

Copyright and PhD Theses

This handout is aimed at providing general information to PhD candidates about copyright as it relates to doctoral theses. Information is provided especially on the issues of making a thesis available on the web - via UDORA - as is now required by the University.

COPYRIGHTS



The Library is based within the Learning Enhancement and Innovation department and welcomes feedback on its documentation. Please email any comments on the content of this document to: c.ball@derby.ac.uk

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Copyright and PhD Theses

ETHESES – WHAT ARE THE BENEFITS?

The electronic copy of your thesis will subsequently be deposited in the University of Derby online repository – UDORA (<http://derby.openrepository.com/derby/>).

This electronic copy on the web has many benefits compared to simply lodging a printed copy in a library. The online copy will potentially attract a wider readership than the printed copy alone, which is necessarily only available to those with access to the Library at Kedleston Road. Making research available on the open web also has the potential to increase your visibility as a scholar.

UDORA is not the only online repository to carry electronic theses. There are over 2,100 open access repositories around the world, half of which provide access to doctoral theses. In the UK alone there are over 200 institutional repositories and many of these store and offer free access to PhD theses.

Theses in UDORA can also be made available to scholars worldwide via the British Library's eTheses service – EThOS (<http://www.ethos.ac.uk>).

GENERAL COPYRIGHT FACTS

It is highly likely that in the course of your research you will need to quote material by other authors in your work. If your work does contain any such third party material over and above normal quotations, then you are required to seek permission from the copyright holder to use it. Examples of copyrighted material include lengthy extracts and/or quotes from published and unpublished books, journal articles, conference papers and theses. Copyright also covers illustrations like tables, figures, images, maps and so forth.

Please note:

- Material found on the web is not free of copyright.
- Author/Creator does not need to apply for copyright.
- The copyright mark © does NOT need to be displayed for copyright to apply.

An author/creator may assign copyright to others. For instance, most authors are required to sign over copyright to the publisher of their journal article. Only the copyright owner, whether author or just the publisher, may do the following:

- Copy the work.
- Provide copies to the public.
- Perform, show or play the work.
- Broadcast the work.
- Adapt the work.
- Rent or lend the work.

For you to do any of the above, beyond normal quotations, permission must be sought from the copyright holder.

EXCEPTIONS TO COPYRIGHT LAW

The duration of copyright varies depending on the type of work in question. The term of protection in the UK for an original written (literary), theatrical (dramatic) musical or artistic work lasts for the **life of the creator plus 70 years**.

However, extracts and quotations from previously published works may be used for non-commercial research and private study. They can also be used for the purpose of criticism or review, and for the purposes of assessment or examination. In all such cases the extracts and/or quotations must be appropriately acknowledged and referenced.

This “fair dealing” exception for assessment or examination allows PhD candidates to copy limited amounts from a work without permission to be used in their **printed** theses. It is worth noting that “fair dealing” applies when you are copying less than a “substantial” amount from a work. Neither “fair dealing” nor “substantial” are concepts defined clearly in law. However, “fair dealing” essentially permits copying of small quantities which does not harm the commercial interests of the copyright holder.

General points about using third party copyright materials in a thesis

No permission needs to be sought when using third party copyright material in a **printed** thesis. Under the law a printed thesis is produced for examination purposes and does not constitute publishing. However, permission to use third party copyright material is needed when placing a thesis on **the web** for the public to see as this is considered publishing the work.

In the course of writing your thesis have you used the following:

- Figures or tables.
- Illustrations or images.
- Lengthy extracts from works created by others.
- Material you created that has already been published elsewhere.

Follow these steps if you have incorporated any of the above in your work:

- Check the copyright on the item you are using. The copyright will tell you what you are permitted to do with it. Sometimes no permission is needed from the copyright holder. A Creative Commons (<http://creativecommons.org/about/license/>) license may also be applied which often permits non-commercial use.
- Contact the copyright holder (author or publisher) if you are required to seek permission to use a given item. Be clear about what material you would like to include in your thesis, and be specific about your thesis being placed on the web. Always keep copies of the correspondence.
- If you have already submitted your thesis and have not cleared third party copyright, there is no need to stop the printed copy being bound and placed in the library.

Always ask for permission from the copyright holder if you are not sure whether your material is permissible or not.

What might the copyright holder's response be?

Copyright holder's response	Next step	Embargo for placing thesis in UDORA
Yes	Use the material and acknowledge the source.	No embargo needed
Yes but with conditions	The copyright holder may require a link to their site being added; or a formally worded acknowledgement of the source; or a delay in placing the work on the web.	Discuss embargo with your supervisor. Consult the PhD Regulations on how to apply for an embargo before submitting for examination.
No	The Library will consider loading an edited version into UDORA which may have the copyrighted material redacted.	Discuss with your supervisor if the removal of this element renders the work unusable. Consult the PhD regulations on how to apply for an embargo before submitting for examination.

Tips for editing your eTheses when permission is NOT given:

- Use reduced quality illustrations with no copyright restrictions.
- Insert blank pages to replace any illustrations that cannot be publicly displayed. Use standard text like 'This material is unavailable due to copyright restrictions'.
- Give more details regarding the blank pages by describing the material and retaining the numbering of the illustrations so that they match your List of Figures and/or Illustrations. E.g. 'Fig. 10 illustration is unavailable due to copyright restrictions'.

Examples of different materials:

The copyright clearance process for the following materials is the same as explained above.

Illustrations, including images, figures and tables

Permission is needed when using an illustration for decorative purposes in your thesis. For instance, you may want to put an image on the cover page. If the same illustration is used as a part of the argument in your work then this may be considered “criticism” and permission may not be required. Ask for permission if you are in doubt.

Maps

Maps from Ordnance Survey® and Digimap® all need to be checked for copyright restrictions. When using a map from a book, check who owns the copyright and seek permission if necessary.

Photographs

If you did not take the photo(s) in your thesis then permission must be sought from either the photographer or the copyright holder. These might not be the same person.

You own the copyright to photos taken by yourself. It is advisable to put a copyright statement beneath each of your own photos to make this clear. If any of your photos are of people, you need their permission to use the photo(s) in your digital thesis. If the people are incidental to the photo and not the main focus of the image then permission is not needed. Permission is not required if the people in the photo(s) are deceased. However, consider the nature or use of the photos and how this might distress any friends and relatives. It is particularly important to obtain permission when using images of children.

Material from the web

Content on web pages is NOT free to use in any way you wish. Check the terms and conditions on web pages to see what uses of the content are permitted. Also bear in mind that an author/creator does not need to apply for copyright, nor does the copyright mark © need to be displayed for copyright to cover an item.

Also bear in mind that many web pages displaying material you wish to use may not have obtained permission to use it themselves. The author or creator of the web page may not be the copyright holder.

Other categories of material

Seek advice if you are considering the use of:

- Audiovisual material
- Musical scores
- Multimedia
- Other types of material not listed in this document

Have you published parts of your thesis before?

When any part of your thesis has been published before you need to seek permission from the copyright holder to reuse the parts. If you retained copyright to the published item then no permission is required. However, check the agreement you entered into with your publisher to see whether further permission must be obtained. If the agreement you signed does not automatically permit the reuse of the material you need to approach the publisher to ask for permission. You can also check the ROMEo database on the web (<http://www.sherpa.ac.uk/romeo>) for the standard copyright terms and conditions of most publishers, or alternatively visit the journal's own website for this information.

What if you wish to publish your thesis in the future?

You may wish to publish your thesis in the future without making changes to the content. Some publishers do not permit prior publication of any material they subsequently accept for publication in their own title. If you have a publisher in mind for your work, check their terms and conditions. You can contact the publisher directly, visit the journal's webpage or check ROMEo for the publisher's copyright policy (<http://www.sherpa.ac.uk/romeo>). If you believe your chances of publishing are harmed by having your thesis on UDORA prior to commercial publication, discuss the situation with your supervisor and arrange a temporary embargo for your work. If you intend to publish your work after revising the thesis content then this may not be an issue with a publisher.

What role does my funding body play?

Externally funded PhD students need to check the grant conditions prior to having their thesis placed in UDORA. For instance, the funding body might own the data in your work or they might have specific conditions on publication. If you find these clash with the University of Derby policy on placing PhD theses in the online repository then seek advice. When the funding body owns the data in your thesis you need to request permission to place your thesis in the repository, for example, after a suitable embargo period.

Your rights in your PhD thesis

In most cases you own the rights to the thesis you produce as part of your University of Derby doctoral programme. It is recommended you liaise with your supervisor on this issue if in doubt.

As the copyright owner you would have the exclusive rights to

- Copy the work
- Provide copies to the public
- Perform, show or play the work
- Broadcast the work
- Adapt the work
- Rent or lend the work

By signing the Deposit Agreement form for the University of Derby you are giving the University a non-exclusive license to place the work on the web. When viewing these on UDORA, others may reuse the material according to the Creative Commons (<http://creativecommons.org/about/license/>) Attribution-Non-Commercial-No Derivates (A-NC-ND) license. Others will need to seek your permission to reuse material in your thesis in any other manner.

GETTING HELP:

Any queries regarding third party copyright and theses, the University of Derby repository, publisher copyright policies etc. contact Caroline Ball (Copyright Advisor) either via email (c.ball@derby.ac.uk), telephone (01332 591760) or visit the Library in person (Kedleston Road Library, Room L206).

Contact your supervisor if you need to consider an embargo period for your electronic thesis or discuss the copyright in your work and refer to the PhD Regulations on how to obtain an embargo.

Further information about copyright can be found on the web. For instance,

JISC Legal (IPR and copyright)

<http://www.jisclegal.ac.uk/LegalAreas/CopyrightIPR.aspx>

UK Intellectual Property Office

<http://www.ipo.gov.uk/>

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