



Student Handbook for Copyright

Open Publishing Exchange
Kansas State University

Copycats: Student Handbook for Copyright

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Disclaimer:

The information presented in this handbook is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to K-State, please contact the Office of General Counsel.

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Introducing Copyright

What is copyright?

Copyright is basically just how it sounds: the right to copy!

Under copyright, the owner (you) is able to make many decisions about copies of their creations. Who gets to copy, how copies are distributed and how you get paid for them will be the owner's decision.

This handbook will explain how to understand your copyrights, and also how to respect the copyright of others while in college and beyond.

When does copyright occur?

When you create something of your own, such as a text, a drawing, or a short video, you have created what is legally considered a "work."

Copyright of qualifying works is automatic, meaning your work will be protected under copyright law without you needing to do anything.

When does a work qualify for copyright?

Copyright law specifies these factors for a qualifying work:

1. The work must be original
 - Meaning that you must have created it from your own thoughts and imagination.



What if I accidentally create a work exactly like someone else's work?

As long as your work is original to you, and not copied from the similar work, then it will qualify for copyright independently, just as the similar work will also qualify.

2. Your work must have "creative expression:"
 - Creativity is a major point in copyright. Your work must have human influences which constitute creative thought.
 - This also means that things without creativity are not copyrightable, like facts, data, or useful articles (aka common functional items, like a chair or comb).
3. Your work is "fixed" in a tangible medium or format:
 - This means that the work must be able to be revisited in some way. Items could be stored on paper, on film, or even on a hard drive.
 - Things that don't have proof, like ideas, are not copyrightable. So if you have a good idea, consider writing it down.

The basic formula of copyrightability is as follows:

Original + Creative + Fixed = Copyrightable

This applies both to your own work, and the works of others.

Works Exempt from Copyright (aka do not get protection):

Facts and Data

- Facts and data are not considered "creative" and cannot be copyrightable.

Ideas

- Ideas are not fixed, and so cannot be copyrighted unless fixed in a tangible medium.

Names and Slogan

- These are a part of trademark law, and so is not a part of copyright.

Useful Articles

- General objects used for practical functions, such as tools or clothes. These types of objects may have copyrightable content on them, but the object itself will not have copyright protection.

My work is Copyrightable, now what?

Copyright is considered a “bundle of rights”. You have multiple rights at your disposal to share your work:

- Reproduction (copying)
- Distribution (sharing your work)
- Derivatives (other supplemental works, like movies)
- Public Performance (a play, movie, or concert)
- Public Display (posters, graphics, and advertisements)
- Sound Recording Audio Transmission (podcasts or radio)

More details about these rights can be found at: www.copyright.ksu.edu

Can someone else use my rights?

You as the copyright holder may give permission to others to use the work or any of the rights above. This is typically done through the use of a “license.” Licenses are legal written documents which state who, what, where, when, why and how works can be used.

If you have not given permission or license for a copyrightable work, then the unauthorized user has “infringed” upon your copyright. Infringement holds legal weight, and you as the copyright holder could sue or demand damages from any infringement of your copyrights.



An “agreement” means a license where you grant permission. An “assignment” is usually a transfer of your rights to others.

Show me the copyright loopholes!

The government designed copyright to protect copyrightable works, but they also did not want to inhibit scholarship or scientific advancement because of overprotection. So, copyright does have exemptions built into it. The following will apply most to you as a student:

Public Domain

Known as the expiration date of copyright, public domain occurs when works get too old to receive copyright protection. Works typically expire 70 years after the creator’s death. So, if someone died in the year 2000, copyrightable works they created during their life would lose protection in 2070.

Otherwise works expire typically after 95 years after they were created. A simple math equation is used to determine the year works expire:

$$\text{This year} - 95 = \text{Newest year of Public Domain}$$

Works created by government bodies are automatically in the public domain, and creators can decide to put their works in the public domain early. So if you are using any works that are old enough to be in the public domain for your school work, you typically don’t have to worry about rights. But copyright often has outlying situations, so it is always good to double check whether your work is a standard case or may need more investigation to determine public domain eligibility.

Fair Use.

Obviously, not everything is over 100 years old. For items that are newer, the government created the concept of “Fair Use.” At its core fair use is as basic as it sounds: uses of works that are considered fair.

Fair use typically happens without permission and uses controlled reasoning to explain why a use is considered fair. The government employs four concepts to help determine whether uses are fair:

1. The purpose and character of the use (profit or nonprofit)
2. The nature of the copyrighted work (is it art or scientific data?)
3. The amount and substantiality of the work used in relation to the whole of the work (did you use all of it or just some?)
4. The effect of the use upon the potential market for, or value of the copyrighted work (did you compromise someone else’s opportunity to make money?)

The government also explicitly lists uses that are covered under fair use:

*“...for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.”
(17 U.S. Code § 107)*



While fair use protects scholarly research, it is not a free pass for infringement. Making copies should be accompanied with critical thinking about the four factors.

Open Access (aka the Creative Commons)

You may have come across this concept in journals you have read online for your coursework. Open access when the creator decides to put their work out for free reading or use, but with specified conditions for the reuse. This decision is supported by licensing structures created by the Creative Commons, and they provide descriptions as well as icons to help describe the various licenses.

Creative Commons Licensing



CC-BY

Reusers may distribute, remix, adapt, and build upon the material in any medium or format, so long as attribution is given to the creator. The license allows for commercial use.



CC-BY-SA

Reusers may distribute, remix, adapt, and build upon the material in any medium or format, so long as attribution is given to the creator. The license allows for commercial use. If you remix, adapt, or build upon the material, you must license the modified material under identical terms.



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Reusers may distribute, remix, adapt, and build upon the material in any medium or format for noncommercial purposes only, and only so long as attribution is given to the creator.



CC-BY-NC-SA

Reusers may distribute, remix, adapt, and build upon the material in any medium or format for noncommercial purposes only, and only so long as attribution is given to the creator. If you remix, adapt, or build upon the material, you must license the modified material under identical terms.



CC-BY-ND

Reusers may copy and distribute the material in any medium or format in unadapted form only, and only so long as attribution is given to the creator. The license allows for commercial use.



CC-BY-NC-ND

Reusers may copy and distribute the material in any medium or format in unadapted form only, for noncommercial purposes only, and only so long as attribution is given to the creator.

Review the legal code at www.creativecommon.org/legal-code-defined/

Copyright in College

Copyright Versus Plagiarism

You've probably been in a class that has discussed the perils of plagiarism. Copyright violations can include plagiarism, but copyright exists separately too.

Simply, plagiarism gets you in trouble with the university and in your working life. Copyright violations may get you in trouble with the law.

Plagiarism is the act of using another's work(s) and not citing them correctly, resulting in claiming the work as your own. The consequences of plagiarism could reduce your grade or even cause your work be labeled as academic misconduct. The consequence would probably be limited within the boundaries of school or a business. As such, plagiarism is a matter of ethics, and does not necessarily hold legal weight.

Copyright is a legal matter and infringement of works hold legal implications. You may infringe on someone's work by using or copying without their permission. Outside of academia, infringing on copyright could result in professional and legal consequences.

The points to remember:

- Plagiarism is a form of academic ethics
- Copyright is part of the federal law.

Student Copyright at K-State

As a student, your enrollment at K-State does not transfer copyright of the works you create to K-State. K-State uses an Intellectual Property Policy to specify that student work is owned by students.

You are obligated by your enrollment to provide the university license for mark-up (aka grading) of your works. But, what you create remains yours.



Keep in mind, copyright is a two-way street.

Prompts or questions created by your instructors belong to your instructors.

Sharing your instructor's creative questions or prompts without permission may constitute a copyright infringement.

If you are a student employed through the University, often the works you create for your job will be the property of the University (this legal term is called "work for hire"). You will need to have a discussion with your supervisor(s) or professor(s) depending on the type of work you are employed to do. Your copyrights in these cases are best defined by the K-State University Handbook, Appendix R: Intellectual Property Policy and Institutional Procedures.

Your Work as a Classroom Exercise

Sometimes teachers may want to share your work with future classes or even include it in a textbook they are writing. In these cases, they should obtain written permission from you to use your work. This is often a positive experience, but you should keep in mind your rights when giving permission to others.

The TEACH Act

The Technology, Education, and Copyright Harmonization (TEACH) act allows your instructors to use technology in the physical classroom. The ability to watch films in class, use projectors to display media, or presentation with various technology are all covered by this act. (§ 110(1))

However, the rules are different if you are taking an online course, then under this act the rules are different. Your teacher is limited to presenting written literary or musical works and only for limited amounts at a time. This may be why your teacher did not just link the stream to a documentary in your online course. (§ 110(2))

Graduating Project Requirements

As a graduate student, you will likely be expected to write an Electronic Thesis/Dissertation/Report (ETDR). While you may not hold copyright to all the images and figures you cite in your ETDR, you hold the copyright to what you create in your ETDR. Your program may also require you place your final thesis into K-State's digital repository, K-Rex.



The graduate school provides an ETDR template and submission instructions:
<https://k-state.edu/grad/academics/etdr/>

ETDR Copyright Protections

Your ETDR is an original work and is protected by copyright laws of the United States (title 17, U.S. Code). These laws give the copyright owner (aka you) exclusive rights to (or authorize others to):

- reproduce (copy)
- distribute, (share)
- produce derivative works, (make other works based on yours)
- display, (advertise)
- or perform the work. (show as a play or movie)

ETDR Copyright Notice

Copyright protection is automatic from the moment of creation, so a copyright notice (©) is not legally required to receive protection. It is important to include an ETDR Copyright Page.

ETDR Copyright Page

Your ETDR copyright page is important to include because it communicates the copyright status of your work and gives others information about who to contact for permissions. You can include the copyright page even if you do not register for copyright.

If you include a copyright page in your ETDR, the following information should appear on the page:

Copyright © Firstname Lastname YYYY.

For example: Copyright © Will E. Wildcat 3000.

Registering ETDR Copyright

If you are formally registering your copyright, a copyright page will be required. You may register your ETDR through the U.S. Copyright Office or as part of the submission process to UMI/ProQuest (for doctoral students). Registering with the U.S. Copyright office is not mandatory, and choosing this extra level of protection will cost you a fee.

Reusing Common Content in your ETDR

When you reuse others' works, even if they are in the public domain (i.e. their copyright terms have expired or they never had copyright protection), you may not be infringing anyone's copyright, but you could be plagiarizing if you do not properly cite the work. While proper citation is important in academia, you must also comply with U.S. Copyright Law when reusing content in your ETDR.

Asking for Permission Takes Time

The following examples all will have cases where you may need to ask for permission to include them into your ETDR. Asking permission is often a long process, ranging from one week to three months. If you need permission for a work, be sure to plan ahead!

What if they say no?

While it is always recommended to research your chosen publisher or companies policies for reuse before asking permission, it is always a possibility they might say no to your use. In these cases, consider any alternative resources for your project (such as public domain or Creative Commons works), or if it the work is absolutely necessary, consider purchasing the work (for example: stock imagery). You may also wish to consider whether fair use still applies in your use case. However, fair use is typically considered less fair after you have been already been told no.

Permission Letter Template:

[Name of Publisher or Recipient]

[Month, Day, Year]

Dear [Insert Publisher or Recipient],

I am a student at [University Affiliation], and I am completing a [Work Type] entitled, "[Title of Work]." I would like your permission to include [images, text, videos, ect] in my work. The following is a description of each of the works I wish to include, and the reason(s) behind my use.

[Insert description of works and reason behind their use in your scholarly work]

[If an ETDR:]The finished dissertation will be deposited in my university's open repository.

Sincerely,

[Insert Name]

[University Affiliation]

Quotations and research articles

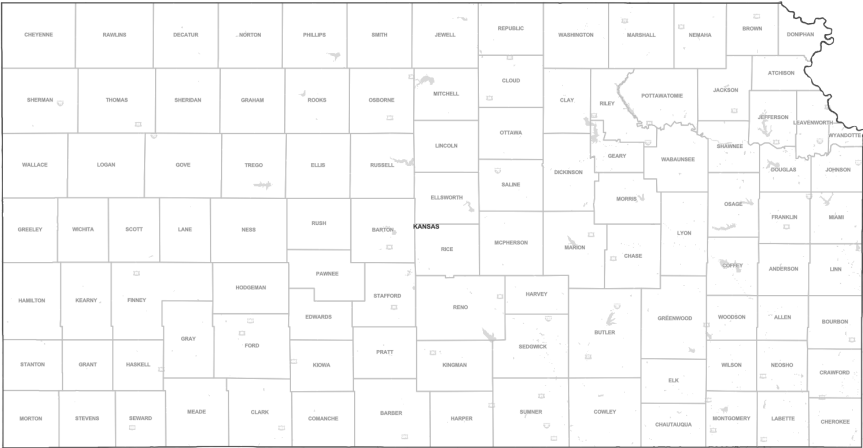
Short quotations of copyrighted material are generally considered fair use. If you are quoting from a work that is in the public domain or has an open license, then you do not need to worry about relying on a legal exemption like fair use.

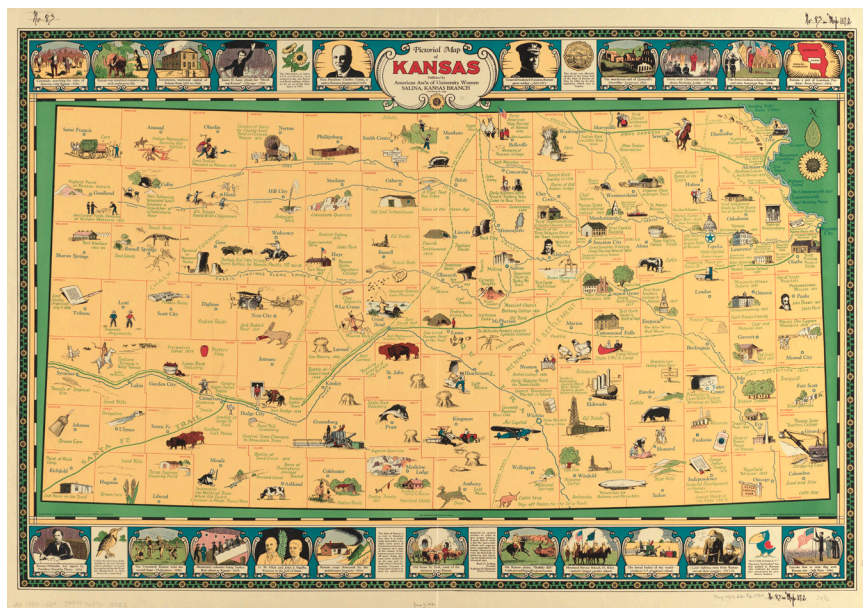
Typically, inclusions of large sections of research articles will require permission from the publisher. This is especially true if you are publishing your work in an open repository. If you decide fair use is a better fit for your needs, then a documented thorough fair use analysis will be useful to include in your work’s appendices.

Charts, tables, graphs, and maps

Often, charts, tables, graphs, and maps are representations of data that is generated by a software program, such as Microsoft Excel. These simple representations of data free to use, but remember to cite correctly.

A visually appealing creative graph, table, chart, and map takes a lot of work to produce, and that value is protected by copyright. Reusing a creative chart or graph typically requires permission or relying on fair use. If you obtained the figure from an Open Access (OA) journal, the paper and any of the figures likely have a Creative Commons License that allows for the reuse of the work.





Creative Map of Kansas (Public Domain)

Pictorial and graphic materials

When using pictorial and graphic materials in your thesis or dissertation, *The Code of Best Practices in Fair Use for the Visual Arts* (see references) is recommended reading. This is especially true if you plan to use pictorial or graphic material types later in your career. The first principle (pages 9-10) outlines analytic writing, which will be central to writing your thesis or dissertation.

Survey instruments and standardized tests

If you plan to include others' published survey instruments or standardized tests in your ETDR, obtain permission. Keep in mind that standardized test publishers generally do not want their tests widely circulated and are unlikely to grant permission for you to reproduce them. You will want to be critical of how much of the survey or test you include in your final draft, especially if you aim to publish in an open repository like K-Rex.

Your Dissertation After Graduation

Depending on what you plan to do after college, your dissertation may be something you return to, or what others will ask you about as you travel down your career path. Consider your copyright in your dissertation, and think about what you would like to do with those copyrights after you graduate:

Common uses of your dissertation after graduation:

- Publishing a book based on your dissertation
- Joining a research group that uses data you collected in school
- Submission of photographs or artwork you created in a portfolio, contest, or exhibit
- Dissertations may be the start of a proprietary project in which you could make money.

There are many unknowns when you are first writing your dissertation, but if you have an idea of how you want to use your dissertation in the future, it is good to think about any situations which might complicate submitting your work to K-State's Open Repository.

Dissertation Requirement: The Open Access Repository

Depending on the program, graduating students may need to deposit their dissertation into K-State's Open Repository K-Rex:

<https://krex.k-state.edu/home>



Repositories are perpetual digital storage for a variety of files, including documents, multi-media, and more!

Dissertations in an open access repository are available to the public free of charge upon that student's graduation. This access may challenge a student's ability to publish similar content outside of their university.

Publishing your Dissertation, Masters Report, or ETDR

Publishing your research makes your work part of a wider knowledge community than just your classmates or teachers. Many students look to publish the final work(s) in their programs with a reputable publisher. This is often encouraged by a student's faculty advisor as the experience can be beneficial to both a student's thesis defense and future employment after graduation.

However, it is key to remember that when publishing, there will be a publishing agreement that will affect all authors' copyright during and after a student finishes their degree. A publishing agreement will specify what rights the authors are granting to the publisher in exchange for various services (marketing, distribution, peer review, ect.) Publishers will typically offer the author(s) a combination of the following terms:

- Transference of all rights
- Transference of some rights (this is specified in the agreement)
- Specification of use of Creative Commons Licenses



Remember: keep a copy of your publishing agreement in a safe place. You never know when you will need it.

If a student's program requires depositing, but the publisher does not include depositing in the agreement, a student may jeopardize their publication or graduating on time. Because once a student has transferred the copyright in their dissertation to a publisher, they no longer have authority to create copies for a graduation requirement.

If the research work being published is an undergraduate or graduate dissertation, then K-State asks the authors make sure the following are in the publishing agreement:

- The ability for you to deposit your work into a repository (for example K-State's K-Rex repository)

- Specify Embargos (submission includes requesting delaying public view of the work for a specified amount of time)
- Graduation Specifications (include any terms a graduate program requires, like associations with labs or grants)

Open Access Publishing Agreements

Some publishers have increased their availability to publish your work under open access policies. Generally, open access is possible by either:

- 1) the author(s) paying the publisher upfront a fee to be open or,
- 2) your institution pays for agreements that let you publish under certain groups for free. Choosing to publish your work in a major publisher will come with agreements like the one above, or you might choose to publish in an open repository, which is generally local to your institution.

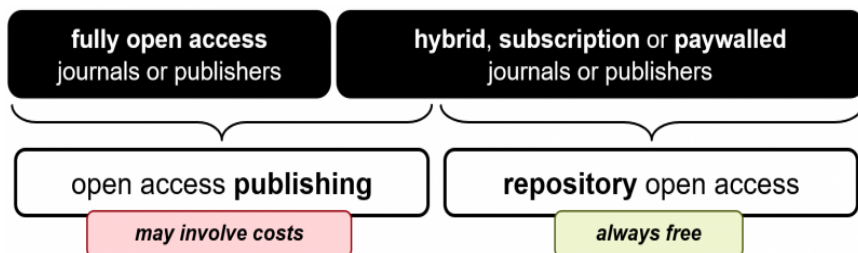


Image by University of Melbourne Library CC BY-SA 4.0

What's the difference between an open repository and a publishing journal? The difference is that open repositories make items available for free with licenses that guarantee public viewing while publishers will provide peer feedback, potentially editorial services, and will make items available for a cost. Typically that cost is upfront or waived depending on whether your college or library has paid for a waiver.

Ask your liaison librarian if your publication will qualify for any of the benefits your library has negotiated with publishers.

Copyright Online

The online space lends itself to mass sharing of information. However, even though you may be able to see or access content online, you have not acquired the copyright of that work. Sharing copies of works without a license or copyright of those works could result in legal consequences.



When in doubt, link it out!
Hyperlinking is a way to include resources without creating a copy of that resources.

If you link to the content, you are not copying or distributing the content yourself, so you are not responsible for any alleged copyright infringement claims. However, you should avoid linking out to websites with malicious, inappropriate, suspicious, or illegal activity.

Free to Use: Open Content

There are many alternatives to licensed imagery or other materials. Public Domain, Open access, and Creative Commons are some of the identifiers for content that is available for reuse without compensation. If you identify an image you wish to use, and are not sure whether it is licensed, it's recommended that you not use it.

Public Domain

The public domain is the concept that all copyrighted works have an

expiration date on protection. Once this expiration date or other criteria is met, then the public is free to use that content without compensating the original creators or their heirs.

Works in the public domain can be:

- Creative works published in the U.S. 95 years prior to this year,
- Documents produced by the U.S. federal government or its employees,
- And publications from U.S. States.

Open Access

Open Access content is typically content that is pre-paid by someone else so that you may access that content for free but with some specifications. Typically, they will make use of Creative Commons licensing to specify uses of the work(s).

Creative Commons

Creative Commons is a licensing concept that will inform how a viewer may reuse or adapt content for their own needs for free. There are typically instructions on these licenses limiting use and also instructing how to cite someone (called attribution).

You can learn more about finding these types of materials at: <https://www.k-state.edu/copyright/>.

Not Immediately Free to Use:

Web Page Content

The internet is might be free to visit, but not to reuse content you find online. Much like visiting someone's home, you are free to look but not to take. Webpage content has copyright protections—from the silliest joke to the most professional business website. If you easily find something on the internet you wish to use, you will need to investigate it for copyright. Remember, free access does not equal free use!



Reused content is all over the internet. How is sharing or reposting legally possible if web pages are copyrighted?

The internet is built on sites and platforms. Each site and platform provides various terms of use for sharing content, and it is through their regulations that sharing is legally sound.

Copyright & Social Media Platforms

The core of social media is to share content, meaning you will see copyrighted works shared amongst people who may not have copyright to share those items. Social media uses terms of service or terms of use to specify what sharing is approved and what is prohibited.

Terms of Service or Use

- Terms of service contain specifics on how your social media content can be shared by others, and how you can share others' content too.
- Licenses are awarded/purchased by the platform/company on the behalf of users to post and share content or use other content (such as music) to embellish posts/profiles.
- Ownership or agreements between different platforms will allow users to share content between them, such as Instagram and Facebook, or Google and Youtube.

Terms and licenses are different for every platforms. If, for example, you are sharing your content on multiple platforms, you will probably be subject to different use policies and regulations. If you are looking to post others' content across multiple platforms, you may need expressed permission or license from the creator as they could refuse to have their work affiliated with specific platforms.

What about sharing photos?

Materials online sometimes are “individually-licensed”, such as stock or professional photography images. Individually licensed works typically have watermarks on them, and you will be licensing every single photo you use. Most images are also “time-licensed”, meaning the license will specify a length of time you may repost the images online. Even if you purchase printing rights to images, you might still need to remove a time-licensed image online after the license expires.

Not all imagery you share will have a professional or company behind it. Even so, recognize that all human-created photos probably have copyright protection, and if you share without permission, the original creator can ask require you to take down posts or remove content.

What about embedding content?

Many video-based social media platforms allow for videos to be embedded on other websites. Typically, this is allowed through a mandatory license an uploader agrees to when they upload their content to that platform. Users of the platform may then share outside the platform using the embed function.

Embedding rather than downloading

Embedding is basically some HTML code that instructs a browser website to retrieve a video image from that work’s original platform. By embedding you are not actually creating a copy of the video even though it may appear that way. You are simply instructing the original copy to play on a different webpage in that moment.

Downloading (or recording) a video does create a new copy that is in your possession. By re-uploading a download, you may have created an unauthorized copy of that video and this could constitute an infringement. You might rely on a copyright exemption such as fair use, or seek permission to use a downloaded video if you are using it in any published projects.

Social Media & Privacy

Part of having copyrights is the responsibility to manage and protect your copyrights. Reputable social media platforms have privacy settings to manage who can see and potentially share your content. If you are a large social media presence, it may be challenging to prevent unauthorized use of your copyrighted material. You should be careful about what you decide to post online, especially on platforms that are meant to share, if you do not want the work being shared widely.

Managing Social Media Privacy Settings

Managing your privacy from other users on social media is essential to being protected online. But it is also important to know how your specific platform will use your copyrighted material. The platform itself may provide its free service at the cost of using your works in other ways. For example, the platform may want to use what you post to train an algorithm, use viewer data for advertising purposes, or use your geolocation to collect data on where you post. These platforms may also limit your ability to control sharing, reposting, or stitching of your content on other platforms, so choose your platforms wisely.

Protecting Online Content: Take-Down Notices

With the vast amount of content shared by people online, you might be wondering how you might pursue protecting your copyright content. Or, if you are worried you might accidentally infringe someone else's work, what systems are in place to keep you safe online.

United States Takedown

The U.S. government created what is known as a "notice-and-takedown" system called the Digital Millennium Copyright Act (DMCA) in 1998. If you find your works used without your permission online, then online resources are legally obligated to facilitate a way to contact the site and submit notice and takedown of unauthorized use of your intellectual property. This is a request that the site will convey to the user, and the user may choose to comply or reject the request. If they reject the request, you may need to seek legal counsel to decide your next steps.

If you are on the receiving end of a takedown, you should read the request carefully and decide your next steps. Often takedown requests result from honest mistakes, but it is up to you to determine whether taking a work down is appropriate for your use. Depending on your needs, you may also need to contact a lawyer to help with your decisions.

What if a takedown request is not followed?

This is where a lawyer might be needed. When you create something that is worthwhile, you will sometimes face others who are willing to take the risk of going to court to continue copying or using works for a new purpose. If you are the user in this situation, there may be sometimes where a person, company, or group may mistakenly believe an online work belongs to them, and ask for takedown when it is not their right.

What if my work isn't worth very much?

Many copyrightable works may not extraordinary amounts of money, but they still hold importance and worth to creators. Whether a work is drawn by a kindergartener or the president it will still have the same rights under copyright. Your works have value and you may pursue protections to respect that value. Now, from the other perspective, if you want to use other's works remember that they still have legal rights even if you think the work is common and of little monetary value.

International Takedown

International platforms may follow similar but different takedown processes. These can become more complex as it can be hard to track down your copyrighted content on platforms where you may not speak the language or you may not access without a vpn. You will most likely need to research that country's copyright laws and policies, and perhaps contact a lawyer who specializes in international copyright.

Copyright in Data & Software

Copyright is an automatic process when a work qualifies for copyright protection. For a work to receive copyright protection, it has to be original, be fixed, have creative expression, and from newer case law, have to be made by a human.

This results in works without creative expression not qualifying for copyright. This includes data, aspects of code, and a majority of softwares. However, if you have ever used a Microsoft product, you probably experienced that Microsoft software and data are protected very well, and not generally shareable person-to-person. It is through methods of protection that innovation in software continues to be researched and developed.

Intellectual Property Protection

Data, code, softwares, algorithms, trade secrets, and other forms of digital works fall under the umbrella of intellectual property (IP). This umbrella includes trademarks, inventions, and of course, copyright. Intellectual property protection is a vast area of law, so this handbook section will focus on what will most likely apply to you as a student.

Data is not copyrightable, but it is protectable

Because data does not hold creative expression (it is based in fact) it does not receive copyright protection. But data is incredibly valuable to research enterprises, companies, governmental decisions, and especially your works.

You may have heard a horror story or two of a scholar being at a conference or having a friendly conversation and explaining their new theory for their data or research to a new colleague. This colleague, seeing the potential of this work, races to produce the results of this theory first, much to the dismay of the original scholar.

While under copyright, ideas or data are not copyrightable, but it is not academically ethical to use the ideas or data of others without listing that person or potentially asking for their permission. Because of the uncertainty of ethics around data use, groups have created permission frameworks to help you navigate crediting data.

Open Data Licensing

Because data is not copyrightable, creative commons licensing is not an option for data (CC-BY requires the creator to own copyright in the work initially). So instead, there are other frameworks made specifically for data to help you know what data you can freely use and how to make your own data freely available:

Government Data Resources:

Like all works produced by the U.S. government, governmental data is in the public domain. If you are looking for data to support your research or simply practice with data, government data is a great place to start!

Open Data Commons:

As opposed to the Creative Commons, the Open Data Commons specializes on the free use, modification, and sharing of data. It is maintained by the Open Knowledge Foundation, and provides a comprehensive guide for communicating to others your data is open, or what licences to look for when you are finding data. The following are the definitions used in the licenses:

Share:

To copy, distribute and use the database or dataset.

Create

To produce works from the database or dataset

Adapt:

To modify, transform and build upon the database or dataset

Attribute:

You must attribute any public use of the database, or works produced from the database, in the manner specified in the license. For any use or redistribution of the database, or works produced from it, you must make clear to others the license of the database and keep intact any notices on the original database or dataset.

Share-Alike:

If you publicly use any adapted version of this database or dataset, or works produced from an adapted database, you are obligated to also offer that adapted database under the same license as the original.

Keep open:

If you redistribute the database, or an adapted version of it, then you may use technological measures that restrict the work (such as DRM) as long as you also redistribute a version without such measures.

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The public domain means there are no stipulations for use.

Code is a foundational

In research spaces, the next step for data is to be analyzed. Most scientific research is supported by computer code to compile, organize, analyze, and visualize results of data. Because code is a foundational non-creative piece of using computers, it also not (at its most basic) considered copyrightable.

Algorithms are legally complex

While individual coding structures that make up algorithms are not usually copyrightable, there is an amount of creativity when building an algorithm. Although there is some copyright protection for algorithms, other creators may use uncopyrightable pieces to make their own works.

Typically, algorithms find more protection in Patent Law instead, which protects inventions and other types of intellectual property. This can be confusing because it is possible to copy an algorithm, but if a copy is made without permission, you might be in violation of not only copyright but also patent law.

Software

Software can find some amount of copyright protection for expressions of source code, but the functional aspects do not receive copyright protection. This includes algorithms, formatting, function, logic, or system design. Source code is written by a human using a computer programming language. For example: Java, C, C++. But, HTML is generally not considered source code, as it is standardized by computers, and thus it does not generally qualify for copyright protection.

Software often includes what is understood as “trade secrets” which have legal protections as long as the creators take reasonable efforts to maintain confidentiality. The famous Coca Cola secret recipe is an example of this. Software can be also copyrighted with trade secrets included, and it will be your responsibility to create the necessary technical protections to keep that secret, a secret!

AI and Generative AI tools

AI tools, including generative AI tools, are imbedded into many online databases, softwares, or products. As you aim to use these tools for your schoolwork, keep in mind these following aspects:

AI output is not copyrightable

Works that qualify for copyright are original, creative, fixed, and finally, created by a human. The human element was added after a monkey named Naruto took a selfie, and the courts determined that Naruto could not have copyright because he was not human.

This human element means that any AI output is not considered copyrightable. So, if you are producing images or text that you later hope to protect with copyright, using direct AI output without human influence would not qualify the work for protection.



Using AI without permission from your instructor could be considered academic misconduct. Make sure to clarify uses!

Embedded AI in common programs

As you use various tools for your education, you will notice that AI may be imbedded into your tools. These can be very useful as you pursue your degree, but care should be used when using these in your projects. Embedded AI tools and their use are subject to your individual classes rules, and you will want to be aware when you are using AI tools to explain your work.

A common imbedded AI is spelling and grammar suggestions. While commonly used, depending on your program's needs for education, you may be required to acknowledge their use in your projects. Code suggestions, data visualizations, and designer tools may be required to acknowledge as well. Ask your professor if you are unsure of any uses of AI tools in your schoolwork.

Resources & Links

DMCA Takedown Notice: <https://www.k-state.edu/copyright/dmca/>

K-State copyright website: <https://www.k-state.edu/copyright/>

K-Rex Website: <https://krex.k-state.edu/home>

The Code of Best Practices in Fair Use for the Visual Arts: <https://www.collegeart.org/pdf/fair-use/best-practices-fair-use-visual-arts.pdf>

University Handbook, Appendix R: Intellectual Property Policy and Institutional Procedures
<https://www.k-state.edu/provost/policies-resources/university-handbook/fhxr.html>

US copyright registration: <https://www.copyright.gov/registration/>

