Teaching Copyright to Chemistry Students

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BYU requires all students to take a 3-semester-hour course in advanced writing.

Most science and engineering students take English 316, “Technical Writing.” (My wife happens to be the English 316 coordinator at BYU.)

BYU chemistry and biochemistry majors take instead Chem 391, “Technical Writing Using Chemical Literature,” taught by chemistry faculty.

Chem 391 is certified (and re-certified periodically) by the university Advanced Writing Committee.

Chem 391 instructors—chemistry professors—are trained by English department faculty and certified by the Advanced Writing Committee.

One of the topics in Chem 391 is copyright.

Copyright gets one 50-minute class period of instruction.
Other Chem Students Who Need to Know Copyright

- Students in all chemistry courses where writing is involved
  - Laboratory classes
  - Classes with assigned written reports
  - Classes with assigned research papers
- Students involved in research
  - Undergraduate research assistants
  - Graduate students
- All these students need to understand
  - How to use copyrighted materials.
  - What copyrights they own and what ones the university (or their major professor) owns.
What Students Need to Know

- The follow slides are questions that students should be able to answer.
- Most of the answers give here are taken from the pamphlet “Are You Up To Date On ACS Copyright Issues?”; American Chemical Society, Washington, D.C., 2000.
- Other information taken from “Learning Module: What Chemists Need to Know About Copyright” prepared by ACS Subcommittee on Copyright
- http://pubs.acs.org/copyright/learning_module/toc.html
Copyright is the exclusive legal right to reproduce, publish, and sell the matter and form of literary, musical, or artistic work.
How do you copyright something?

- You automatically own copyright when you create an original work, “fixed in any tangible medium of expression, from which [it] can be perceived, reproduced or otherwise communicated.” (U. S. Copyright Law, Title 17, U.S. Code, Section 102), unless you did the work for hire.
How do you register your copyright?

- You don’t need to register your copyright.
- Most publishers register their copyrights; few authors do.
- For information on registering copyrights, write Register of Copyrights, Library of Congress, Washington, DC 20559.
How long does copyright last?

- For authored work, copyright lasts for life of author plus 70 years.
- For commissioned works and works made for hire, copyright lasts 95 years from publication or 120 years from creation, whichever is shorter.
What works are in the public domain?

- A work is in public domain if
  - All authors are employed by United States government and prepared work as part of employment, or
  - The work is published before 1978 without a copyright notice
  - The copyright term of work has expired.
How do you know if something is copyrighted?

- All published works are copyrighted unless they are in the public domain (describe earlier).
- When in doubt, assume that the work is copyrighted.
- A current work doesn’t require a copyright notice, although the author might benefit from including one. A copyright notice includes the symbol ©, the word “Copyright,” the year of publication, and the name of the copyright owner. An example of a correct notice is:
  
  Copyright © 2001 John J. Smith
What can you legally do with your copyrighted works?

- You can reproduce, prepare derivative works of, distribute copies of, transfer ownership (in whole or in part), rent, lease, lend, perform publicly, or display publicly the copyrighted work.

- You can grant nonexclusive rights or exclusive rights.

- You must transfer copyright by a written agreement.
What can you legally do with other’s copyrighted works

- You can quote limited amounts of a work.
- If you want to reprint, republish, or reproduce a table, figure, chart, scheme, photograph, excerpt, or any other copyrighted item, you must first get permission from copyright owner—even if you are the author (and have transferred copyright ownership to someone else).
- This is not hard to do!
Who owns the copyright to student papers, reports, lab notebooks, etc.?

- For coursework written assignments, the student probably owns the copyright.
- For written work describing research performed using university facilities, the university probably owns the copyright.
Who owns the copyright to theses and dissertations?

- Usually the student
- When the results are published in the scientific literature, the copyright for the journal version is usually transferred to the publisher.
What is the difference between copyright, patents, trademarks, and trade secrets?

- Copyright protects original forms of expression, not ideas.
- Copyright is different from patents. They’re governed by different rules and regulations.
- A patent is a grant from a government to an inventor giving the inventor the right to exclude others from making, using or selling an invention for a limited time in that country.
- A trademark is a distinctive word or phrase, name, symbol, or device used to identify the source of a product of commerce. If used continuously and renewed every 20 years, it may remain in force indefinitely.
- A trade secret is information that is maintained confidential and has commercial value. Trade secrets are protected by law.
What is “fair use”?

- “Fair use” of copyrighted material is not infringement of copyright.
- For example, if you are a student or an educator, you can make a single copy of a scientific journal article for your personal use without permission from the copyright owner.
- If you work for a company, you probably can’t make copies for your personal files, if such copies would in any way benefit the company, unless you have permission from copyright owner.
- Many publishers have registered their works with Copyright Clearance Center (CCC) to provide immediate ability for users to make authorized photocopies. Registered users pay a fee through annual license agreement with CCC, based on number of copies made by user.
What is a “work for hire”? 

- A work done as part of your employment
- Or a work you were commissioned to do
- Parties must agree in writing to a commissioned work for hire.
How are plagiarism and copyright related?

- They are not the same.
- You can violate copyright without plagiarizing by simply citing the source.
- You can plagiarize without violating copyright by using others' ideas without giving credit.
When you publish a journal article, book chapter, review paper, or other, who owns the copyright?

- You or your university until you sign Copyright Status Form (ACS) or similar form from other publishers
- Then publisher (usually) owns everything
  - text
  - tables
  - figures

So, can you use your own figures in another paper?
Can you post your journal articles on your personal or university Web site?

What can you post? ACS give permission to post:
- title of paper
- abstract (no other text)
- tables
- figures

Must be your own paper on your own Web site

Read the Copyright Transfer Agreement
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- inform colleagues they can’t disseminate

Check with publisher

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Sharing Your Papers
Scenarios of what you and your students want to do

1. Publish work already in a dissertation
2. Publish in dissertation work already published in journal
3. Publish work simultaneously in dissertation and journal
1. Probably okay to publish work in ACS journal without getting special permission, as long as thesis/dissertation hasn’t been distributed yet.

2. Okay to publish ACS journal articles in dissertation, but pages must be marked as copyrighted by ACS.

3. Okay to publish simultaneously, but dissertation can’t be distributed before paper appears in ACS journal.

- For non-ACS journals, check with journal publisher.
For More Information

- Go to http://pubs.acs.org
- Click here

http://pubs.acs.org/copyright_info.html