

# Carnegie Mellon University

## Guidelines on Author Rights and Preservation

The Guidelines on Author Rights and Preservation were prepared at the request of Carnegie Mellon's Scholarly Communications Advisory Board.

### Relationship to Carnegie Mellon University Policies

The [Intellectual Property Policy of Carnegie Mellon University](#) explains who owns the intellectual property created by faculty, students, and staff in their relationship with Carnegie Mellon. Various laws protect intellectual property, including copyright law. The [Fair Use Policy of Carnegie Mellon University](#) explains what faculty, students, and staff can do with other people's copyrighted material. The Guidelines on Author Rights and Preservation explain what they can do with material when they own the copyright, and describe and encourage effective copyright management.

### Overview

Carnegie Mellon University expects faculty, students, and staff who own the copyright to work produced at the university to:

- Understand what U.S. copyright law protects.
- Understand their exclusive rights under the law, and the legal exceptions and limitations on their exclusive rights.
- Manage their copyrights effectively.

Effective copyright management provides, within the parameters of the law, the broadest possible access and the fewest restrictions on use that serve the author's interests and Carnegie Mellon's mission to disseminate knowledge and obligation to comply with federal mandates. To achieve these ends, Carnegie Mellon recommends strategies for managing copyright effectively.

### Guidelines on Author Rights and Preservation

#### 1. Copyright owners should understand what the [U.S. Copyright Act](#) protects.

In the United States, copyright protects "original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device." Copyright does **not** protect facts, ideas, procedures, processes, systems, methods, concepts, principles, or discoveries, "regardless of the form in which these are described, explained, illustrated, or embodied" in a copyrighted work ([U.S.C. 17 §102](#)).

## **2. Copyright owners should understand their exclusive rights under the law, and the legal exceptions and limitations on their exclusive rights.**

Copyright owners have the *exclusive rights* to copy and distribute their work, to perform or display it publicly, and to make derivative works ([U.S.C. 17 §106](#)). If someone else wants to use the work, the copyright owner's permission is required unless the use is granted by a licensing agreement or an exception or limitation in the Copyright Act. Exceptions and limitations are addressed in the [Fair Use Policy of Carnegie Mellon University](#).

Copyright owners can legally *transfer* their exclusive rights, individually or grouped, to someone else. The transfer can be exclusive or non-exclusive. After exclusive transfer of a right, the author no longer retains that right and cannot transfer or license that right to others. After a non-exclusive transfer, the author still retains the transferred right and can transfer or license that right to others. Carnegie Mellon encourages authors to be wary of exclusive transfer of their copyrights, particularly to commercial publishers.

Copyright owners can also *license* use of their work without transferring copyright. Licenses specify Terms of Use, what users may do with a work without requesting the copyright owner's permission. For years, licenses have been attached to material available commercially, for example, the contents of a database, a musical CD, a movie on DVD, or a software application. More recently, open licenses have been developed and attached to material that is freely available (open access) on the Internet. Open licenses encourage use of open content by removing one or more copyright restrictions while retaining other copyright protections, for example, allowing copying and distribution, but prohibiting commercial use or the making of derivative works.

## **3. Copyright owners should manage their copyrights effectively, in compliance with the law and in the service of the university's mission to disseminate knowledge.**

With rare exception, the interests of authors, academic disciplines, funding agencies, and Carnegie Mellon are best served by open access and open licensing. Effective copyright management eliminates unnecessary restrictions on access and use, to increase citations, enhance author reputations, and accelerate advances in the disciplines. It enables the university to preserve and provide access to work produced at Carnegie Mellon, and to comply with federal mandates for public access to the results of federally funded research.

Effective copyright management includes careful reading and, if necessary, negotiations of contractual agreements that transfer copyright to publishers or otherwise constrain dissemination and use of the work. Exclusive transfer of all copyrights to a publisher can yield odd outcomes, for example, authors having to request permission or pay to use their own work. Licensing non-exclusive rights to Carnegie Mellon University can eliminate the need for authors to negotiate with publishers while preserving their copyrights and their freedom to choose a publisher.

## Strategies for Effective Copyright Management

### 4. To broaden dissemination and increase use of scholarly articles, Carnegie Mellon strongly encourages copyright owners to:

- Make their articles freely available on the Internet by either publishing in open access journals or depositing the articles in an open access repository such as [Research Showcase](#).
- License use of their articles under an open license, granting users as broad a set of rights as possible. When an open license is not possible, copyright owners should consider transferring only those copyrights essential to accomplish their goal.

Most publishers of traditional subscription journals allow authors to deposit copies in open access repositories. The [SHERPA RoMEO](#) database provides easy access to the policies of over 1,200 publishers. Quality open access journals are listed in the [Directory of Open Access Journals](#). Publishers of quality open access journals are members of the [Open Access Scholarly Publishers Association](#) or comply with the OASPA [Code of Conduct](#).

Open licenses encourage use because users do not need to locate the copyright owner and ask for permission. The [Creative Commons](#) provides a suite of open licenses, each of which enables the copyright owner to designate what users can do with the work without requesting permission. For more information about open licenses, see the [Guide to Open Licensing](#) and list of [Conformant Licenses](#).

### 5. To broaden dissemination and increase use of CMU theses and dissertations, Carnegie Mellon strongly encourages graduate students to:

- Confirm they own copyright to the work if the research was conducted with external funding.
- Acquire the copyright owner's permission for any third-party material included in the work.
- Consult their advisor and the University Libraries to ensure they make informed decisions regarding dissemination and preservation of the work.
- Whenever possible, deposit a digital copy of their thesis or dissertation in [Research Showcase](#) for long-term preservation and access. Authors can specify when the work becomes freely available (open access) on the Internet.

Providing open access to theses and dissertations will facilitate use of these important works and help create an online academic identity and presence for the authors, factors increasingly important to employers. Open access to these works will also help Carnegie Mellon recruit new faculty and students.

## Consulting on Author Rights

- Denise Troll Covey, Scholarly Communications Librarian, 268-8599, [troll@andrew.cmu.edu](mailto:troll@andrew.cmu.edu).
- Office of the General Counsel, 268-3662.