As a researcher at the University of Tasmania you will need to use other people's copyright material as part of your research. When using other people's copyright material you must ensure that you abide by copyright law and any relevant licences and agreements.

This toolkit provides some tips and tools to help manage copyright in your research.
Managing copyright in your research

Copyright management is an integral component of each step in the research lifecycle. As such it is important to incorporate good copyright management practices throughout your research. If you do not manage copyright throughout your research you run the risk of limiting its use and discovery by others.

This diagram illustrates where some copyright actions and decisions occur.

Copyright ownership

The University’s Intellectual Property Ordinance outlines the obligations of employees, non-employees and students in regards to the ownership of copyright.

Copyright material that you have created could be owned by you, or jointly with other creators, depending on the circumstances of its creation. It could also be owned by the University or another person or entity.

Who owns the copyright of research conducted at the University?

There are a number of ways in which copyright might be assigned to the University, including:

- The copyright material is created in the course of the employee’s employment duties and assigned to the University by statute or implication of law (but note that in each case this will depend on what the employee is employed to do);
- An employee’s employment contract contains a clause which assigns certain copyright rights created by the employee to the University; or
- Employees or non-employees may execute a Deed of Assignment or contract where they assign copyright to the University.

Please note that the University’s Intellectual Property Ordinance does not automatically assign any copyright.

Further information about ownership of copyright created at UTAS is available on the Research Website IP Ownership page.
Starting your research

There are some common steps when starting research such as:

- defining research objectives
- identifying potential funding sources (private sector and government)
- investigating potential for publication or commercialization

The above steps may cause the need for negotiation of contracts, confidentiality agreements, property (and intellectual property) transfer agreements and non-disclosure agreements. This means that if you include other people’s copyright material in your research you may be required to provide this to other parties. You should ensure that you can obtain permission to use other people’s copyright materials if it is required to satisfy contractual obligations or your research objectives cannot be met without the copyright material.

You may also be required via funding or other contractual agreements to transfer copyright in your research work to another party. This may limit your abilities to publish such work separately.

Tip 1

Ensure that you can contact owners of copyright material that is vital to your research prior to any investment in using their work. You will need to know that you can obtain all necessary rights to use such material when meeting your research objectives.

Tip 2

Consider whether you need to retain certain personal rights or rights for the university to deal with the research (such as a right to publish.)
**During your research**

It is likely that over the course of a project you will wish to release parts of your research for uses such as:

- Discussion of research findings to a general audience (e.g. publication)
- Disclosure of discoveries to the Office of Research or funding body (e.g. research publications and reporting)
- Assessing commercial potential

**Tip 3**

Incorporate a **copyright log** into the administration of your research. This will help ensure you can release your research at the required times. Most importantly at the time of final release you want to be able to:

- **a.** easily identify all the third party copyright material;
- **b.** identify whether you have permission or licence to use the content; and if not
- **c.** decide whether such content is integral to the final release.

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**Copyright material log**

This table is designed to help organise your use of other people’s copyright material in your research. The idea behind using such a table is to ensure you have all the details and permissions at the right time in your research.

<table>
<thead>
<tr>
<th>Date</th>
<th>Copyright material used (Source details, amount used)</th>
<th>Page number or location in your research</th>
<th>Permission / licence required? (If no, why not)</th>
<th>Permission required by? (Date or research stage)</th>
<th>Permission obtained? (Date / owner details / permission location)</th>
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</table>
Obtaining permission
When you have determined that you require someone else's copyright content in your research (and no exceptions apply to your use) you will need to obtain permission.

What do I do if I cannot obtain permission
In some circumstances you may find that you cannot obtain permission due to cost or permission cannot be obtained in time for the release of the research. In such situations you may need to:

- remove the copyright material from the released/published version of research
- try to find an alternative source for the ideas represented in the copyright material
- contact the University Copyright Officer to discuss your options further.

Tip 4
Try these steps to help obtain permission.

a. Check to see if there is a permission or licence statement on the source material. If so, does the statement cover the uses you intend?

b. When you cannot determine ownership you should try contacting the publisher requesting ownership or rights holder details.

c. When you do know who the copyright owner is you can request permission to include their material in your research using a permission request letter [example on page 6].

d. When you receive permission it is good practice (and may be a licence term) to acknowledge the permission in your research and keep a record of the permission (such as in a copyright log referred to above).
Writing a permission letter

When you write a permission letter to a copyright owner you should describe the material you want to use, how you intend to use it, and ask for their permission to use the material. You can draft a letter including the elements listed below.

- Copyright owner's details.
- Your name and contact details.
- Your research institute's name. e.g. the University of Tasmania.
- How you are going to use the material. i.e. for your thesis, journal article, book chapter, report.
- How the material will be made available e.g. freely available online via the institutional repository; available only on the intranet to staff and students of the University; via subscription to the Journal of XXXX etc.
- Details of the material to be used and its source, stating amount, page numbers, chapters. It may be helpful to include a copy of the material.
- Type of licence and duration of permission to use the material. i.e. permanent, irrevocable, non exclusive licence for worldwide use.
- Any changes you plan to make to their material.
- Explain that their work will be fully and correctly referenced.
- Ask the copyright owner to confirm they own the material and indicate their agreement by return letter or email.
- Also ask the owner how they wish to be acknowledged.

Your permission letter and its reply do not have to be in hard copy. However, it is preferable that the reply to your request for permission is expressed in writing. Permissions can be received via email. A formatted version of a sample permission letter is available at:

http://www.utas.edu.au/__data/assets/file/0005/678974/Permission-letter.html

Sample permission letter

Dear [Copyright owner's name],

My name is [Your name]. I am currently [briefly outline your research relating to your request e.g. undertaking a project/ Masters / PhD / Professional Doctorate; Fellowship] at the [University or institution name].

I plan to release [state release type e.g. a report, article, dataset, final publication etc) of my research in [state the publication e.g. departmental publication; Journal of XXXX etc.].

This publication will be available [state how the material will be accessible e.g. on the World Wide Web for public access; via paid subscription to a journal etc.]

I wish to include the following copyright material in my publication and I believe you hold the copyright:

[description of material used e.g. diagram/illustration/photograph/(title or description of image, name of publication), etc.]

Which is in:

[description of the parent document. e.g. journal article (journal number, edition, volume, month, year); book (title, author, ISBN) etc.]

I am therefore requesting from you a permanent, royalty free, irrevocable, non-exclusive, worldwide licence to include these materials in my publication. Your material will be fully and correctly referenced.

If you do not own copyright in the material in question, I would be very grateful for any information you can provide as to who is the copyright owner.

I would appreciate confirmation that you hold copyright in the material stated above and your express licence to use the material in my publication. If you require any additional information, please do not hesitate to contact me. I can be reached at:

[Your contact information]

Yours sincerely,

[Your name]
Copyright checklist

Here are some points to consider when releasing your research. You should be able to answer yes to the following questions.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you ensured that you have used all copyright material included in your research in accordance with the terms of either:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- an express permission as granted by the copyright holder; or</td>
<td></td>
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<td>- a particular licence or contractual agreement; or</td>
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<td>- other applicable exemptions within the Copyright Act?</td>
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<tr>
<td>(Unsure? Contact the UTAS Copyright Officer)</td>
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<tr>
<td>Have you obtained a written agreement from the copyright owner with the details of the permission granted?</td>
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<tr>
<td>If yes, make sure you have not done anything with the copyright material which goes beyond the scope of the permission you have obtained. (For example you have obtained a licence to include copyright material in a hardcopy release of your research but you also intend to release your research online)</td>
<td></td>
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</tr>
<tr>
<td>Have you acknowledged the copyright material appropriately in your research? (suitable author attribution and publication or source citation details)</td>
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<tr>
<td>Has the integrity of the copyright material been preserved?</td>
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<tr>
<td>(Make sure you do not do anything which could damage the author's honour or reputation, for example altering, mutilating or distorting the work in a way that could have an adverse effect on the author's honour or reputation)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have you kept a record of any permissions licences used or obtained? (e.g. you can include permission details in your Copyright material log)</td>
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</tbody>
</table>

If you have any questions please feel free to contact the University of Tasmania Copyright Office at utas.copyright@utas.edu.au

References

Sample permission letter is adapted from the Copyright Guide for Research Students prepared by the Oak Law team.


Copyright Material Log is adapted from the Copyright Guide for Research Students prepared by the Oak Law team.


Copyright and Research Lifecycle is adapted from the VRE research lifecycle


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