

Use of Copyrighted Material in Electronic Theses and Dissertations

Students frequently assume that because they have given a citation, then that's the end of the story, whether or not the product is copyrighted. However, plagiarism is not the same thing as copyright infringement. In a pamphlet published by UMI/ProQuest, entitled *Copyright Law & Graduate Research* (1996), Kenneth Crews explains it this way:

Notice the difference between copyright infringement and plagiarism...copyright is concerned about more than credit - a proper footnote is not enough. If you use someone else's protected work beyond lawful limits, you may have committed an infringement, even if you attribute full credit to the original author. (p. 2)

Before you can make the final determination whether permissions are necessary, you **MUST** understand where UNT electronic theses and dissertations (ETDs) ultimately end up. A "Final Distribution" PDF is available on the Grad School dissertation Web pages that explains this in detail; however, here is a quick overview. Approved UNT ETDs are sent to two places: UNT Libraries and ProQuest: when you submitted your file to the Grad School, signed agreement forms for each of these two destinations were required.

1. Beginning July 2006, "restricted" ETDs are available to anyone in the world, as long as they have a valid EUID login. For the purposes of obtaining permission, then, our libraries qualify as an "intranet." This can make a difference to some copyright holders. If you have any questions about the distinction between intranet and Internet access, please contact the Graduate Reader (jkleister@unt.edu).
2. Be aware that beginning in January 2006, ProQuest began selling theses and dissertations through Amazon.com; however, students retain copyright to their document and have complete authority to dictate to ProQuest how their document will be made (or not made) available. It is your responsibility to contact ProQuest to make whatever arrangements the copyright holder has requested.

There is no way to make blanket statements about when permissions are needed. Any good style manual will have guidelines about when you need to obtain permissions; in addition, a dichotomous key has been created to help

you decide whether permissions are required, which is available on the Grad School dissertation Web pages. Here is a list of URLs that you may find helpful, about copyrighted material:

<http://www.library.unt.edu/copyright/default.htm>

<http://www.templetons.com/brad/copymyths.html>

<http://www.utsystem.edu/ogc/intellectualproperty/ccmcguid.htm>

<http://www.stfrancis.edu/cid/copyrightbay/>

<http://www.copyright.gov/>

<http://www.apa.org/about/copyright.html>

<http://www4.law.cornell.edu/uscode/17/ch1.html>

It is your responsibility to determine the copyright status of the material you want to use, including who owns the copyright and what their policies are regarding reproduction of protected material, and then adhere to their policies. Please understand – I am NOT saying that just because the material copyrighted, it needs permission; what I AM saying is that you, as author, must investigate the matter and make the determination. In general, the most accurate authority is the copyright holders themselves, and the information you seek can often be found on their Web site if they have one. If you are using material from a book, the policies governing reproduction is often found in the front matter of the book.

Important: Be very careful not to confuse “author” with copyright holder – these are almost always two different entities.

Fortunately, the process of obtaining permissions for academic use is straightforward and permission is almost always granted to students to use material in theses and dissertations. You can contact publishers electronically or by mail. Many of the larger companies have online request forms. It will save time for both you and the holder if you give very specific information about the material you want to reproduce. There is also an online copyright clearinghouse: <http://www.copyright.com/>. Indiana and Purdue Universities have also created the Copyright Management Center, which could prove quite helpful as you investigate whether permissions are needed: <http://www.copyright.iupui.edu/index.htm>

There are two major exceptions to the general statement made above about permissions being “almost always granted” that I am aware of right now:

- ✓ Psychological tests and/or instruments – it is very rare for a copyright holder to grant permission for all or parts of an instrument to be reprinted in a thesis or dissertation, even in an appendix.
- ✓ American Chemical Society journals – The ACS has very strict rules governing reproduction of material published in one of their journals.

UNT electronic theses and dissertations are published on the Internet, and ACS specifically forbids this kind of use for their protected material.

Important: It may be that the organizations responsible for these exceptions may change their policies in the future, so it is worthwhile to check with them yourself; additionally, other entities may be equally restrictive but I am just not aware of them. For these two reasons, as well as many others, ***it is your responsibility as author to investigate the matter and make the determination yourself.***

The default for all UNT theses and dissertations is that the student author is the copyright holder for everything in the ETD; therefore, if you have reproduced material for which someone or something else is the copyright holder (with permission), then you MUST ***clearly identify*** the reproduced material as:

- (i) being copyrighted by someone else
- (ii) who that someone else is
- (iii) being used with permission

In the case of figures, the easiest method is to place the phrase parenthetically at the beginning or end of the caption. In the case of large amount of text, e.g., from a textbook or handbook of some kind, the phrase can be used as a footnote on the first page where the material begins. If a large number of permissions were obtained, it might be worthwhile to consider placing a separate list in the front matter, an appendix at the back of the document, or a separate section in the references section which identifies (a) the copyright holders from whom permissions were obtained and (b) the specific tables and figures in your document that have been used with permission.

You must include the permissions when you submit your thesis or dissertation. The Grad School will send them to UMI/ProQuest with your signed Agreement, after the Graduate Reader has approved your document. Copies of permissions can be electronic (i.e., you forward a copy of an email reply to the Graduate Reader) or hard copy. If you have requested permission to reproduce material but have not yet received it by the time you are ready to submit your document to the Grad School, treat your document as if you have already received it (i.e., identify reproduced material as being used with permission) and submit a copy of the request – as noted earlier, almost always, permissions are granted. Once permissions are received, it is your responsibility to replace the submitted request copies with the final permission. ***Please be aware, however, that if permission is denied, then you will need to revise your document accordingly.***

Truly, it's a matter of "pay me now, or pay me later" – if you do not take care of these issues prior to document submission, I will ask you about it during the document review process... and that's when you are busy trying to get on with the next stage of your lives – moving, finding a job, post-docs, whatever. Give both yourself and the copyright holders time to review the requests. If they deny permission, you won't be scrambling around, stressed to the max at the last minute: instead, you will have time to explore alternatives and come up with a solution that you and your committee can agree upon.