

Iowa State University Center for Communication Excellence, Graduate College •

Is it worth \$75? Copyright and copyright registration for theses and dissertations

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Scenario

Your head is still spinning with the mix of exhilaration, anxiety, and exhaustion from defending your graduate research to your POS committee. You passed! And you've jumped through most of the administrative hoops standing between you and your diploma. As you click through the ProQuest thesis/dissertation submission form, you click Save and Continue, and then you get to the "Register U.S. Copyright" screen. Your cover page contains a copyright statement, which was part of the ISU thesis/dissertation template. So, do you need to request for ProQuest to file for U.S. copyright registration? You skim over the wall of text on the ProQuest page and realize it raises more questions than it answers.

Introduction

The concept of copyright is often a confusing concept to many graduate students. This article is intended to define the concept and demystify some of the considerations so that you can make an informed decision about handling your copyright for your ISU thesis, dissertation, or creative component¹.

As seen in the scenario, you will face the copyright questions when you plan to upload your thesis/dissertation to ProQuest. Figure 1 shows a screenshot from ProQuest.

At this point, you may begin to wonder how copyright impacts your thesis/dissertation. Here are some possible questions with the quick and easy answers.

Question: Do I need to request for ProQuest to file for U.S. copyright registration?

Answer: No. You own the copyright for your thesis/dissertation, whether or not it is registered.

Follow-up question: So, why should I copyright?

Answer: Registering your copyright gives you access to some additional legal protection.

Question: How should I copyright?

Answer: You can pay ProQuest to file the copyright for you, or you can file it yourself with a lower fee.

1. Previous U.S. Copyright Registration

Has registration for your published dissertation/thesis, or for an earlier version of the manuscript, been made with the Copyright Office?

- Yes - copyright was previously filed No

2. Requesting ProQuest to file for U.S. Copyright Registration

- No, do not file for copyright**—I am requesting that ProQuest not file for copyright on my behalf.
 Yes, file for a new copyright—I am requesting that ProQuest file for copyright on my behalf.

Required: Select the checkbox to indicate you have read, understood, and agree to the following:

- I will pay a fee of \$75.00 (U.S. dollars) to ProQuest for filing on my behalf with the U.S. Copyright Office.
- I am the sole author of the dissertation or thesis I submitted to ProQuest.
- I do not acknowledge any co-authors or co-claimants of my work.

[See manuscript examples](#) rejected and deemed not by a sole author.

Save & Continue

Figure 1: Screenshot of copyright questions from ProQuest

Now that you've gotten some quick and easy answers, you may want to understand more about what copyright is, how it works, and some guidance to help you decide whether and how to register your copyright. This article will give you some key ideas and links to other resources for further readings.

What is copyright?

Copyright concerns the legal right to share original works of authorship, which includes things like written work, artwork, non-patentable computer programs, sound recordings, choreography, and architectural works. Literally, it is the right to make a copy.[\[NO_PRINTED_FORM\]](#) It is illegal and a violation of copyright law to share and reproduce any kind of work without the copyright holder's permission unless it falls under one of the exceptions to copyright law.

When you create an original work of authorship and you have not otherwise transferred or assigned ownership of that work to a third party, you might want to share it, and you are entitled to do just that. You are also entitled to get credit for the work. If people are willing to pay money for access to the work, you are entitled to receive payment for giving them access.

If someone else decides to share your work without your permission, you also have the right to prevent them from doing so, even if they modify the work in some way (this is called ‘preparing derivative works’). If someone else sharing your work leads to you missing out on the chance to collect payment for access to the work, you have the right to collect that payment from the person who shared your work.

The rights described above apply to all original works of authorship, whether the copyright is registered or not. Registering a copyright creates a formal record of a copyright ‘claim’, that is, of someone asserting their ownership of the original work of authorship.

In short, holding a copyright entitles you to share things that you create and to control who else can share things that you create.

How does copyright work?

“**Everyone is a copyright owner.** Once you create an original work and fix it, like taking a photograph, writing a poem or blog, or recording a new song, you are the author and the owner.” US Copyright Office (<https://www.copyright.gov/what-is-copyright/>)

As soon as an original work of authorship is “‘fixed’ in a tangible medium of expression”, it is automatically subject to copyright protection. In other words, you hold a copyright for anything you have ever written down, drawn up, typed out, drafted, sculpted, video recorded, etc., unless it involved copying an existing original work of authorship. Even if you accidentally shot a video of your hand and part of your knee when you were trying to switch your smartphone camera to the self-facing view, you own the copyright to that video. However, you don’t hold a copyright for notes you copied from a teacher’s PowerPoint, or for Hello Kitty doodles you drew in the margin, because those are derivative works.

Question: Do I own the copyright to my thesis/dissertation?

Answer: Yes, you generally own the copyright in this original scholarly work as soon as it’s fixed in a tangible medium of expression, unless you have transferred your ownership to someone else or it is a “work for hire” under copyright law.

Question: Are there instances where I don’t own copyright to my thesis/dissertation?

Answer: Yes. In some cases, you may not be the copyright owner even though you wrote the thesis/dissertation. This can occur when your research is sponsored by an

organization or company and the sponsor requires ownership of all copyrightable works resulting from such a project, including academic papers. In such cases, the sponsored project agreement would require assignment of copyright to the sponsor. Graduate students are discouraged from working on such sponsored projects in order to preserve the student's ability to publish and to minimize academic impacts. This can also occur if you are employed by an organization who is supporting your thesis/dissertation and you are required to assign your intellectual property to the organization as part of your terms of employment or your engagement constitutes "work for hire" under copyright law.

Question: What do I need to do if I am not the copyright owner of my thesis/dissertation or if I am unsure?

Answer: You may be asked by your major professor and/or sponsor to exclude the copyright statement from the Title Page. If this is the case, be sure to indicate this information to the Thesis/Dissertation Reviewer in ProQuest.

Question: What else do I need to do?

Answer: Email thesis@iastate.edu to let the Graduate College know. The Graduate College will verify the copyright ownership with the Office of Intellectual Property and Technology Transfer (OIPTT) <https://www.techtransfer.iastate.edu/>

Question: Are there any other considerations?

Answer: Check with your major professor and/or sponsor about the possibility of an embargo. For more information about embargoes, go to <https://www.grad-college.iastate.edu/thesis/embargo-copyright/> or watch this Center for Communication Excellence's YouTube video "[Thesis/Dissertation Embargo: What Graduate Students Need To Know](#)".

Transferring copyright

Some graduate students have complicated situations involving other parties who may have rights or licenses related to the copyright on their thesis, dissertation, or creative component. Here are a couple of common scenarios where you may need to transfer your copyright.

Granting a license

As the author of an original work, you may choose to give others permission to reproduce your work. For instance, you may submit a manuscript based on your thesis to a peer-reviewed journal, or your poem to a publisher. If you agree to give permission to only one entity at a time (which some journals and publishers require), then you grant them an exclusive license.

Work made for hire

If your research takes place during the course of your employment through your place of employment, then your thesis, dissertation, or creative component may be considered work made for hire. In this case, the person or company who hired you is considered the author and copyright owner of the work. You cannot register a copyright for a work that you made for hire as you are not the copyright owner. (see also [Section 3. How does copyright work?](#))

Registering copyright

So far, this article has discussed how you are the copyright owner of your thesis/dissertation unless you have otherwise transferred or assigned copyright in your work to a third party or it is considered a work for hire. This section discusses whether it is necessary to file for a copyright for your work.

Copyright claims are valuable because they entitle the holder to enjoy the benefits of creating the work. These could include esteem and honor, money, and feelings of satisfaction and pride. Setting an original work of authorship loose into the world can put some of these benefits in jeopardy.

Question: Must I register my copyright with the US Copyright Office?

Answer: No. You automatically own the copyright to your thesis/dissertation as the creator of the original work unless you have otherwise transferred or assigned your copyright to a third party or it falls under “works made for hire”.

Question: So, what is the big deal about copyright?

Answer: Even though you own the copyright to your thesis/dissertation, registering for a copyright will be necessary if you ever need to bring a lawsuit for the infringement of a US work.

You may be wondering now if you should or shouldn't register your thesis/dissertation. Only YOU can answer that question. If you have purchased an air-ticket or booked a vacation before, you will know that you have the choice of purchasing an insurance policy to protect your cost in case something prevents you from making the trip. In most cases, you do not need to claim the insurance because the chances of something preventing you from your trip are slim. However, in some cases, you may be glad that you did buy the insurance policy because something did happen. The same goes for your decision to register your thesis/dissertation. You may also want to seek out counsel from your major professor and the [Office of Intellectual Property and Technology Transfer \(OIPTT\)](#) if you have questions about registering your thesis/dissertation especially if it contains a patent, an original concept, or marketable materials.

If you have more questions about Copyright in General, it is a good time to pause and read up on this Frequently Asked Questions from the US Copyright Office:

<https://www.copyright.gov/help/faq/faq-general.html#protect>

Types of damages

Copyright protection is automatic, but there are many reasons why you might choose to register your thesis/dissertation. One common reason is simply to have your copyright as a public record and have a copy of certification of registration. A second reason, as mentioned earlier, is to have a legal claim if you need to bring an infringement lawsuit.

Copyright holders can sue people who infringe on their copyright. In this situation, the copyright holder may simply want to force the infringer to stop what they are doing. However, they can also sue the infringer for money, which is called damages. There are two types of damages: actual damages and statutory damages.

Actual damages

Actual damages refers to the loss of money or other material asset that is caused by the infringement. Say, for instance, that your thesis contains a poem, which you later publish in a book that gets sold in bookstores. If a poetry blogger were to reprint the poem that you included in your thesis on their website, some poetry enthusiasts might choose to read your poem on that website instead of purchasing your book at a bookstore. If you can prove that the sales of your book were harmed because the poem was published without your permission on the blogger's website, then you could sue that blogger for actual damages. However, this could be challenging to prove.

Statutory damages

Statutory damages refers to amounts pre-determined by statute to be awarded to a plaintiff if copyright infringement is found, including attorney fees. Unlike actual damages, statutory damages are not linked to loss of money or material asset experienced by the plaintiff. A copyright holder who receives statutory damages does not need to prove that the copyright infringement caused them to lose profit; all they need to prove is that their copyright was infringed. However, statutory damages are generally not available in infringement of an unregistered work. Additionally, statutory damages are only available if the thesis/dissertation was registered within 3 months of publications, or if the thesis/dissertation was unpublished, it must have been registered prior to the act of infringement.

Question: So, if I did not register my thesis/dissertation, I cannot bring my copyright infringement case to court?

Answer: Yes. Even though you own the copyright to your thesis/dissertation, you can only be eligible to file a lawsuit for copyright infringement if you registered your copyright with the US Copyright Office prior to the act of infringement.

Question: What if I registered my copyright after I discover the act of infringement and brought a claim to court?

Answer: You can register your copyright and then bring a claim, but it will not be eligible for statutory damages since the copyright was not registered prior to the act of infringement. Furthermore, as indicated in 6.1 Actual damages, actual damages must be proven, and that could be challenging.

Exercising copyright

You can register your copyright with the US Copyright Office at any time; it does not have to be registered when you publish your thesis/dissertation. However, if someone infringes your copyright when it is not registered, you may waive your ability to seek statutory damages and will be required to prove actual damages.

Should you register for U.S. copyright through ProQuest?

Having read through this article and learned more about copyright than you ever thought you would, you may have made up your mind to register your copyright for your thesis, dissertation, or creative component. The only question that remains is whether you should do this through ProQuest.

Using ProQuest to register your thesis/dissertation will cost more money than registering it yourself directly with the U.S. Copyright Office. The extra cost is a convenience fee that ProQuest collects in exchange for completing your registration application on your behalf.

To register your copyright yourself costs about \$45; the cost to have ProQuest register your copyright is about \$75.

Note: The fees listed are based on the time of publication. The fees may change over time. Please check with the US Copyright Office and ProQuest for actual fees.

Additional Resources

Below are additional resources that may help you decide if you should or should not register your copyright.

- [Copyright Basics](#)
Information provided by the U.S. Copyright Office summarizing the rights of copyright holders
- [Should I Copyright my Dissertation?](#)
Provides guidance on whether to register a copyright for your thesis, dissertation, or creative component
- [Copyright for Dissertations](#)
List of definitions of relevant terms in everyday language
- [Subject Matter and Scope of Copyright](#)
List of definitions, rights, and limitations of copyright in formal legal language
- [Copyright and Your Dissertation or Thesis](#)
Provides guidance on how to avoid infringing on someone else's copyright, and how to request official permission to reproduce copyrighted material

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References

Menand, L. (2004). Crooner in rights spat: Are copyright laws too strict? *The New Yorker*, October 20, 2014.

US Copyright Office (2021). Register your work: Registration portal. Copyright.gov.
<https://www.copyright.gov/registration/>

Footnotes

1. Even though creative components do not get uploaded to ProQuest, you do have the option of registering a U.S. copyright for your creative component. [↵](#)

Citations

1. Terrill, K., & Compton, L. (2021). *Is it worth \$75? Copyright and copyright registration for theses and dissertations*. [White Paper]. Iowa State University Center for Communication Excellence, Graduate College. Retrieved from <https://cce.pubpub.org/pub/copyright> [↵](#)
2. Menand, L. (2004). Crooner in rights spat: Are copyright laws too strict? *The New Yorker*, October 20, 2014. [↵](#)