may be used only with the written permission of the copyright owner(s). Book and journal publishers often hold the copyright for all materials they publish. Therefore, if you are using more than a brief selection of a copyrighted work, you must obtain written permission from the copyright holder (often the publisher) to include that selection in your dissertation. Remember that use of reproductions or excerpts of other media, such as music, graphic images, or computer software may also require permissions.

Your letter to the copyright holder needs to make clear that you seek written permission to include elements of their work — be as specific as possible — in your dissertation and that this use is for non-commercial, academic use only. Your letter should also make clear that your dissertation will ultimately be submitted in electronic format to UH and ProQuest, where it will be preserved in databases and made available through the University Libraries to the general public at no charge via the Internet, pending any embargo period.

You are responsible for securing any necessary permissions and paying any permission fees in advance of using copyrighted materials in your dissertation. When in doubt, it is best practice to seek permission to reuse other people's copyrighted material.

#### **5. Your use of your own previously published materials in your dissertation**

In the course of your doctoral research at UH, you may publish articles with academic journals and you may wish to include portions or the entirety of these articles as part of your dissertation. In such instances the following guidelines apply:

1. If the material is co-authored, you will need to seek the permission of your co-author(s) to include the material in your dissertation; and
2. If the material is copyrighted (if you are the sole author but you have signed copyright over to the publisher), you must fulfill the conditions specified in section 4 above: first, consult the agreement you signed with the publisher, which may grant you permission to use the published material in your dissertation. If it's unstated or unclear in the agreement what your rights are, you may need to seek written permission from the publisher to include your own published work in the dissertation.

It is very common practice for publisher policies to allow published works to be included in dissertations, but it is best practice for you to be thorough in your investigation of what your rights are before including previously published material in your document.

When you submit your dissertation to the Graduate School, you will indicate whether your document contains previously published materials. The Libraries will then conduct a copyright check to ensure these materials are included in accordance with publisher policies and that there is no copyright infringement due to their inclusion.

## 6. Open access

Open access is a method of disseminating scholarly work that makes it widely available to researchers and the public online at no cost. This practice is in contrast to traditional publishing, where the global public and lesser-resourced scholars must pay to access journal content or scholarly publications. As a UH graduate, your dissertation will be accessible to the public as mandated by UH policy, pending any embargo you place on the document. Please note that work made available open access is still protected by copyright law and that you continue to be the owner of your intellectual property until such time that you sign that copyright away to another party.

For additional information, feel free to visit the Open Access Overview by Peter Suber, director of the Harvard Open Access Project (see link in the resources section).

## 7. Selecting an embargo for your dissertation

UH students have the option of requesting a two-year embargo, or delayed release, for their dissertation that will temporarily restrict distribution of their work through the UH Libraries and ProQuest. Such restrictions will only be for this limited period of time and will not restrict the public availability of titles or abstracts.

When submitting your dissertation through the Vireo submission site, you may request a two-year embargo or no embargo. If you and your committee chair agree on the embargo choice, it will be honored by the Graduate School and the Libraries, and online posting of your dissertation will be delayed for two years from the date of approval. Please note that the title of your work, as well as your abstract, will be available through the UH Libraries' digital library and in ProQuest's dissertations database shortly after approval.

Most students will not need to request an embargo. In certain circumstances (e.g., pending patent application, rare publisher requirements), it may be advisable to request one. If you would like to delay release of your thesis or dissertation, please discuss the advantages and disadvantages of an embargo with your advisor or committee chair. This should be a decision that is shared by you and your faculty advisor(s).

## Additional resources

1. UH Grad School Thesis & Dissertation Information homepage: <https://www.uh.edu/graduate-school/academics/thesis/>

- Your one stop for every step pertaining to the preparation and submission of your dissertation, including:
  - Dissertation Approval Forms
  - Formatting, style guides, and front matter templates
  - Thesis and dissertation policies
  - Submission deadlines
  - Contact information for your College's thesis/dissertation coordinator
  - Step-by-step submission instructions for the Vireo site

2. UH Libraries' Copyright Team: <https://libraries.uh.edu/research/communicate/copyright/>
  - Includes a list of helpful FAQs around dissertations
  - An inquiry form (the team will respond to your question within 5 days, and usually within 48 hours)
3. Peter Suber's Open Access Overview: <http://legacy.earlham.edu/~peters/fos/overview.htm>
4. Taylor Davis-Van Atta, Director of the Digital Research Commons: [tgdavisv@central.uh.edu](mailto:tgdavisv@central.uh.edu)

*Disclaimer: None of the information provided in this handout should be construed as legal advice.*