

Graduate Student Copyright and Intellectual Property (IP) Possible Rollout for Training

On October 2, 2017 the Graduate Operations Committee was presented with the following information, and discussed possible paths forward for a new training requirement for graduate students.

Task Force Recommendation: Include, but not limited to, a training component related to intellectual policy and/or authorship as part of the student Responsible Conduct of Research (RCR) training module that OGAPS and the Office of Research Compliance and Biosafety (RCB) are developing. Through this development process, OGAPS is exploring mechanisms to automate tracking, timing for completion, and the feasibility of mandating student participation.

OGAPS Actions to Date:

- 1) Obtained permission to provide the **Research Compliance and Biosafety training module** currently available to employees in TrainTraQ to graduate students via Howdy or a similar platform.
- 2) Received a **custom-built training module on copyright and intellectual property** from subject matter experts at the University Libraries.

Trainings can be made available to students in the Graduate Student Tab in Howdy.

Trainings can be mandatory or optional.

Possible Rollout Options for the training:

Option 1: Training Mandatory at University level:

- A new hold type would be created in COMPASS.
- At a set time in the future a new incoming class of students would be required to view the trainings and acknowledge in Howdy. Current students will not be impacted.
 - Should all graduate students be required to take, since at Admissions THO vs NTO is not designated? Or require after degree plan submission?
- Howdy is able to store acknowledgements noting completion of the training, if this information is needed for activating a hold process.

Option 2: Training not Mandatory University level:

- Departments or Colleges could require and manage internally. A completion certificate could possibly be generated at the end of the training for students to provide to department

Please provide feedback and suggest additional options for the training rollout. Send all comments to Rachel Krolczyk, rkrolczyk@tamu.edu no later than November 2. Feedback will be compiled and discussed at the November 6 Graduate Operations Committee meeting.

Research Compliance Requirements



Office of Research Compliance, The Texas A&M University System

<http://www.tamug.edu/research/research-compliance/>

Principal Investigator Responsibility

It is the responsibility of Principal Investigators **(or faculty advisors if research is conducted by students)** to carry out their research in compliance with all federal, state, and university requirements.



Committee Reviewed Research

Does your proposed research involve:

- ☐ Human Subjects?
- ☐ Animal Subjects?
- ☐ Biological Hazards?

If so, you will need approval from one or more committees prior to initiation (or modification) of your research.



Humane Care and Use of Animals

**All Research, Teaching and Testing
Involving *Vertebrate Animals* Must Have
Approval Prior to Start of Work**

Humane Care and Use of Animals

Scope

All research, teaching and testing utilizing living vertebrate animals requires review and approval prior to initiation, including activities that

- are conducted by System member personnel in the course of their employment by the System member, or
- use System member facilities or resources.



Humane Care and Use of Animals

Scope

The use of animals is defined as any activity involving vertebrate animals in which the natural lifestyle or movements of the animals is materially altered, including

- Agriculture use
- Wildlife research
- Harvesting of animal carcasses or tissues specifically for research, teaching or testing.



Humane Care and Use of Animals

Review and Approval

The Institutional Animal Care and Use Committee (IACUC) reviews animal use protocols and approves projects as appropriate.



Humane Care and Use of Animals

Contact Information

A link to your institution's Animal Care and Use Program as well as additional information regarding the use of animals in research can be found at the link below:

<http://www.tamus.edu/research/research-compliance/animal-care-and-use/>



Human Subjects Research

**All Research Involving Human Subjects
Must Have Approval Prior to Start of
Work**

Human Subjects Research

Scope

Any activity that involves **research** with **human subjects** that

- is conducted by System member personnel in the course of their employment by the System member



Human Subjects Research

Research means a **systematic investigation**, including research development, testing and evaluation, designed to develop or contribute to **generalizable knowledge** (45 CFR 46.102).



Human Subjects Research

Human subject means a living individual about whom an investigator (whether professional or student) conducting research obtains

- Data through intervention or interaction with the individual, or
- Identifiable private information.

(45 CFR 46.102)



Human Subjects Research

Examples of activities that *may* be human subject research:

- Surveys and Interviews
- Taking blood from living individuals for research
- The use of specimens or data from a repository or database
- Program evaluation, program assessment or demonstration project conducted for research
- Pilot studies, preliminary studies, or other preliminary research with human subjects
- Classroom research
- Observing or recording private behavior
- Obtaining private identifiable information that has been collected about or provided by individuals



Human Subjects Research

If you are not clear what activities are, or are not, considered human subjects research, you should obtain guidance from your institution's research compliance office.

<http://www.tamus.edu/research/research-compliance/human-subjects/>



Human Subjects Research

Review and Approval

The Institutional Review Board (IRB) reviews research involving human subjects and approves projects as appropriate.



Human Subjects Research

Review and Approval

Research with human subjects classified as “Exempt”—while exempt from federal regulations—must be reviewed and determined by the IRB to be exempt prior to start of work.



Human Subjects Research

Contact Information

A link to your institution's Human Subjects Protection Program / IRB as well as additional information regarding the use of human subject research can be found at the link below:

<http://www.tamus.edu/research/research-compliance/human-subjects/>



Use of Biohazards in Research, Teaching and Testing

**All Research, Teaching and Testing
Involving Biohazards Must Have
Approval Prior to Start of Work**

Use of Biohazards in Research

Scope

Any activity involving ***biohazardous material*** that:

- is conducted by System member personnel in the course of their employment by the System member or
- uses System member facilities or resources.



Use of Biohazards in Research

Biohazardous material is material containing or reasonably expected to contain:

- Biological agents (bacteria, rickettsia, fungi, viruses, protozoa, parasites and prions) that may cause disease in humans, animals, or plants;
- Recombinant or Synthetic Nucleic Acid Molecules as defined in the *NIH Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules (NIH Guidelines)*;



Use of Biohazards in Research

Biohazardous material is material containing or reasonably expected to contain (cont.):

- Human and non-human primate blood, tissue, cells and cell lines;
- Toxins of biological origin as defined in the *Biosafety in Microbiological and Biomedical Laboratories (BMBL)* document;
- Transgenic plants and animals or genetically modified organisms (GMOs) that lack federal approval for release.



Use of Biohazards in Research

Some examples of biohazardous materials:

- Human cancer cell lines
- Blood samples from students
- Samples from municipal waste treatment plant
- Transgenic corn not approved for release
- Transgenic fruit flies
- *E. coli* or other bacteria included in gene cloning kits
- Infectious agents isolated from plants or animals in nature.



Use of Biohazards in Research

Review and Approval

- The Institutional Biosafety Committee (IBC) reviews activities involving biohazards and approves projects as appropriate.
- Activities with biohazards classified as “Exempt” by the NIH, while exempt from federal regulations, must still be reviewed and approved at the System member level.



Use of Biohazards in Research

Contact Information

A link to your institution's Biosafety Program / IBC as well as additional information regarding the use of biohazards in research can be found at the link below:

<http://www.tamus.edu/research/research-compliance/biosafety/>



Other Research Compliance Issues

Other Research Compliance Issue

Certain other activities may require non-committee review and approval prior to initiation (or modification) of your research.

- **If your activities involve those shown in the next set of slides, contact your Research Compliance Office for specific requirements.**



Export Controls

Examples

- International visitors / collaborations
- Shipment abroad
- International travel
- Release to a foreign national within the U.S. of controlled technology (i.e. deemed export)



Export Controls

Contact Information

A link to your institution's export control program as well as additional information regarding export controls can be found at the link below:

<http://www.tamug.edu/research/research-compliance/export-control/>



Other Research Compliance Issues

Other Research Compliance areas include:

- Responsible Conduct of Research
- Financial Conflicts of Interest
- Use of Controlled Substances
- GXP:
 - Good Laboratory Practice (GLP)
 - Good Manufacturing Practice (GMP)
 - Good Clinical Practice (GCP)



Research Compliance Program

The link below provides contact information for each System member's research compliance program:

<http://www.tam.us.edu/research/research-compliance/research-compliance-officers/>



Copyright Basics for Graduate and Professional Students

Texas A&M University Libraries

Office of Graduate and Professional Students



Overview

- I. What is Copyright?
- II. Keep a look out for....
- III. Texas A&M University Policy



Overview

I. What is Copyright?

II. Keep a look out for....

III. Texas A&M University Policy



What is Copyright?

- Copyright is a form of intellectual property protection grounded in the U.S. Constitution and granted by law.
- Codified in the United States Code, Title 17, Chapters 1 to 13.



What is Copyright?

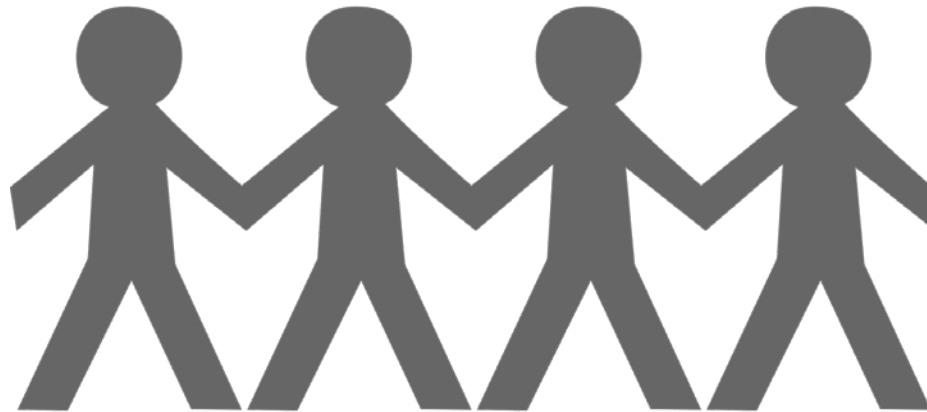
To qualify for copyright, a work must be:

- An original work of authorship
- Fixed
- In a tangible medium of expression



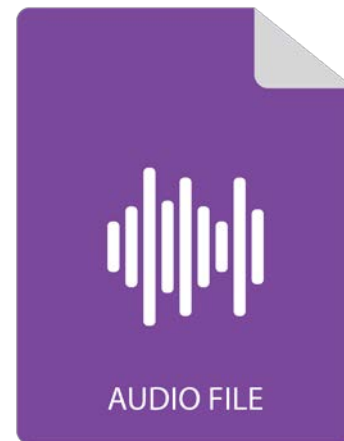
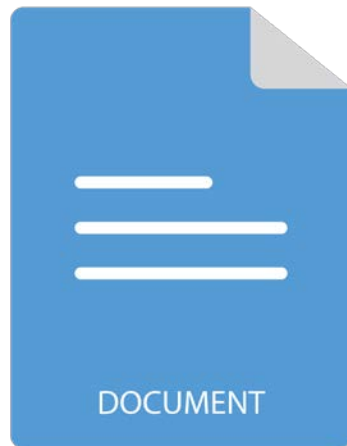
How a work qualifies

- A work has to be an **original expression**: it cannot be a simple copy of another work



How a work qualifies

- A work has to be **fixed**: on paper, or in an electronic file, or recorded as an audio file (e.g. MP3, wav), or recorded as a digital video (e.g. AVI, MXF, MOV)



How a work qualifies

- A work has to be in a **tangible medium of expression**, either with or without the aid of a computer (read upon)



Common Copyrighted Materials

What are some common materials that are copyrighted?

- Published and unpublished works: research articles
- Literary works: books, poems
- Musical works: original compositions, original arrangements
- Pictorial, graphic, and sculptural works: paintings, comics, sculpture, photographs
- Motion picture works: movies, home videos, YouTube videos



Common Copyrighted Materials

What are some common copyrighted works in academia?

- Class papers
- Research articles, published and unpublished
- Posters
- Conference proceedings
- Textbooks
- Teaching materials



What isn't protected?

Copyright does not cover:

- Data (like tables of numbers)
- Facts
- Ideas
- Methods
- Systems



What is protected, and off-limits?

- Copying, distributing, and displaying any materials made for the educational market: e.g. lab manuals, LSAT prep booklet, etc.

What rights do I have?

Having copyright lets authors:

- **Reproduce** your work: make a copy
- Prepare a **derivative work**: a translation, or make your book into a movie
- **Distribute** your work: post to a password-protected website, sell it, rent it



What rights do I have?

Having copyright lets authors:

- **Perform and display** your work publicly: show your movie in public, playing your song publicly in public, perform dramatic reading in public
- For sound recordings, to **play your work publicly**: play your song on the radio, or through file-sharing



How do I copyright a work?

Once your work is:

- Your original expression
- Fixed (on paper, or in an electronic file)
- In a tangible medium of expression
(handwritten on a notepad, or saved to your hard drive)...

...you are now the copyright owner.



Publishing Copyrighted Work

What happens to my copyright when I publish my work?

- In some cases, like with Open Access journals, you can retain your copyright.
- However, very often you will be asked to **transfer** your copyright ownership to the publisher of your journal, or **sell** it to another person, or **license** it to another entity.



Publishing Copyrighted Work

What can I do with someone else's copyrighted work without asking permission?

- Research, scholarship, parody
- News reporting, criticism, and commentary
- These are called **Fair Uses**



Publishing Copyrighted Work

And additionally, you can:

- Privately view/listen: watch a movie at home, or listen to music in the car
- Privately display, hand a poster in your room



Overview

I. What is Copyright?

II. Keep a look out for....

III. Texas A&M University Policy



Investigate more when you...

You might need to look into copyright more when you...

- Use works made by others, e.g. writings, music, artwork, code, etc.
- Include previously published materials in your dissertation, including your own articles
- Sign publishing contracts
- Teach online, or consider reusing and copying educational materials, e.g. textbooks, test booklets, worksheets, etc.

Investigate more when you...

- Are working on grant- or privately-funded contracts
- Are writing with other authors
- Are collaborating with authors in different countries
- Have already signed a publisher's contract

This list is not comprehensive.

Ask your advisor, the Copyright/Fair Use Librarian, or the Graduate Studies Librarian if you have questions.



Other Considerations

- **Ask questions early!** Don't wait until late in the a project to work out copyright details.
- **Read** your publishing contract, and read it **carefully**. Try to **keep the copyright** in your own work.
- Copyright relies heavily on the context and facts of any given situation. In other words, **it can take time** to get answers to your copyright questions.

Keep a look out for...

Copyright is not the only form of intellectual property.

- An invention or a discovery is protected by **patent** law.
- Words, phrases, symbols, or designs are protected by **trademark** law.



Keep a look out for...

- Copyright infringement and plagiarism are not the same thing; you can do one without doing the other.
- Avoiding both is an important part of ethical authorship and research.



Overview

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TAMU Copyright Policy

- 2.1.2 The system recognizes and affirms the traditional academic freedom of its faculty and staff to publish pedagogical, scholarly or artistic works without restriction. ***In keeping with this philosophy, the system does not claim copyright to pedagogical, scholarly or artistic works, regardless of their form of expression, unless required by a funding or research contract.*** Such works 17.01 Intellectual Property Management and Commercialization Page 3 of 21 include, but are not limited to, faculty-prepared works such as textbooks, course materials and refereed literature, and ***copyrightable works of students created in the course of their education, such as dissertations, papers and journal articles.*** Furthermore, the system claims no ownership in popular nonfiction, novels, poems, musical compositions or other works of artistic imagination that do not constitute significant use of resources and/or are not works for hire as defined in Section 2.3.1 of this policy.



TAMU Copyright Policy

For TAMU's complete policy go to:

- Texas A&M System's web page:
 - <https://www.tamus.edu>
- Choose the Policy and Regulation Library:
 - <http://www.tamus.edu/legal/policy/policy-and-regulation-library/>
- See System Policy 17.01, Intellectual Property Management and Commercialization



Additional Resources

- For more information about how the Office of Graduate and Professional Students processes your thesis/dissertation, embargoes, and the placement of your work in the online institutional repository, please contact the Thesis Office at thesis@tamu.edu.



Additional Resources

- Have questions? Ask a Librarian!
- Copyright/Fair Use Librarian, Emilie Algenio
 - Email: emilie [underscore] [at] library.tamu.edu
 - Office: 979.845.1496
- Graduate Studies Librarian, Dr. Kathy Anders
 - Email: kanders@tamu.edu
- For patents and software, see the Office of Technology Commercialization:
 - <http://techtransfer.tamu.edu>



Image References

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