Thesis/Dissertation Digitization: Copyright and Permissions

TxETDA
Zach Lukemire
lukemire@mailbox.sc.edu
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Overview

• Copyright basics

• Permission

• Infringement

This information should not be considered legal advice. If you need legal advice, please seek advice from an attorney.
Copyright and Theses/Dissertations

• Theses/dissertations qualify for copyright protection.¹

• Digitizing and sharing theses/dissertations are exclusive rights of the copyright holder.²

• In the usual case, copyright belongs to the author, though this may not always be true.

• Permission will be required to digitize and share the work, unless...
Why would you not need to ask for permission?

• You may already have it.
  – Institutional policy may effect a license.

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  – Copyright has expired.
  – Formalities were not followed.
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Infringement

• The copyright owner may sue in federal court.
• The infringing party may be required to pay damages and costs.³
  – Actual damages and profits. OR, if the work was registered prior to infringement:⁴
  – Statutory damages: $750 to $30,000 (up to $150,000 for willful infringement).
  – Court costs/attorney’s fees.⁵

³ 17 U.S.C. 504.
⁴ 17 U.S.C. 412.
⁵ 17 U.S.C. 505.
Further Reading


