



Intellectual Property Considerations for Dissertation Authors

Doctoral candidates must consider copyright issues as early as possible in preparing their dissertation. There are several important reasons for this.

- In most cases, your dissertation will incorporate previously copyrighted material, and you must ensure that your reuse is legal.
- Publication of your dissertation may impact others who are working with the same source materials or data sets. You must coordinate with your team to ensure appropriate management of shared IP
- You'll be creating a copyrightable work, and want to consider carefully how you will manage your intellectual property

This document outlines key copyright issues you may encounter in preparing and submitting your dissertation. Members of the Stanford community who need further copyright information should feel free to contact

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Understanding Copyright & Patents

Most dissertations incorporate material that was previously copyrighted, and many also contain material that will be later republished. Some also contain material that will be part of a patent application. Choices you make in what you include in your copyright and how you make it available can impact your future publications significantly, so it is important to consider copyright and patent issues as early as possible in the preparation of your dissertation.

Dissertation authors are strongly encouraged to review the [Copyright Law Overview](#) section of Sanford's annual [Copyright Reminder](#), which provides a brief synopsis of copyright issues relevant to the academic space. Students who's dissertations might result in patents should also review Stanford's Office of Technology Licensing [pages on patents](#), and should note that OTL has determined that publication of a dissertation qualifies as a public disclosure for purposes of patent filings. Some key issues to consider include:

- You must have explicit permission to republish copyrighted material unless the use is considered a Fair Use under section 107 of US copyright Law
- Permission may be required to use your own work, if you assigned rights to a publisher
- If material was jointly published, ensure your co-authors are aware of the reuse

Fair Use

Fair Use is a section of US copyright law that makes it permissible to reuse material without permission for purposes such as criticism, comment, news reporting, teaching, scholarship, or research. The law outlines a 4-part test for determining whether a use qualifies as Fair Use.

- What is the character of the use?
- What is the nature of the work to be used?
- What is the amount of the work to be used?
- Will the use negatively affect the value of the work?

In determining if your use qualifies, remember that Academic Use \neq Fair Use, though educational use is a positive. Also, Citation \neq Fair Use, though citing sources is important for avoiding plagiarism. The American Libraries Association offers a helpful tool for walking through and recording the results of a Fair Use analysis. It is available here: <http://librarycopyright.net/resources/fairuse/> The tool will provide you with a PDF document summarizing your analysis that you can submit with your dissertation as you would a permissions letter.

Getting Permission

In most cases, requesting permission to reuse published material is straightforward. Most publishers provide web forms for making such requests, and many provide exemptions for scholars who are including their own previously published work in their dissertation. Where a publisher's website indicates that permission for reuse



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If your dissertation includes recordings of performances, or other photos or videos of individuals, you will also need releases from those individuals.

Group Work and Data Sets

Your dissertation may be based on data or survey work that was undertaken in a lab or other group setting. Be sure to discuss your copyright and embargo choices with your PI and others in your lab. It is important that you do not release material under a creative commons or other license where the lab or another group holds rights. It is also important that you are attentive to possible patent applications, as publication of a dissertation qualifies as a public disclosure for purposes of patent filings.

Future Republication

If you republish all or part of your dissertation in the future, you will need to review the licenses that you have granted in this process with your future publisher. Stanford has a process in place to take down publicly released dissertations where a publisher requires it as a condition of a future publication. However, that request must come from the publisher.

Distribution of Your Dissertation

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Embargo

You can choose to delay the public distribution of your dissertation for up to two years. This allows time for you to rework and potentially republish material from your dissertation in a different format. Note that embargos apply only to external visibility. Dissertations always remain accessible to Stanford students and faculty. And remember that OTL has determined that publication of a dissertation qualifies as a public disclosure for purposes of patent filings.

If you choose an embargo period of 6 months or 1 year during the initial submission and later wish to extend that embargo you must submit a HelpSU ticket to the Office of the Registrar no later than 4 weeks before your original embargo selection expires. Embargos of longer than two years require the review and approval of the Committee on Graduate Studies, and must be requested from that body.

External Visibility

You will be offered the option to limit the percentage of your dissertation that is made available to third-party distributors, like Google, to 20%. It is not a sliding scale, and your only choices are 20% and 100%. The visibility limit can be applied with or without an embargo, but if applied with an embargo it will only come into play once the embargo expires. You can change your external visibility from 20% to 100% at any time by submitting a HelpSU ticket. Note that it is not possible to revert external visibility from 100% down to 20%.

Registering Your Copyright

Stanford does not register your dissertation's copyright on your behalf. You can register yourself through the Copyright Office's website:

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

Note that registration is not required for your work to be covered by copyright, though it does provide benefits.

Resources

Stanford University's Copyright Policy

<http://www.stanford.edu/dept/DoR/rph/5-2.html>

Stanford University's Annual Copyright Reminder

http://library.stanford.edu/libraries_collections/copyright_reminders
includes information on how to seek permission



Stanford Fair Use page

<http://fairuse.stanford.edu/>

includes a Copyright Overview with general information

Stanford General Counsel's IP FAQ

<https://ogc.stanford.edu/university-faqs/intellectual-property>