

Copyright and your thesis

An Overview



About this guide

This guide is designed as an overview about copyright and how it can apply to the creation of theses. You can visit the [Copyright Website](#) for further information. The guide should not be used as a substitute for legal advice.

Contents

[Summary](#) 3

Section 1

What is copyright and how does it apply to writing your thesis?

[Copyright material](#) 5

[Copyright Activities](#) 6

[Moral Rights](#) 7

[Copyright Ownership](#) 9

Section 2

Including other people's copyright material in your thesis

[Writing and assessment of theses](#) 11

[Releasing your thesis publicly](#) 12

[Obtaining permission to use copyright material](#) 13

[Submitting your thesis](#) 14

Summary

- ❑ Copyright protects intellectual property such as books, articles, computer programs, artworks, images, music and videos.
- ❑ The owner of copyright has exclusive rights to copy, communicate, adapt or modify, and first publish their copyright material.
- ❑ You will need to obtain permission (licence) to include other people's copyright material (third party copyright material) in your thesis. You do not need to seek permission if:
 - Copyright in the work has expired.
 - Your use is covered by a copyright exception such as fair dealing for research or study or criticism or review.
- ❑ It is likely that a copyright exception will apply to include other people's copyright material for the creation and assessment of your thesis. However, a redacted version of your thesis may need to be published if you are unable to obtain the right to include third party copyright material. A redacted version is one with any uncleared copyright material removed. For more information on this process visit the [Thesis Submission, Examination & Graduation Requirements Templates and Guidelines](#) available on the University's Graduate Research Website.

Section 1

What is copyright and how does it relate to writing your thesis?



Copyright material

Copyright in Australia is governed by the Copyright Act 1968 (The Act). Copyright protects:

▪ Works

- **Literary works** such as books, journals, newspapers, poems, computer programs (object code and source code) and certain compilations of information.
- **Dramatic works** such as plays and screenplays
- **Musical works** such as scores
- **Artistic works** such as photographs, images, diagrams and illustrations

▪ Performances

▪ Subject-matter other than works

- **Published Editions** (for example the typographical format and layout of a book)
- **Sound Recordings**
- **Films**
- **Broadcasts**



Copyright Activities

The Copyright Act provides owners of copyright material with some exclusive rights. This includes rights to:

- **Reproduce** (copy);
- **Make Adaptations** (derivatives, translations);
- First Publish;
- Perform in public;
- **Communicate** to the public (electronically transmit or make available online); and
- (in some cases) control the rental of their copyright material.

Where such activities occur in another country then usually the copyright laws of that country will apply.

Moral Rights

- Moral Rights provisions within the Copyright Act give creators the right of attribution and the right of integrity in their creation. The rights automatically arise when a work (e.g. books, plays, photographs, art works etc), motion film or performance is created.
- The right of attribution requires that, whenever a work, motion film or performance is used it must be attributed (cited) to the creator. It also means that creation must not be falsely attributed.
- The right of integrity requires that a work, motion film or performance is not modified, distorted or altered in any way that prejudices the creator's reputation or professional standing.
- Moral rights last for the life of the author plus 70 years, except in the case of film directors where their rights are limited to their lifetime. Moral rights cannot be assigned or sold.
- **Attribution** can be carried out in any way that is “clear and reasonably prominent” so that someone seeing/hearing the work will be aware of the creator’s name.
- Where the creator states how they wish to be attributed it is best to follow their wishes.

Is it ok not to attribute?

- **By default you must attribute the creator.** However, you may omit attribution if the creator has given a valid consent in writing to do so.
- If it is “reasonable”, in all the circumstances not to identify the creator then you do not need to attribute them. The Act provides a number of factors to be considered when working out whether an omission is reasonable. These include:
 - the nature of the work;
 - the purpose, manner and context for which it is used;
 - relevant industry practice;
 - whether the work was created in the course of employment or under a contract of service.
- Note that a creator who is an employee can give a general consent to their employer, covering all material created in the course of employment (HDR students are not considered university employees).
- Note that there can be legal consequences for not attributing a creator or falsely attributing a creator.

How can copyright infringement occur?

- Copyright is infringed when someone (other than the copyright owner) exercises any of the exclusive rights of the owner without their permission and no other exceptions apply.
- Copyright material included in a thesis without permission of the copyright owner is likely to infringe the exclusive rights for reproduction and communication. If the material is modified, remixed or repurposed without permission it is likely to infringe the copyright owner's exclusive right to make adaptations of their work.

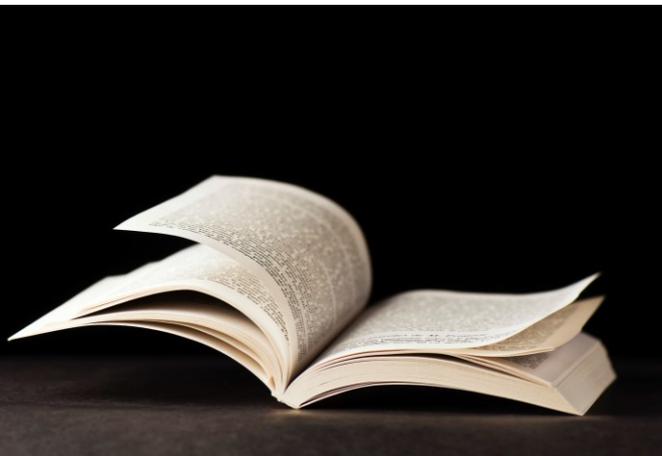


Copyright Ownership and your Thesis



The University's [Intellectual Property Policy](#) provide copyright in materials created by a student is owned by the student, subject to any agreement by the student to assign it to someone else.

This means you have the right to reproduce, adapt, publish and communicate your thesis. As an author, you also have moral rights over your thesis. However, if you sign a research agreement or publishing agreement it may affect what rights you retain in your work. More information about copyright ownership is available on the [University's Research Intellectual Property](#) intranet page.



A person who contributes ideas or information or suggestions but does not contribute to the expression of a work, is not considered to be an “author” for the purposes of copyright. However, not referencing such contributions could be considered plagiarism. Further information is available on the on the University's [Plagiarism FAQ Page](#)

Section 2

**Including other
people's copyright
material in your thesis**



Writing and assessment of theses

Under the Fair Dealing provisions of the Copyright Act, you may copy a 'reasonable portion' of someone else's work in an assignment, thesis or project you are submitting for assessment purposes without obtaining permission. The Act provides staff and students (or any other individual) can copy

- 10% of the number of pages of a literary work, or one chapter of a work if it is divided into chapters. The work must be more than 10 pages long.
- 10% of the number of words of a literary work if it is in electronic form.
- One article from an issue/edition of a periodical publication such as journal or newspaper. More than one article can be copied if they relate to the same research or course of study.

You can copy more than the above amounts if it is "fair". The Act provides the following factors to consider when determining if copying audio-visual items or literary, dramatic, musical and artistic works for research or study purposes is fair:

- The purpose and character of the dealing
- The nature of the item or adaptation
- The possibility of obtaining the item or adaptation within a reasonable time at an ordinary commercial price
- The effect of the dealing upon the potential market for, or value of, the item or adaptation
- The amount and substantiality of the part copied taken in relation to the whole item or adaptation

An "audio-visual item" is a sound recording, a motion film or video, a sound broadcast or a television broadcast.

Releasing your thesis publicly

The fair dealing provisions within the Copyright Act do not act as broad exceptions to infringement and are unlikely to allow for reuse, remixing and redistribution of content publicly online or for commercial purposes. This includes material which you submit to the University's open access repository (OAR). In these circumstances, you will most likely need to obtain the copyright owner's written permission to reproduce and communicate their work.

You may be able to rely on the Fair Dealing provision for *Criticism or Review* if the purpose of your copying is to subject the work you have copied to a critical analysis. However, you cannot rely on this provision if you are only including someone else's work to enhance, supplement or illustrate your own material. You must submit the work or quoted extract to direct critical analysis.

Be aware that prior to agreeing to publish your thesis many publishers will require that you warrant you have obtained permission to publish all third-party copyright included in your thesis, regardless of whether you believe a copyright exception applies.



Obtaining permission to use copyright material

As discussed in previous pages, you will need to obtain permission from a copyright owner/rights holder if you wish to include more than a short quote or extract from their work in your thesis which you are submitting for publication or publishing online. You must express clearly the terms on which you are seeking to use the material and you will need to abide by those terms for all future publications. If you wish to use the material outside of the terms requested, you will need to obtain further permission/s.

You should start obtaining permission as soon as possible as responses from copyright owners can sometimes take months. You must also prepare for the possibility that you cannot obtain permission. In some cases, you may be asked to pay a licensing fee.

All permission requests should be obtained in writing. You will need to keep copies of all permissions on record to ensure that you can make the copyright material in your thesis available on the University's open access repository and any subsequent publications.

What to include in a permission request

- Date of request.
- Names of all rights holders (i.e., in the case of multiple copyright owners, all copyright owners must consent to your re-use of their work).
- Detailed description of the work to be used and its source, making sure to state the amount you want to use, page numbers, figure or table numbers, chapters, etc. Wherever possible, include a copy of the material to be used or, if the work is available online, a URL to the material you wish to copy.
- Detailed explanation of how you intend to use the work (e.g. in your thesis, journal article, book chapter etc).
- Information about any changes (adaptations) you intend to make to the work.
- Detailed explanation of how the work will be distributed (e.g. university's open access repository, printed publication, webpage). If publishing online, you should provide the URL or website where the work will be made available. If publishing in print, you should provide as much information about the publication as you can, including publication title, expected publication date and size of print run.
- Explanation about how their work may be exploited or not (e.g. cost recovery, profit etc).
- Information about yourself, including your title and affiliation (if applicable), return postal address, telephone, fax and email.

[Link to example permission letter](#)

Copyright requirements when submitting your thesis

Every Higher Degree Candidate must complete a [Thesis/Exegesis access form](#) and identify all third-party copyright material in their Thesis/Exegesis. The Library then uses this information to assess, remove or restrict content from the accessible version or your Thesis/Exegesis deposited in the University Open Access Repository (OAR).

Honours and Coursework Masters graduates can self-submit the final assessed version of their thesis to the OAR. When doing so you must also provide a complete list of all third-party material in the submitted thesis copy.

See the [submitting your thesis](#) library guide for more information.

Step 2. Copyright and proprietary content in your Thesis/Exegesis

You must identify all copyright material and other content in your Thesis/Exegesis that you do not have the right to make publicly accessible for proprietary or legal reasons. This may include: third party owned images, other creative works, data compilations or substantial amounts of text such as published articles.

In the table below, please identify all copyright material. If you need to add more copyright entries, copy the table below to a new page. Remember to add the extra page/s to the completed, signed form you submit via iGRad.

Material Type (e.g. image, published article,	Citation of Material (and eCite link/DOI if applicable)	Section or chapter in Thesis (e.g. Chapter 3)	Page or pages in Thesis (e.g. pp. 22-57)

[Thesis/Exegesis access form](#)

Answering the following sequence of questions can assist in determining whether you are ready to submit your thesis and release it publicly.

Copyright Checklist

Are there any contractual (e.g. funding agreements), proprietary arrangements (e.g. pending patents, trademarks), or other reasons (e.g. privacy) which would preclude you from publishing the copyright material in your thesis?

YES

You will need to identify any arrangements you have with third parties of the content of your thesis when you submit it.

See [Copyright requirements when submitting your thesis](#) page 14

NO

Does your thesis contain any third-party copyright material?

Examples of copyright material are images, more than short quotes from articles, sound recordings and video recordings.

See the [Copyright Material](#) Page 5 for more information.

YES

You will need to identify that you have permission to include third-party copyright material when submitting your thesis.

See Section 2 of this guide [Including other people's copyright material in your thesis](#)

NO

Have the creators of the copyright material been correctly attributed. (cited) and the integrity of their work been preserved?

See [Moral Rights](#) page 7 for further information

YES

Copyright ready for submission



Further information

University Copyright Manager
Academic Division
University of Tasmania
Private Bag 133, Hobart TAS 7001, Australia
T: +61 3 6226 1843
E: utas.copyright@utas.edu.au
www.utas.edu.au/copyright