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©Guide: Copyright for Dissertations

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Overview

Welcome to the Copyright for Dissertations guide from the University of Michigan Library Copyright Office. This guide addresses copyright questions specific to University of Michigan dissertation authors. It covers the following topics:

- Using Others' Content
- Copyright in Your Dissertation
- Publishing Your Dissertation
- Resources

Your dissertation committee, advisors, and other mentors in your field can help you understand your field's publishing norms, such as how to select and assess third party material and how to attribute that material properly.

For general information on copyright, please refer to the [Copyright Basics](#) guide.

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to the University of Michigan, please contact the Office of the General Counsel.

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Using Others' Content

Using Third-Party Materials in Your Dissertation

If you use materials (such as text, images, sound recordings, etc.) created by a third party in your dissertation, you need to consider whether copyright law allows your use of those materials. In some cases, even reusing your own published articles can raise copyright concerns, if you have transferred your copyright to someone else, like your publisher. Even when copyright permits your use of a work, contract law may prevent it. When you agree to terms of use in order to gain access to a copy of a work (such as a letter in an archive or a newspaper article in an online database), those terms also control what you can do with the work.

You can proceed without copyright permission if you are using something that is not copyrightable or is in the public domain. You also don't need permission if you are using it in a way that does not implicate one of the rights of copyright holders or is permitted by a user's right, such as fair use. If none of these circumstances applies, you need a license to use the work. In some cases, an existing license may cover your use. In others, you will need to get a new license from the copyright holder. For more information on these subjects, please see our [Copyright Basics](#) and [Obtaining Copyright Permissions](#) guides.

In addition to the copyright issues, it is also vital to follow attribution norms within your discipline. For more information about the distinction between plagiarism and copyright infringement, see below.

Contracts at Libraries, Archives, and Museums

Some institutions require you to sign an agreement before accessing their collections. That agreement may limit your ability to use their materials. These agreements are valid even when the materials are in the public domain or using the materials would qualify as fair use. For instance, if you agree to get permission from the institution before publishing any images of items from its collection, you are bound by that agreement.

To avoid trouble on this issue,

- Ask up front what the terms are and whether you can use the materials in your dissertation;
- Carefully read the terms of any agreements you sign; and
- Keep a copy of the terms, noting the materials to which they apply.

Fair Use in Dissertations

Fair use allows certain uses of copyrighted material without permission from the copyright holder. There are four factors to consider when determining whether your use is a fair one. You must consider all the factors, but not all the factors have to favor fair use for the use to be fair. The outline below explains how the fair use factors and their subfactors apply to using third-party material in a University of Michigan dissertation.

First Factor: "The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes"

- Uses that fall under one of the favored purposes listed in the fair use statute (17 U.S.C. § 107) or have a nonprofit educational purpose will weigh in favor of fair use. Favored purposes include scholarship, research, criticism, and comment. Since uses in dissertations often have these purposes, this subfactor favors fair use.
- Uses that are commercial weigh against fair use. Most uses in dissertations are not for commercial purposes, but that may change if you publish your dissertation with ProQuest or another commercial entity.
- Uses that are transformative weigh in favor of fair use. A use is transformative when the use adds new meaning or message to the original work, giving it a new purpose. For example, imagine you are writing your dissertation about the impacts of advertising directed to children. You include a toy advertisement and analyze how it reached a child audience. The original purpose of the advertisement was to increase demand for the toy, while your purpose is for scholarship and critique, making your use transformative. Quoting another scholar's analysis of the advertisement would not necessarily be transformative, though it is still often fair use.

Second Factor: "The nature of the copyrighted work"

- If the work used is creative, that will weigh against fair use. If the work used is factual, that will weigh in favor of fair use. The outcome of this subfactor varies depending on the work used.
- If the work used is unpublished, that will weigh against fair use. However, the fair use statute explicitly states that the unpublished nature of a work will not bar fair use if the use is otherwise fair. The outcome of this subfactor varies depending on the work used.

Third Factor: "The amount and substantiality of the portion used in relation to the copyrighted work as a whole"

- Using all or much of the original work will weigh against fair use. The outcome of this subfactor varies depending on the use.

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- Using the most important part of the original work (the "heart") will weigh against fair use, even if it is only a small amount of the work. The outcome of this subfactor varies depending on the use.
- The third factor is neutralized if the amount used is necessary for a transformative purpose, even if the entire original work is used. For instance, the third factor would be neutralized in the use of the toy advertisement described above — all of the advertisement has to be used in order to achieve the transformative use.

Fourth Factor: "The effect of the use upon the potential market for or value of the copyrighted work"

- Uses that decrease demand for the original work by providing a substitute will weigh against fair use. In many cases, using a work in your dissertation will not provide a substitute for the original work, but the outcome of this subfactor can vary depending on the use.
- Uses that decrease demand for the original work by criticizing it (as with a negative film review) have no impact on the fourth factor.
- If the licensing market for the use you are making is "traditional, reasonable, or likely to develop," that will weigh against fair use.

Resources on Fair Use

- [Fair Use Checklist](#) This checklist from the Columbia Copyright Advisory Office helps users consider the factors and subfactors of the fair use analysis.
- [Codes of Best Practices in Fair Use](#) These codes document the shared best practices of communities that rely on fair use, including fair use for online video, fair use of images for teaching, research, and study, fair use for OpenCourseWare, fair use for documentary filmmakers, fair use for the visual arts, and fair use for academic and research libraries.
- [Summaries of Fair Use Cases](#) This set of case summaries from Stanford is a good resource for learning about fair use law.
- [US Copyright Office Fair Use Index](#) This index of fair use cases is searchable by media format, case outcome, jurisdiction, and date. It is helpful for learning about legal precedents and judicial interpretation of the fair use doctrine.
- [Fair Use for Nonfiction Authors](#) This guide, published by the Authors Alliance, explains when fair use applies to the use of sources in nonfiction works such as scholarly articles. It has been endorsed by the American Council of Learned Societies and the Association for Information Science and Technology.

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Using Material Under an Existing License

A Creative Commons license makes it easy for you to know how you can use a work. Images licensed under Creative Commons licenses can be particularly useful if you need a generic rather than specific image. Because the rights holder has already given everyone permission to use the image under the terms of the license, you do not need to evaluate fair use or seek permission in order to use it.

When you use a work licensed under one of the Creative Commons licenses, you need to comply with the license requirements (unless your use is otherwise permitted, e.g., by fair use). All Creative Commons licenses require attribution. Using the work without giving attribution means you do not meet the legal conditions of the license. However, the licenses are deliberately flexible about the requirements for that attribution. The Best Practices for Attribution are outlined on the Creative Commons wiki. Our guide to Creative Commons licenses has more information on this topic.

Creative Commons Resources

When works are marked with code generated by the Creative Commons License Chooser, that mark is machine readable. A number of search tools allow users to limit their search by license.

- [CC Search](#) CC Search enables users to search across multiple platforms for content licensed under one of the Creative Commons licenses.
- [Google: Find Free-to-Use Images](#) This page explains how to use Google's search engines to find images, text, and videos that are licensed under Creative Commons licenses.

Copyright Infringement v. Plagiarism

Copyright infringement and plagiarism are related but distinct concepts. Plagiarism is using the work of another without attribution. Copyright infringement is any reproduction, distribution, modification, performance, or display of a copyrighted work without the permission of the rights holder that does not fall under fair use or another user's right.

It is possible to plagiarize even when you have cleared permission for all the copyrighted works. Similarly, it is possible to infringe copyright even when you have given careful attribution. In addition to resolving the copyright issues, you must follow attribution norms within your discipline in order to avoid plagiarizing others' work.

U.S. copyright law does not require citation in a particular form. However, following academic citation norms can help improve your fair use analysis. Check with your dissertation advisor for help figuring out what citation style you should use in your dissertation.

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The [Rackham Dissertation Handbook \(PDF\)](#) says sources that must be cited include, but are not limited to:

- language or wording either taken directly or paraphrased from another source, whether published or not;
- concepts, interpretations, techniques, methods, test instruments or procedures borrowed or adapted from another work, whether published or not;
- charts, graphs or figures borrowed or adapted from another source, whether published or not;
- photographs, films, recordings, digital material or other images from another source; and
- data, surveys or results of any kind from any other inquiry or investigation.

The [Sweetland Center for Writing](#) provides a number of resources on plagiarism and how to avoid it, including [Beyond Plagiarism: Best Practices for the Responsible Use of Sources](#).

Copyright in Your Dissertation

Copyright Formalities

In the United States today, copyright protection automatically covers all new copyrightable works, including your dissertation. The moment a copyrightable work is fixed in a tangible medium of expression (e.g., written on a piece of paper or on your hard drive), it is subject to copyright.

In the past, authors had to comply with certain formalities in order to obtain copyright protection. These formalities included registering the work with the US Copyright Office and placing a copyright notice on the work. Copyright law no longer requires that authors comply with these formalities merely to obtain copyright protection. However, registering a work and putting a copyright notice on a work still come with legal benefits, so authors often do these things anyway.

Copyright Notice

Under current US law, you do not have to provide a copyright notice on your work to receive copyright protection. However, if you are making your work publicly available, you may want to.

Putting a copyright notice (the copyright symbol (©), the year of publication, and the name of the copyright holder) on a work tells the rest of the world that the work is protected by copyright. If the copyright holder later sues someone for infringing her copyright in the work, she can point to the notice to show that the defendant is not an “innocent infringer, which can lead to higher damages. A copyright notice also lets others know whom to contact if they would like a license to use the work

- [Copyright Basics: US Copyright Office Circular 1](#) This PDF publication from the US Copyright Office explains the basics of copyright law, including copyright notice.

Copyright Registration

Under current US law, you do not have to register your work to receive copyright protection. You may want to register it anyway, because copyright registration comes with certain legal benefits. If the work is registered within three months of its publication date or before a particular infringement occurs, the copyright holder can recover statutory damages (monetary awards that need not be connected to actual harm suffered by the copyright holder) and attorney's fees if she is successful in an infringement suit. Also, registration is required before the author can bring a lawsuit about the use of her work. However, despite these benefits, many works are never registered because registration takes time and money.

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Registering a copyright is not difficult. For instructions and forms, visit the US Copyright Office website. If you have any questions regarding copyright registration, the US Copyright Office has a toll-free help line at 1-877-476-0778. You may register a work at any time while it is still in copyright.

Online registration for a single work of which you are the sole author costs \$35. In all other cases, the online registration fee is \$55. The fee for registering with a paper application is \$85.

Registration by ProQuest

If you submit your dissertation to [ProQuest](#), they will register copyright on your behalf, for a fee. The Rackham Graduate School encourages Ph.D. candidates to discuss this option with their advisors before selecting it.

Who Holds Copyright

Under US law, the initial copyright holder is the author of the work. In most cases, copyright law treats the creator(s) of the work as the author(s). If someone creates a work as an employee (or in certain cases, as a contractor), that person's employer is considered the author of the work.

Who Holds Copyright in University of Michigan Dissertations

A University of Michigan dissertation author is the initial copyright holder for her dissertation. As the copyright holder, she has certain rights under copyright law. In the United States today, those rights can be separated and split. The author can give others permission to exercise some or all of those rights. That is called a license. If the author agrees only to give that permission to one entity at a time, the license is exclusive.

An exclusive license that lasts until the end of the copyright term is a transfer of copyright. To be valid, a copyright transfer must be in writing and must be signed by the copyright holder or the copyright holder's agent. The recipient of a copyright transfer can then license or transfer the copyright.

In the academic context, licenses and transfers of copyright are particularly common in publishing agreements. In many cases, the author transfers all or part of the copyright in her publication to the publisher. Academic authors also use the Creative Commons licenses to increase access to their work, either in advance or as part of a publishing agreement.

Rights of Copyright Holders and Users

The author is granted rights in the work, including the right to reproduce the work, to make derivative works, and to distribute the work to the public. The author can transfer those rights to someone else and can give others permission to exercise them by means of a license. Users can also use the work without permission if their use falls within one of the user's rights.

Publishing Your Dissertation

Preparing for Publication

Norms around publishing dissertation material vary from one field to another. For instance, in some scientific fields, it is common to publish individual chapters from the dissertation before it is submitted. In the humanities, it is common to develop a monograph from the dissertation after completing the graduate degree.

Whether you publish before or after submitting your dissertation, it is important to plan ahead when signing publishing contracts or submitting your dissertation. Will the publishing contract you sign allow you to use the article in your dissertation later? How does depositing your dissertation in Deep Blue impact this? Can you use material that you've coauthored in your dissertation or thesis? For questions about the norms in your field, talk with your advisors. With copyright questions, contact the library copyright office.

If you are about to sign a publishing agreement, consider using the U-M Author's Addenda, which may help you negotiate and keep the rights you need in your work.

From Dissertation to Book

Thinking about transforming your dissertation into your first book? Hardly any dissertations are published as books without significant work on the author's part to refocus the manuscript for an audience beyond the dissertation committee.

Here are a few resources to help you understand the process of reworking a dissertation for publication as a monograph:

- [William Germano, From Dissertation to Book](#) Published by University of Chicago Press, Germano's 'From Dissertation to Book' is considered the authoritative guide to revising a dissertation for publication.
- [William Germano, Getting it Published: a Guide for Scholars and Anyone Else Serious about Serious Books](#) Advice for academic authors looking to write and publish a scholarly monograph.
- [Theresa MacPhail, Dear First-Time Author: How to Turn Your Dissertation Into a Book](#) MacPhail shares advice from writing her own first book as well as advice from editors at university presses.

In reading some of the resources listed above, you might encounter discussions of how having your dissertation available online (for example, in [Deep Blue](#)) could negatively impact a publisher's willingness to look at your manuscript. Some authors assert that you should not put your dissertation online if you hope to sign a publishing contract.

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However, please note there is very little evidence to support this view. In fact, research has shown that publishers will indeed consider manuscripts that are revised versions of openly-accessible dissertations.

- [Do Open Access Electronic Theses and Dissertations Diminish Publishing Opportunities in the Social Sciences and Humanities? Findings from a 2011 Survey of Academic Publishers, by Ramirez, et al.](#)

Resources

University of Michigan Dissertation Resources

- [Rackham Dissertation Handbook](#) Rackham's Dissertation Handbook, doctoral deadlines, and other resources for preparing the dissertation. The Dissertation Handbook answers many questions about submitting your dissertation to Rackham Graduate School.
- [Submitting the Dissertation](#) This FAQ from the Rackham Graduate School explains how to submit a dissertation. It includes information about submitting dissertations to ProQuest.
- [Rackham Dissertation Resources](#) General list of dissertation resources compiled by the Rackham Graduate School.

External Dissertation Resources

- [ProQuest Guide: Copyright and Your Dissertation or Thesis](#) This short PDF guide from ProQuest contains excerpts from Kenneth Crews's "Copyright and Your Dissertation or Thesis." It also includes a sample permission letter.
- [Copyright and Your Dissertation or Thesis: Ownership, Fair Use, and Your Rights and Responsibilities](#) This PDF guide was prepared by Kenneth Crews with the support of ProQuest. It is "principally intended to help readers learn and understand the copyright issues relevant to doctoral dissertations."