



THE
Water
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Copyright Basics for WRF Researchers



Webcast Purpose

- To provide background on intellectual property and copyright.
- To provide guidance to researchers about copyright requirements for their WRF project deliverables.
- To provide guidance for use of WRF research results in third-party publications (e.g., journal articles, conference presentations).

Note: Since WRF is based in the United States, this webcast is based on United States copyright law. Copyright laws may differ in other countries. Many countries are involved in the Berne Convention, an international copyright agreement.

Intellectual Property



What Are Intellectual Property and Copyright?

- Intellectual Property (IP): a creation such as an invention, literary work, artwork, or image.
- IP Rights: the different legal IP protections, such as copyrights, patents, and trademarks.
- Copyright: a form of legal protection given to content creators through the assignment of specific rights to works that qualify for protection.

In essence, IP is the content being protected, and copyright is one method of protection.

What Types of IP Are Protected?

- Literary works, such as journal articles and research reports.
- Pictorial, graphic, and sculptural works, such as photographs or drawings.
- Motion pictures and other audiovisual works, such as webcasts and YouTube videos.
- And more!

Note: Data cannot be protected; therefore, others can use WRF project data and vice versa without obtaining permission.


How Do I Know If IP Is Protected?


- Look for ©, ™, ® symbols.
- Look for related statements, such as website terms of use policies.
- When in doubt, ask! IP protection is one situation where it's better to ask for permission than to ask for forgiveness!

Why Is Copyright Important?

- It helps ensure that credit is given to the IP owner.
- It provides protection against misuse of IP.
- It provides the IP owner with more influence on how the IP is used and distributed.

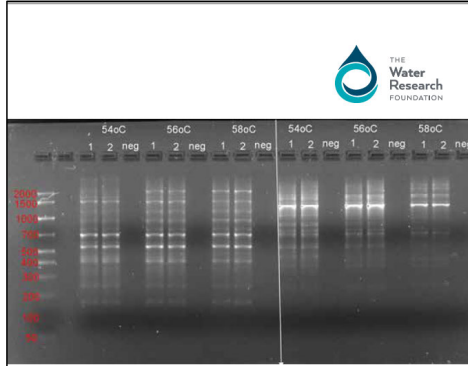
WRF Project Copyright Requirements






PROJECT NO.
4997


**Membrane Bioreactor Validation
Protocols for Water Reuse**






PROJECT NO.
U4R16/4884

**Estimating the Comammox
Contribution to Ammonia Oxidation
in Nitrogen Removal Systems**





PROJECT NO.
5062

**A Distributed Renewable Energy
Opportunities and Policy Workshop**

Contracting

When you sign the WRF Project Funding Agreement (PFA) and Exhibit E, you are assigning copyright/ownership of project IP to WRF.

- Sample language from WRF Standard PFA Template, section VI.A:
“Copyrights. WRF shall own all worldwide copyrights in all the Work Product, including the Project Plan, all Deliverables, and all interim drafts of the foregoing. **Sub-recipient shall and hereby does assign exclusively to WRF all right, title, and interest in and to the Work Product and the copyrights embodied therein**, and subject to provisions of the Code and 37 CFR 401 which are made part of this PFA by reference except where superseded by this Section VI or the U.S. Federal Grant Agreement.”

Sample contracts can be found at <https://www.waterrf.org/contract-materials>.

Contracting

Sample language from Exhibit E, Assignment of Interest in Copyrighted Works:

“NOW, THEREFORE, in return for grants provided to Assignor [Researcher] by Assignee [WRF] for research, said **Assignor does hereby assign unto the said Assignee all world-wide right, title and interest in and to the said Works, including the right to transfer any registration of copyright, or file application for copyright registration for such Works as Owner.**”

WRF Project Deliverables

If any third-party IP is used in your project deliverables, you must obtain permission for its reuse* and properly credit the source.

- Copyright permission form: completed by the research team to facilitate WRF editorial review of deliverables by indicating sources of all tables and figures.
- Copyright permission letter: documentation from a third party indicating permission to reprint content.

*with the exception of items in the public domain or published under licenses allowing commercial reprint without permission.

Copyright Permission Form

Figure or Table Number	Short Title	Source: Author-Date Publisher	Permission Required? (Yes or No)	Response Received? (Yes or No)
T 1-1	Operating parameters	Original	No	--
F 1-1	Effluent versus influent	Original	No	--
T 2-1	Average radon levels	Michel 1987 (Plenum)	Yes	Yes
F 2-1	Mechanical surface	Metropolitan Water District	No (participating utility provided figure)	
T 2-2	DYIII media	EPA 1999	No (in public domain)	--



How Do I Request Permission?

- Identify and contact the owner of the IP.
 - In most cases, the original publisher, not the author, owns the IP. Contact the publisher first – if they do not own the IP, they will direct you to the author.
- The process varies by entity.
 - Some publishers have detailed forms to complete.
 - Sometimes you can simply email the publisher.
- Many publishers charge fees for the use of their IP. If you anticipate reprinting many third-party graphics, be sure to budget for potential fees.

Note: WRF project deliverables are considered commercial use.

How Do I Request Permission?

- Look for anything on the publisher’s website about copyright, permissions, terms of use, etc.
- For example, WRF’s website has a “Copyright” link in the footer, which takes users to a webpage detailing the WRF permission request process.

Permission to use or reference any material created by The Water Research Foundation may be requested by contacting our Content Manager at the address below. When requesting permission, please specify what material you are requesting permission for by providing the full URL—if you are referring to online material—or the publication information [title, order number, page numbers, tables, figures or diagrams]—if you are requesting printed materials. The Water Research Foundation encourages the use or reference of material presented on its Website for educational purposes as long as prior written consent is granted prior to use and follows the three guidelines below:

How Do I Request Permission?

- WRF has a sample letter available to help you in wording your permission requests. The letter can be found on the Project Report Guidelines webpage at <https://www.waterrf.org/project-report-guidelines>.

SAMPLE LETTER REQUESTING PERMISSION TO USE COPYRIGHTED MATERIALS

We are requesting permission to reprint the table(s) and/or figure(s) and/or information listed below from your publication, [*author, publication title, date*].

[list page numbers and titles of figures, tables, or graphics, or other identifying information]

- WRF will accept any form of written permission from the original IP owner: an email, a letter, a license, etc.
- WRF may be able to help you determine whether reprint permission is required and how to request it!

What About Public Domain, Fair Use, and Open Access?

- Public Domain: Applies to works no longer protected by copyright (copyright has expired) or that belong to categories of works not protected by copyright law.
 - In the United States, federal government IP is in the public domain, so you do not need permission to reuse it. However, this may not apply to government IP in other countries or to state/local government IP.
- Fair Use*
 - Fair use promotes freedom of expression by permitting the unlicensed use of copyright-protected works in certain circumstances, such as criticism, comment, news reporting, teaching, scholarship, and research.
 - Courts evaluate fair use claims on a case-by-case basis. There is no concrete way outside of court to determine whether something is fair use.

*Source: <https://www.copyright.gov/fair-use/more-info.html>.

What About Public Domain, Fair Use, and Open Access?

- Open Access

- Even when content (e.g., a journal article) is available to everyone for free, you likely still need permission to reuse it.
- Some licenses do allow for reuse of content without permission.
 - For example, the Creative Commons license CC BY allows others to distribute, remix, adapt, and build upon published work, even commercially, as long as they credit the original source. However, the CC BY-NC-ND license only allows others to download works and share them as is with others, as long as they credit the source; they can't change them in any way or use them commercially.

What Happens If I Use Content without Permission?

- The IP owner can sue WRF for copyright infringement!
- We may need to remove the content from the deliverables and republish the deliverables.
- We may be allowed to use the content but be charged a fee for the content retroactively.
- There may also be harm done to the IP owner; for example, loss of income.
- WRF's and your reputations may be put at risk.

Publishing in Non-WRF Publications



Publishing in Non-WRF Publications

- WRF encourages researchers to publish WRF project results in non-WRF publications (e.g., trade journals, conferences).
- Because you have assigned project IP ownership to WRF, you must request permission from WRF to reprint the IP.
 - WRF rarely, if ever, says no.
 - WRF does not charge a fee.
 - The permission protects you, the non-WRF publisher, and WRF.
 - When you request reprint permission, WRF reviews the request to ensure that we only give permission for IP that is WRF's. We cannot give permission for you to use third-party IP even if we have permission to use it in the project deliverables.
- Guidelines for PIs can be found at <https://www.waterrf.org/project-report-guidelines>.

Learning More



Common Questions

- Attribution vs permission:
 - When using quotes, small sections of text, and data, you need to attribute them to the source but do not need reprint permission.
 - For graphics, large blocks of text, or other protected IP, you need permission. Attribution is not sufficient.
- Adaptations: Even when IP is adapted, reprint/adaptation permission may be required, depending on how similar the adaptation is to the original. Always contact the publisher of the original IP to be sure.
- Author use: If an author has assigned copyright to a publisher, the author cannot give reprint permission or use the IP without permission; permission must come from the publisher.
- Presentations: If you are using third-party graphics in a presentation slide, you do need to obtain permission for this use.
- Screenshots: You do need to request permission to use screenshots of websites, software, etc.

Resources

- Information on the Berne Convention for the Protection of Literary and Artistic Works:
 - https://www.wipo.int/treaties/en/ip/berne/summary_berne.html
 - <https://www.law.cornell.edu/treaties/berne/>
 - <https://treaties.un.org/doc/Publication/UNTS/Volume%20828/volume-828-I-11850-English.pdf>
- [World Intellectual Property Organization](#)
- [Copyright Clearance Center](#)
 - [Copyright Basics Video](#)
- [U.S. Copyright Office](#)

Resources

- WRF resources:
 - WRF IP and copyright-related resources can be found on the Project Report Guidelines webpage:
<https://www.waterrf.org/project-report-guidelines>
 - Copyright Permission Form
 - Sample Letter Requesting Permission to Use Copyrighted Materials for Supporting Resources
 - Intellectual Property (IP) Guidelines for PIs and Co-PIs
 - Sample WRF contract documents can be found on the Contract Materials webpage:
<https://www.waterrf.org/contract-materials>

Questions?

Alyse Greenberg

agreenberg@waterrf.org

303.347.6116

