



# Copyright Issues and DoD Funded Research

**Vakare Valaitis**

Policy Analyst, DTIC User Services

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# Agenda

- DoD Scientific and Technical Information (STI) & some examples
- STI in the federal sector - CENDI
- Copyright and intellectual property working group
  - Copyright FAQ
  - Open source software FAQ
  - Best practices
  - Mass digitization
  - Public access policy
- Copyright fun facts



# Intellectual Property

- Intangible personal property interest in original creative ideas or creative means of expressing ideas that are protected by statute, regulation and case law. IP includes:
  - Patents - right to exclude others from making, using or selling an invention
  - Trademarks - word, name, symbol used in commerce to identify a source of goods
  - Trade secrets - information that
    - (1) has economic value by not being known to the public, and for which
    - (2) the owner takes reasonable steps to protect from disclosure
  - Copyrights - exclusive right to copy, distribute, perform, display and modify a creative work



# Intellectual Property (cont)

- Federal statutes permitting patenting and copyrighting have been enacted under the authority of Article 1, Section 8 of the U.S. Constitution, which states:

“The Congress shall have Power . . . To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries”
- Intellectual property laws provide an incentive to inventors and authors (the acquisition of possible wealth) and to industry (the improvement of their competitive position)



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in government  
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copyright

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**Accession Number :** ADA559974

**Title :** Gravitational Lens: Deep Space Probe Design

**Descriptive Note :** Master's thesis

**Corporate Author :** AIR FORCE INST OF TECH WRIGHT-PATTERSON AFB OH SCHOOL OF ENGINEERING AND MANAGEMENT

**Personal Author(s) :** Davis, Berkley R

**Full Text :** <http://www.dtic.mil/get-tr-doc/pdf?AD=ADA559974>

**Report Date :** Mar 2012

**Pagination or Media Count :** 164

- Kindle (\$5.95) and paperback (\$12.95) editions available on Amazon
- “AIR FORCE INST OF TECH” 1,143 results for Books – starting at \$200.00

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# **Scientific and Technical Information (STI) in the Federal Sector**

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- Interagency group of senior federal STI managers
- 12 member agencies manage over 97% of the annual federal research and development (R&D) budget
- CENDI began with four agencies and took its name from the beginning letter of each member agency:
  - **C**OMMERCE – National Technical Information Service (NTIS)
  - **E**NERGY – Office of Scientific and Technical Information (OSTI)
  - **N**ASA – Scientific and Technical Information Program (STI)
  - **D**EFENSE – Defense Technical Information Center (DTIC)
  - **I**NFORMATION



# CENDI STI Managers Group



- Department of Energy - OSTI
- National Transportation Library (NTL)
- National Library of Medicine (NLM)
- Environmental Protection Agency (EPA)
- Library of Congress (LC)
- U.S. Geological Survey (USGS)
- Department of Education (Ed)
- Department of Homeland Security (DHS)
- National Agricultural Library (NAL)
- National Archives and Records Administration (NARA)
- National Science Foundation (NSF)
- National Technical Information Service (NTIS)
- National Aeronautics & Space Administration (NASA)
- Department of Defense (DTIC)

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# Copyright & Intellectual Property

## Working Group

- Monitors copyright and intellectual property issues and legislation nationally and internationally
- Identifies and monitors best practices in identifying both the government's and public's rights to information created, published, disseminated or used by the government
- Identifies common issues and areas for cooperation among the CENDI members
- 66 members - 95% federal attorneys



# Copyright & Intellectual Property

## Working Group - Projects

[PDF Version  
for printing](#)



[CENDI Home Page](#)

### *Frequently Asked Questions About Copyright*

*Issues Affecting the U.S. Government*

**CENDI/2008-1**

**October 8, 2008**

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*Prepared by*  
**CENDI Copyright Working Group**

*Edited and updated by*  
**Bonnie Klein**  
Defense Technical and Information Center  
and  
**Gail Hodge**  
Information International Associates, Inc.

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#### **Purpose and Use of This Document**

This document is prepared by the CENDI Copyright Task Group in response to a request from the task group members and CENDI principals to address the issue of copyright from an operations perspective. In 1997, the CENDI Task Group identified a series of questions concerning copyright and intellectual property. These were documented as part of the Task Group's report, "Copyright and Intellectual Property: Operational Issues for CENDI Agencies." Realizing that it was not in a position to provide guidance for any particular agency, CENDI developed the concept of a Frequently Asked Questions document (FAQ) that could be used to educate librarians, information center staff, publications staff and agency authors about copyright.

The Copyright Law is complex and situation-based. Therefore, professional counsel for specific cases is advised. However, it is also hoped that this document will serve as a template for the development of agency Office of General Counsel approved documents that can provide more specific guidance for the individual agencies. It should be noted that this document primarily addresses U.S. Copyright Law as provided at Title 17 of the United States Code (17 USC - Copyrights) and Title 37 of the Code of Federal Regulations, Chapter II (37 CFR, Chapter II - Copyright Office, Library of Congress).

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## Frequently Asked Questions About Copyright

<http://www.cendi.gov/publications/04-8copyright.html>

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# Copyright and Intellectual Property

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### Frequently Asked Questions about Copyright and Computer Software

Issues Affecting the U.S. Government with  
Special Emphasis on Open Source Software

[http://www.cendi.gov/publications/09-1FAQ\\_OpenSourceSoftware\\_FINAL\\_110109.pdf](http://www.cendi.gov/publications/09-1FAQ_OpenSourceSoftware_FINAL_110109.pdf)

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## Working Group - Projects

**CENDI 2014-2**



**Permissions - Government-Prepared and  
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*Best Practices for U.S. Government  
Agencies***

***Part 1***

[http://www.cendi.gov/publications/pub2\\_CENDI-2014-2.pdf](http://www.cendi.gov/publications/pub2_CENDI-2014-2.pdf)

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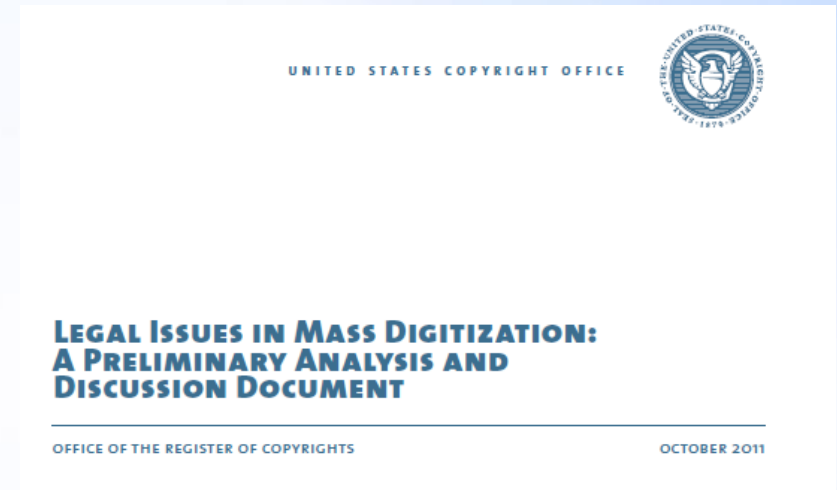
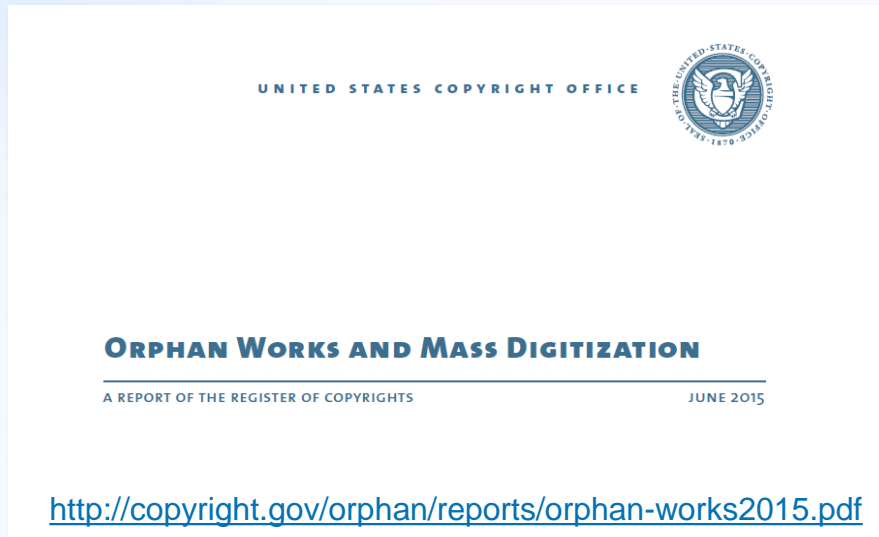
### “Permissions - Part 2”

- Expected Publication Date – late 2015 or early 2016
- Will include scenarios taken from real workplace situations, for example:
  - Images
  - Music
  - Text including translations
  - Works produced under government contracts
  - Audiovisuals
  - Sculptures



# Copyright and Intellectual Property

## Working Group - Projects



- “Mass Digitization”
- Clarifies the assumption that all U.S. Government documents are in the public domain



# Copyright and Intellectual Property

## Working Group - Projects

- Public Access to the results of Federally Funded Research
  - Legal considerations

[http://www.cendi.gov/projects/Public\\_Access\\_Plans\\_US\\_Fed\\_Agencies.html](http://www.cendi.gov/projects/Public_Access_Plans_US_Fed_Agencies.html)
- Is Public Access a Federal Purpose?
- Author transfer of copyright
- Government rights?
  - Submitted manuscript: yes
  - Accepted manuscript: yes
  - Published article: no



# Copyright Fun Facts

- Sherlock Holmes and the Case of the Vanishing Copyright
  - 4 novels, 46 stories in public domain, 10 stories protected until 2022
  - U.S. federal district court recently ruled on which elements are protected and which are not. Guide for Sherlock fan-fic writers:
    - Fair game: cocaine use, martial artist, 221B Baker Street, Watson, Watson's first wife
    - Off limits: Watson's athletic background, Watson's second wife, Holmes' retirement
- “Happy Birthday To You” in the public domain?
  - The court held that the tune to “Happy Birthday,” originally written for a song called “Good Morning To You,” is in the public domain. The court remained uncertain about the lyrics
- Goebbels: A Biography by Peter Longerich Random House 2015
  - Heirs sued the publisher for royalties because biography used extracts from his diaries
  - Debate focuses on whether or not it is appropriate for money to go to a war criminal



# Questions?



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**Vakare Valaitis**

**Policy Analyst**

**DTIC User Services**

**[vakare.k.valaitis.civ@mail.mil](mailto:vakare.k.valaitis.civ@mail.mil)**

**703-767-9159**



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