

# A Graduate Student's Guide to Copyright: Open Access, Fair Use, and Permissions

U-M Copyright Office



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## What's the problem and why should you care?

As a graduate student, you're putting together what is likely your first publication. You thought all you had to do was get your department to approve it, make sure all the spelling and punctuation was correct, and you'd be set...

...but there's one more thing you need to plan for: **copyright**. If you've quoted from other works, used graphics, sound, or video created by others, or used any sort of material that you didn't make on your own, you need to think carefully about this.

But there are ways you can make this easier on yourself!

- UMI states that nearly 15% of doctoral dissertations lack the copyright clearances and permissions that they require before they will publish.<sup>1</sup>
- You may also be able to minimize your copyright concerns by using **open resources**, maximizing your **fair use rights**, and other creative measures.

## We can help!

Copyright law is complex, but the **U-M Copyright Office** can help you navigate the labyrinth. We're in **Shapiro 4190**, and we have public hours **1:00-3:00 every Tuesday and Thursday**, or by appointment:

**E-mail Us:**

[copyright@umich.edu](mailto:copyright@umich.edu)

**On the Web:**

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<sup>1</sup> Crews, Kenneth D. "Copyright Law and Graduate Research." Retrieved from <http://www.umi.com/en-US/products/dissertations/copyright/Preface.html>, July 23, 2010.

<http://www.lib.umich.edu/copyright/>

## **So, do I need copyright permissions?**

Maybe, maybe not, but you'll at least want to give it some thought—**before you start your research**, if possible, as this can affect how you proceed. Here's what you need to consider to answer that question:

- **Where and how do you want to publish your dissertation? What does your publisher have to say about copyright clearance?**
  - ◆ As a University of Michigan student you will publish with UMI, which is a commercial publisher. Though your use of copyright materials may be a fair use because you're using them in an educational context (more on this below), a commercial publisher must consider their liability as a for-profit business, which may not be able to make the same fair use argument.
  
- **What kind of materials are you using or quoting?**
  - ◆ **Keep a list of your sources** and any copyrighted materials you are using or quoting. Though it may be more work up front, you will be glad to have this list later. If you are using commercial / copyrighted material and/or publishing with a commercial distributor, you may have to procure the rights to use these.

UMI watches for the following materials in their copyright clearance:<sup>2</sup>

- ◆ Long quotations
- ◆ Reproduced publications
- ◆ Unpublished materials
- ◆ Poetry
- ◆ Dialogue from a play, screenplay, broadcast, or novel
- ◆ Music
- ◆ Graphic or Pictorial Works
- ◆ Computer Software
- ◆ Sources located on the Internet

So if you're using any of the above and attempting to publish with UMI, you'll want to keep your source list handy. Tools like Zotero<sup>3</sup> (a free Firefox plug-in that manages your citations) and EndNote<sup>4</sup> (commercial citation management software, which your department may already have a license to use) are excellent tools for this purpose.

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2 "Guide 5: Copyright and Your Dissertation or Thesis." Retrieved from [http://www.proquest.com/assets/downloads/products/UMI\\_CopyrightGuide.pdf](http://www.proquest.com/assets/downloads/products/UMI_CopyrightGuide.pdf), July 23, 2010.

3 <http://www.zotero.org/>

4 <http://guides.lib.umich.edu/content.php?pid=30390>

## But you have other options, too.

There are materials available to you that you can use legally without any copyright concerns at all.

- ♦ **The Public Domain:** This includes many U.S. Federal Government publications, older works whose copyrights have expired, and works whose authors have expressly dedicated them to the public domain.
- ♦ **Openly Licensed Materials. Material that the author has granted an open license to use, despite *not* being in the public domain:** Some authors publish their work with a notice saying it is available for certain uses. For example, Creative Commons is a service that provides a variety of such licenses.<sup>5</sup>

Look at our Resources section at the end of this document for links to open access journals. You are able to view and freely cite the articles without fee.

→ **Are you using copyrighted material to write your dissertation, without legitimate access?**

- ♦ It's a good idea to be sure that you get the materials you use for research and that you cite from places that have legitimate access to them. Books you borrowed from the library (or from a professor, or from anyone) and databases to which your library subscribes, or really anything that your library can get for you (including through inter-library loan) are good sources. If a source makes it too difficult for you to use their materials without subscription fees and so on, however, instead of trying to get around these barriers to access, **consider looking for and supporting an open access journals instead.** Supporting open materials will encourage more open access to knowledge and help future scholars. If you have any questions about sources, contact the Copyright Office. We can help!

→ **When was the material published?**

- ♦ Cornell University's Copyright Office offers a useful guide that you can check to be sure,<sup>6</sup> but here are some guidelines for whether a work has yet passed into the public domain. Their chart covers U.S. and international materials, but here is a basic overview for domestic sources:
  - **Published prior to 1923:** The work is in the public domain. You do not need copyright clearance.
  - **1923-1977:** You will need to know whether the work was published with

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<sup>5</sup> For more, see the Creative Commons website at <http://www.creativecommons.org>.

<sup>6</sup> That site is here: Copyright Term and the Public Domain in the United States”  
<http://copyright.cornell.edu/resources/publicdomain.cfm>

a copyright notice and whether the copyright was renewed. (Works published between 1923 and 1977 in the United States without a copyright notice are now in the public domain due to the copyright laws of that period.) The Stanford Renewal Database<sup>7</sup> will help you search for information about books that could have been renewed during this period.

- **1978-present:** The work is most likely still under copyright, and will be for a long time. Current copyright terms are life of the author + 70 years.

*Note that this applies to works published in the United States. If you are publishing outside of the United States, the public domain may be defined differently, so check local resources to be sure. Also, some works published internationally as far back as 1869 may be in the public domain in the U.S. but still under copyright in other countries.<sup>8</sup>*

→ Is my use of this work covered by fair use?

This is an area that is potentially very useful to graduate students, but it can be nebulous. Your publisher may not have the same position on it that you have. Take a look at the next section for more on maximizing your rights through fair use.

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<sup>7</sup> <http://collections.stanford.edu/copyrightrenewals/bin/page?forward=home>

<sup>8</sup> For more, see “Access and Restrictions” at the HathiTrust FAQ, <http://www.hathitrust.org/faq>.

## Fair Use

One of the limitations on copyright, described in Section 107 (17 U.S.C.), the concept of fair use is designed to protect certain uses of a copyrighted work, including **criticism, commentary, news reporting, teaching (including making multiple copies for classroom use), scholarship, and research.**

Congress was deliberately vague about what constitutes fair use. It is an equitable principle that depends on each circumstance. This means there is no legal prescription you can follow to ensure your use is fair. There is, however, a **four factor** test described in Section 107 that tells you what to consider in order to gauge whether your use is likely fair or not.<sup>9</sup>

You can also look at precedents set by previous cases, which can demonstrate whether your use is fair.

## The Four Factor Test

- Is your use of copyrighted material fair? If so, you do not need the copyright holder's permission to use it. The following guidelines will help you determine if this is the case:

### 1. The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes

- Your dissertation may primarily be educational, but once you publish it and earn royalties, it takes on commercial aspects as well.
- However, something may be commercial and still have that outweighed by educational purposes.
- Is your work transformative? Transformative uses are generally considered fair use. If you are simply regurgitating the same information as the original, it probably is not. If you contribute something new and original, it more likely is.

### 2. The nature of the copyrighted work

- Use of published works is more likely to be fair than of nonpublished works.
- Use of other scholarly works (whose authors generally expect and hope to be quoted) is more likely to be fair than of other types of works.
- Use of nonfiction is more likely to be fair than of fiction. Critical commentary on fiction, however, is likely to be fair, so long as you aren't using more than

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<sup>9</sup> U.S. Copyright Office. "Fair Use." <http://www.copyright.gov/fls/fl102.html> Retrieved July 27, 2010.

you need—see the next point.

### 3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole

- There is no set number of words, pages, minutes of film/music, or other quantifiable limit on this. Rather, ask these questions:
  - Are you using only as much as you need to make your point?
  - Are you copying the central “essence” of the work?
  - What proportion of the original are you using?

### 4. The effect of the use upon the potential market for or value of the copyrighted work

- Does your work, or the excerpt you're using, supersede the demand for the original work or otherwise compete with it? If not—that is, if your work reaches a different need or marketplace than the original—then it is more likely to be fair.
- Does the author of the original offer a license for uses similar to yours? Use of it without the license could harm the market for the license.

## Fair Use and Your Publisher

- Even if you think your use is fair, your publisher may want you to obtain permissions anyway, because (though it's unlikely), they could potentially have to go to court to prove that the use is fair. The publisher's use may be deemed commercial (even if they are a non-profit organization) while your work on its own, for educational purposes, may be non-commercial. The same work in a different context may cause a different analysis. Talk to your publisher and explain your reasoning, but be prepared to look for copyright permissions if necessary as they likely already have a policy on this.

UMI, a commercial publisher, has this to say about fair use and permissions:

*“The responsibility of determining which images, tables, etc. are fair use and which are not is with the author of the dissertation. We provide resources as a guide for author’s who are looking to determine which material they can include in their work, and whether or not that material requires permission from the copyright holder.*

*The author is responsible for obtaining proper permissions for all material used in his or her work. Should it be noted upon cursory review that there is material that is expected to be accompanied by permission for use in an authors work, it may*

*cause us to contact the author regarding permission or other resolution.”<sup>10</sup>*

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<sup>10</sup> Source: E-mail communication with UMI staff, July 14-15, 2010.

## Area-Specific Questions and Examples

### ➤ 20th Century Film

The field of film studies deals with materials that are at the heart of the recent crackdown on copyright by publishers and organizations such as the Motion Picture Industry Association. As this field evolves, film studies students may have particular questions about the rights related to materials they use. In collaboration with the Copyright Office, Philip Hallman, U-M's Librarian for Film and Video Studies, offered some guidance:

→ **“I'm quoting part of a script in my dissertation. What should I do?”**

- ◆ Fair use was designed expressly to protect this kind of critical commentary, so it's a good bet that your use is fair. A commercial publisher, expecting you to talk about certain films, will likely expect this and not require you to obtain rights. UMI lists scripts under materials for which they may require permission letters; however, they add this note:

*“While fair use is relatively narrow for creative and fictional works, it should allow brief quotations in the context of scholarly critiques.”<sup>11</sup>*

Open resources and public domain probably won't help you in this situation, as films are too new and open source films aren't all that common. (Hey, here's an idea for your dissertation: be the first!)

→ **“I made a film as a part of my dissertation, and I want to use brief clips from other films. Could this be fair use?”**

- ◆ It certainly could be, especially if it is short and doesn't preempt the demand for the original (which it likely doesn't).

If you publish on the Web, however, this will greatly increase the chances that the owners of the film will find you and demand that you pay a licensing fee. If you want to show a 30-90 second clip of a movie at a conference, that's fair use; however, if you're planning to show your film on PBS, you'll definitely want to get the rights.

→ **“I want to use frame grabs or other still images from motion pictures in my dissertation.”**

- ◆ Commercial publishers have been vague on this, reserving the right to require that authors obtain permission. However, frame grabs are generally

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11 Source: [http://www.proquest.com/assets/downloads/products/UMI\\_CopyrightGuide.pdf](http://www.proquest.com/assets/downloads/products/UMI_CopyrightGuide.pdf), July 20, 2010.

considered fair use, especially if you are not giving away spoilers (which could harm the market for the original).

If you wish to use your dissertation as the basis for a book later on keep in mind that works considered fair use in a dissertation may not be fair when published in books intended primarily for commercial consumption.

- *In one example, Paramount charged a film studies professor \$1000 to use an image from one of their movies on his book's cover and \$500 each for images inside the book. He had to make his own frame enlargements. To the extent that such images are used to market the book, this is not unreasonable.*
- *Note that publishers don't accept screen grabs because of both copyright reasons and the low quality of the images (72 dpi compared to a publishing standard of 300 dpi).*

## ➤ World Literature

→ **“I'm writing a dissertation using books that were all written a couple centuries ago at the earliest. I shouldn't have anything to worry about with copyright, right?”**

- ♦ Literature published in the United States before 1923 is in the public domain, and you can use these works freely. You are even free to distribute copies of such works with your dissertation, if you choose to do so.

If you're using a translated work, keep in mind that copyright may still apply to the translation, separate from the original work. Of course, fair use should still protect you as a scholar preparing a work of literary criticism. Check when the translation was published to determine if that too is in the public domain.

If it's not, don't fret: you may still be able to find a translation that is. Project Gutenberg<sup>12</sup> is a collection of free public domain content that you can use, cite, and redistribute freely.

→ **“Funny you should mention that—actually, I'm writing my own translation of an earlier public domain work for my dissertation.”**

- ♦ If you're creating some kind of derivative work based on something in the public domain, you may want to consider publishing it with a Creative Commons license or other form of open license. The more people who can use your work, the more well known it will be.

This doesn't mean you lose all control over it, or that people can claim it as their own work. All Creative Commons licenses include an attribution requirement: that is, they have to cite you.

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12 <http://www.gutenberg.org>

You should weigh the benefits of open publishing and traditional commercial publishing. Your goal may be to publish a work which will earn you royalties; indeed, many types of content can be best produced by people who devote their careers to such production and therefore can not do so without compensation. There are a growing number of economic models that accomplish a variety of access and revenue-generating goals.

If, however, your primary goal is to make your work available to the maximum number of scholars and other interested people and monetary compensation is not an issue for you, consider an open license.

## ➤ Art and Photography

→ **“What's the copyright status of this painting that I want to reproduce in my dissertation?”**

- ◆ As with the literary works described in Section B, older works of visual art are likely in the public domain, but newer works will be covered by copyright. For more recent artists, you may need to be careful if you distribute copies of their work. Relatively recent artists like Warhol and Picasso still have works under copyright, the rights to which are held by their heirs.

→ **“What's the deal with thumbnail images? Who holds the copyright to them? Can they be copyrighted?”**

- ◆ A 1999 court decision<sup>13</sup> stated that a direct and accurate reproduction of an original piece of art such as a painting or photograph lacks originality and is therefore not protected by copyright.

This ruling should make it easier for you to use images in research, as the rights of any scanned images that you use do not belong to the person who scanned the image. (That said, it is still good practice to ask permission and give credit to those who did the work, but this is a matter of professional ethics, not copyright law.)

This also means that thumbnails of a public domain image are also in the public domain. You can create and use these freely. However, sometimes you are limited by contracts you sign or Terms of Service that you agree to that limit what you can do with otherwise public domain images. Be sure to check where you found the image and if they have reuse restrictions.

Even thumbnails of copyrighted images may be fair use, as found in another 1999 case, *Kelly v. Arriba*.<sup>14</sup> When the Arriba search engine created and used thumbnails of an artist's entire collection of works in order to index them, the court ruled this use was fair. Key to this ruling were the fact that this use did

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13 *The Bridgeman Art Library, Ltd. v. Corel Corp.*, 36 F. Supp.2d 191 (S.D.N.Y. 1999)

14 *Kelly v. Arriba Soft Corp.*, 77 F. Supp. 2d 1116 (C.D. Cal. 1999).

not harm the artist's intended market (indeed, it helped him sell his works), and that the search engine could not have used anything less than the whole work to achieve its transformative purpose.

→ **“Who holds the copyright on a photograph? Do I have to get permission from the people in a photograph in order to use it?”**

- ◆ The copyright on a photograph belongs to the person who pressed the shutter, unless other arrangements were made or the copyright was transferred.

The **subject** of a photograph, however, also has rights to his or her image. These are called privacy or publicity rights, and they're the subject of state law rather than federal, so they can be quite complex. Publicity rights are commercial and usually concerned with celebrities, while privacy rights apply to average citizens and usually end at death. Public figures have less of a privacy right, especially on matters of public interest. The Library of Congress offers a more in-depth explanation of this area on their website.<sup>15</sup>

For your dissertation, it's unlikely that you will infringe on anyone's publicity rights through the use of a photograph. For example, in many states, celebrities' images have high commercial value, so they are subject to particular protection. It's unlikely that your dissertation on Elvis impersonators is going to impinge on Elvis' estate's profits. If you publish a commercial book on the subject later on, however, this could become an issue.

## ➤ **Materials in Archives and Special Collections**

→ **“I had to get special permission to access unpublished material in an archive. What am I allowed to do with it in my dissertation?”**

- ◆ There may be special limitations on use of unpublished materials stored in an archive or library. Before you begin research that you hope to result in a published work (including a dissertation), you should inquire about any limitations on a document's use. Some of these documents include unpublished manuscripts, letters and journal, oral histories, and photographs. These limitations have often been set by the donors of the material. Though the material may be available to people who come in to the library or archive to view it, and the institution may be allowed to provide photocopies of material as a fair use, this does not mean that the material is considered published. Keep in mind that using unpublished materials is less likely to be a fair use.

The University of Michigan's Special Collections Library requests that students fill out a request for permission to publish any part of any material in their collection.

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15 <http://memory.loc.gov/ammem/copothr.html>

→ “But what is the law that allows these restrictions? They seem to last longer and be in excess of regular copyright.”

- ◆ It's contract law. When you sign a contract or agree to terms of service, the document you just signed can state that you waive your fair use rights, and contract law trumps copyright law. (This is very common. It pays to read those terms of service! Through them, you may also unwittingly waive your own copyrights or your privacy.)

Works are not considered published just because they are available in a library. The library likely entered a binding agreement when they acquired the unpublished works from a donor or seller which stipulates certain limitations on their usage. In order to get to see the works, you are essentially agreeing to this contract as well.

- *Example case: several years ago, a grad student obtained microfilm from University of New Brunswick of a colonial loyalist's journal. Due to limitations placed on the materials by the donors, no publication of materials from the journals was permitted, though the student was allowed to consult them for her personal research use. This example is somewhat outdated now: 20 years ago, no copies could be made of literary manuscripts and other such materials, but now they can be made for study. However, publication rights are still complicated and often limited.*
- *Another, more extreme example: a student at Cornell did a PhD dissertation on a living composer. The composer objected to this so strongly that his defense was private and the dissertation itself was not made available to the public.<sup>16</sup>*

The University of Connecticut has assembled a useful page with information about use of unpublished resources.<sup>17</sup>

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<sup>16</sup> Thanks to Peggy Daub, U-M Special Collections Library, for this information.

<sup>17</sup> [http://www.lib.uconn.edu/copyright/unpublished\\_generic.html](http://www.lib.uconn.edu/copyright/unpublished_generic.html)

## Securing Copyright Permissions

### ➤ Step 0

Before you even begin your research, consider making an effort to use open resources. There are many openly licensed journals and other materials that you can use without worrying about copyright. This does not just include old things that have lapsed into the public domain: there is a growing body of works out there whose authors have chosen to make them available to the public for the advancement of scholarship and knowledge. The authors generally maintain copyright in their works, but actively choose to grant a blanket license to anyone who wishes to use their works for certain uses.

And while you're at it, when you've completed your dissertation, perhaps you'd like to contribute it to an open journal or repository.

But, if you just can't avoid using copyrighted materials, and your publisher insists that you need permission....

### ➤ Step 1

Identify the copyright holder. It may not be the author; it could be publisher or someone else. If there is a co-author, you only need one author's permission (for a nonexclusive license) but ideally, it would be good to get all of them.

### ➤ Step 2

Obtain the address of the copyright holder.

The reference librarian at any of the U-M libraries should be able to help you determine the copyright holder, using biographical resources and publishers' directories. You can also try the US Copyright Office's registry database, or contact the publisher for help in locating the author/rights holder.

### ➤ Step 3

Write to the copyright holder.

Your letter should include a thorough description of the material you will use and a detailed explanation of how you will use it. It should also include a place for the recipient to sign to indicate that they grant the requested permission.

Does this sound difficult? It can be. The author of your work may have died but transferred the rights (which currently last 70 years after his or her death) to someone else. You might have to contact

relatives who know little or nothing about the work. The publisher you're looking for could have been bought by another, or even by a company in another field. Sometimes it is impossible to find the rights holder of a work. A work can still be protected by copyright even if no person/company is the rightful holder of those rights. These sorts of works are called **orphan works**. How far do you have to persist in tracking down the owner of an orphan work? That's a judgment call. If there is no one to come after you if you use the work, then you won't face any consequences for using it...but they can pop up later on, and your publisher might not want to take that risk.

(Kind of makes you want to use openly licensed works, doesn't it?)

Don't be afraid to call people in your detective work. However, publishers do often need documentation in writing (UMI is one of these) so use the phone as a supplementary tool.

### **What if I don't get permission?**

Remember that silence is not permission.

You may have to delete or rewrite the segment of your dissertation or project that uses that material. Reducing the use of copyright material may also help with fair use claims, if you used a substantial amount. (Make sure what you have is all really relevant and necessary. Use the smallest amount possible.)

If, after an extensive search for a copyright holder, you find no one, you might reasonably decide that no one remains to assert the claim, and accept the risk that you may be wrong about this. (If you are publishing commercially, your publisher may or may not agree to let you do this, since they would also bear responsibility.)

What if the copyright holder requests a licensing fee? You have to decide whether it is worth that, and you can negotiate a lower price.

Can you replace the material you used with something from an openly licensed resource?

***See our resources page for books and links that should help you with securing permissions.***

## Resources for Copyright Clearance and Background Information

### General

Jassin, Lloyd J. and Steven C. Schechter. *The Copyright Permission and Libel Handbook: A Step-by-Step Guide for Writers, Editors, and Publishers*. New York: Wiley, 1998.

**MGetIt:** Hatcher Graduate Library, KF 2994 .J371 1998  
<http://mirlyn.lib.umich.edu/Record/003968834>

*The first half of this book focuses specifically on copyright. It presents a comparatively cautious view of copyright and permissions that are more conservative than the evolving norms of the digital academic sphere require, but for those who are interested in commercial publishing and wish to understand all the details of negotiating rights, this book should be an excellent resource. Particularly noteworthy is its section on negotiating permissions, with advice on reaching the best deal (perhaps a free one) for a license.*

Lindsey, Marc. *Copyright Law on Campus*. Pullman, WA: Washington State University Press, 2003.

**MGetIt:** Hatcher Graduate Library, KF 3030.1 .L56 2003  
<http://mirlyn.lib.umich.edu/Record/007429895>

*This practical and easy-to-understand guide offers information on copyright expirations and the public domain, copyright infringement lawsuits and the risks involved in infringement, obtaining permission for literary works, images, and playing music in public, fair use—with sample cases and classroom guidelines, the Internet and distance education, and the evolution of campus copyright policy.*

Stim, Richard. *Getting Permission: How to License & Clear Copyrighted Materials Online & Off*. Berkeley, CA: Nolo, 2001.

**MGetIt:** Shapiro Undergraduate Library, KF 3024 .C6 S751 2001  
<http://mirlyn.lib.umich.edu/Record/003597934>  
**Also available on-line** from <http://mirlyn.lib.umich.edu/Record/004151738>

*Assuming that you have determined you need permission for the material you would like to use, this book will help you figure out specifically how to obtain those rights. It provides detailed information based on the type of medium you would like to use, with sections on photographs of fine art, stock photographs on the Internet, art and merchandise licenses, and the overlap with trademark law.*

### Art, Photography, and Film

Bielstein, Susan M. ***Permissions, A Survival Guide: Blunt Talk about Art as Intellectual Property***. Chicago: University of Chicago Press, 2006.

**MGetIt:** Fine Arts Library & Art, Architecture, and Engineering Library: KF 3050 .B54 2006

<http://mirlyn.lib.umich.edu/Record/005404445>

*This book provides information about the laws and common practices involved with intellectual property and obtaining permission in a highly readable way, and will be of interest to artists and others interested in a broader understanding of intellectual property as part of their work or in general. It discusses current problems in intellectual property landscape, offers suggestions for authors to navigate them, and makes suggestions for their improvement.*

Donaldson, Michael C. ***Clearance and Copyright: Everything You Need to Know for Film and Television***. Beverly Hills, CA: Silman-James Press, 2008.

**MGetIt:** Hatcher Graduate Library, KF 3070 .D66 2008

<http://mirlyn.lib.umich.edu/Record/005952746>

*This thorough guide provides information on all aspects of copyright in filmmaking and television, from securing rights to others' works and ideas, personality rights, parody, using music in films, copyrighting your own script, and more.*

## Music

Kohn, Al and Bob Kohn. ***The Art of Music Licensing***. Englewood Cliffs, NJ: Prentice Hall Law & Business, 1992.

**MGetIt:** Music Library, KF 3035 .K641 1992

<http://mirlyn.lib.umich.edu/Record/002595681>

*This reference contains detailed information on both granting licenses for the purpose of earning a living, and on obtaining licenses to commercially use work owned by others. It goes into specific detail about an expansive range of licenses, including mechanical, synchronization, videogram, software and multimedia, performance, and many more, with samples given.*

Stim, Richard. ***Music Law: How to Run Your Band's Business***. Berkeley, CA: Nolo Press, 1998.

**Available on-line:** <http://mirlyn.lib.umich.edu/Record/004153252>

*This book includes a chapter on copyright and song ownership, licenses, and royalty payments which may be useful to those interested in music copyright even if they are not themselves in a band.*

## **Digital Resources**

### **Directory of Open Access Journals**

<http://www.doaj.org/>

These journals are free and open to anyone with an Internet connection. In most cases, the authors still retain copyright of their work, but have made it available for anyone to read and cite. Using open journals as your source material ensures that you won't have to worry about seeking permissions for the articles you quote/

### **Deep Blue**

<http://deepblue.lib.umich.edu/>

U-M's institutional repository that provides open access to materials. You may want to consider publishing your work here as one way of making it permanently available to anyone who wishes to consult and cite it. It is also an excellent resource for finding the work of other Michigan students and faculty. Deep Blue is highly visible through Google Scholar.

### **Creative Commons**

<http://creativecommons.org>

Creative Commons allows you to both find materials that you know you will be licensed to use, and to license your own work for others to use. They offer a variety of licenses, allowing you to require attribution, to limit derivative works, to require them to share their work with the community as you shared yours, or to open your work to the public domain. Creative Commons does NOT require that you give up your copyright; its licenses are based on the fact that you hold the copyright to your work.

### **ProQuest Information and Learning: Copyright Law and Graduate Research**

<http://www.umi.com/en-US/products/dissertations/copyright/>

A detailed guide to copyright compliance for graduate students, by Kenneth D. Crews, a professor in the School of Law and School of Library and Information Science and Associate Dean of the Faculties for Copyright Management at Indiana University. It has in-depth information about finding and contacting copyright holders as well as fair use, designed for graduate students.

### **U-M Copyright Office**

<http://www.lib.umich.edu/copyright>

Designed to provide for University of Michigan faculty, staff and students access to online information regarding text of the U.S. Copyright Law, Copyright at the University of Michigan, General Copyright Information, Determining the Need for Permission to Use a Work, Obtaining Permission to Use a Work, Registering Your Work for Copyright, Sources for Licensed, Public Domain, and Royalty Free Materials.

### **U.S. Copyright Office**

<http://copyright.gov/>

This is the official site of the federal government's copyright office. Their record of copyright registrations may be useful to you in determining the holder of a copyright in order to ask him or her for permission.

### **Guide to Copyright: Asking Permission - Vassar College**

<http://copyright.vassar.edu/askingpermission/>

Vassar College has created an extensive guide with links that will help you locate and contact copyright holders of text, art, music, audiovisual, and software.

### **U-M Copyright Review Management System**

<http://www.lib.umich.edu/imps-national-leadership-grant-crms>

The University of Michigan has launched a project to increase the reliability of copyright status determinations of books published in the United States from 1923 to 1963. The CRMS website contains PDF documents that will be useful for determining copyright status of materials published between 1923 and 1963.

### **Unpublished Works - University of Connecticut Libraries**

[http://www.lib.uconn.edu/copyright/unpublished\\_generic.html](http://www.lib.uconn.edu/copyright/unpublished_generic.html)

The University of Connecticut Libraries have created an extensive guide to the reproduction of unpublished works, with guidance for the use of libraries and archives and links to relevant court cases, including the famous Salinger v. Random House (1987) case involving quotations from J.D. Salinger's unpublished letters in a biography.

### **Summaries of Fair Use Cases - Stanford University Libraries**

[http://fairuse.stanford.edu/Copyright\\_and\\_Fair\\_Use\\_Overview/chapter9/9-c.html](http://fairuse.stanford.edu/Copyright_and_Fair_Use_Overview/chapter9/9-c.html)

This site lists summaries of court cases that determined fair use. The list is broken down by medium, including use of text, art, audiovisual materials, music, Internet, and software, as well as use in parodies.

### **Fair Use Evaluator**

<http://librarycopyright.net/fairuse/>

This tool can help you determine whether your use is likely fair or not. Keep in mind that this does not constitute legal advice; it is only a guide. It does allow you to create a PDF

document that you may be able to use as evidence of good faith, should you ever need it.