

Copyright in Your Thesis or Dissertation



Using copyrighted content

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Relying on fair use: Fair use is a defense that permits certain uses of copyrighted works without the permission of the copyright owner. A fair use of a work is not considered an infringement. go.osu.edu/fairuse

What is fair use?

Fair use is determined based on a balancing of four factors:

1. the **purpose** and character of the use, including whether the use is of a commercial nature or is for nonprofit educational purposes;
2. the **nature** of the copyrighted work;
3. the **amount** and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. the **effect** of the use upon the potential market for or value of the copyrighted work.

You must conduct a fair use analysis for each individual use of copyrighted content. Some criteria that may weaken an argument for fair use include:

- Using material for purely decorative or entertainment purposes. Ensure that you are using the material to support the scholarship in your manuscript.
- Using more material than you would actually need to accomplish your purpose.
- Creating a substitute for the original work. Your manuscript will be openly available online. Will this harm the market for the original work?

RESOURCES:

OSU Graduate School: www.gradsch.ohio-state.edu
Kenneth D. Crews, "Copyright and Your Dissertation or Thesis: Ownership, Fair Use, and Your Rights and Responsibilities"

Publishing

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Before signing a publishing agreement, pay attention to what the agreement provides. Some publishing agreements may require you to relinquish some or all of your copyright ownership in your thesis or dissertation.

READ the agreement. Have you transferred all of your rights? Does the publisher grant back any of those rights?

ASK what rights do you need and what rights do you want?

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