Copyright for Higher Degree By Research Students

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Summary of Content

- What is copyright?
- What are your copyright obligations?
- How to meet your copyright obligations?
- Implications of Thesis by Publication
- Seeking copyright permission
- Copyright, espace & publication
Definition of Copyright

Copyright is a form of **Intellectual Property**.

Copyright owners have exclusive **economic rights** with regard to:

- **Reproduction** - photocopying, scanning, downloading, recording
- **Communication** making it available online, sending via email
- **Publication** distributing copies for sale
- **Adapting** or **translating** the work
- **Playing** or **performing** in public
Copyright protects a range of material:

- **Academic & literary texts** - books, journals, newspapers, plays, poems, etc.
- **Computer programs**
- **Audio-visual works** - sound recordings, film, radio & TV broadcasts.
- **Artistic works** - paintings, photographs, engravings, drawings, cartoons, sculptures, murals.
- **Sheet music**
- **Graphic works** - diagrams, illustrations, graphs, maps, tables.

Copyright applies to the ‘**material form**’ in which ideas are expressed, not ideas, facts, methods or techniques.

A single work may have several layers of copyright.
Moral Rights

Aside from the economic rights, creators have moral rights:

- **The right of attribution**
  - To be attributed as creator of the work;
  - Not to have their work falsely attributed to someone else.

- **The right of integrity**
  - To have the integrity of the work respected,
  - Not to be subject to derogatory treatment in a way prejudicial to their reputation.
Infringing Copyright

- Using a ‘**substantial part of the work**’ without permission.

- Substantial is not defined in the Act but is a **quantitative** and **qualitative** assessment.

- An **infringement of moral rights** is copyright infringement.

- Individuals and organisations can also be found to ‘**authorise**’ or ‘**facilitate**’ a copyright infringement – linking to an unauthorised copy.
Copyright versus Plagiarism

- **Plagiarism** is to present somebody else’s work as one’s own without appropriate acknowledgement.

- You can be guilty of plagiarism without infringing copyright.

- You can infringe copyright without being guilty of plagiarism.
HDR Students both use third party copyright material and create new copyright material.

Curtin’s IP Policy stipulates that students own copyright in their work.
- **Possible exception** - research projects with external funding or commercial agreement may request transfer of IP ownership.

Students may assign or license copyright.

What are your copyright obligations?

- Application for Candidacy
- Copyright and Release of Thesis for Examination
- Submission of Digital Thesis Form

- Thesis contains **no material infringing** the copyright of another person(s).
- Permission where necessary has been obtained to **reproduce /communicate** third party material in Thesis.
How to meet your copyright obligations?

- Copying third party material for personal research
- Adapting or reproducing third party material in thesis
- Communicating third party material in thesis
- Seeking permissions where necessary
Copying material for personal research

‘Fair Dealing’ exception

OK to copy a ‘reasonable portion’ for the purpose of your own research or study; or criticism or review.

Copying limits:

- Books – 10% of words or one chapter.
- Journals – 1 article per issue.
- Anthology – a work up to 15 pages.
- Images – in their entirety unless commercially sold.
Reproducing & communicating third party copyright material in thesis

- Including copyright material in HDR thesis is **reproduction**.

- Submitting your thesis into espace is **communicating** material within the public sphere.

- The rights of **reproduction** and **communication** are reserved by the owner of the copyright material.

- **Bottom line** is you will **almost always require permission** from the copyright holder **UNLESS** the material falls into one of the following categories:
When is it unnecessary to obtain permission?

You **DO NOT** need additional permissions for the following:

- **Brief quotations**
- **Short extracts of text or images subject to critical commentary or analysis** - this use is permitted under the ‘fair dealing’ provisions for criticism or review in the Copyright Act.
- **Curtin material** - be mindful of confidential or sensitive content
- **Public domain material**
- **Open licence material** - be mindful of open licence terms
- **Permitted by website terms & conditions** – default is All Rights Reserved
When is it necessary to obtain permission?

You generally **REQUIRE** additional permissions for the following:

- **Substantial amounts of text or content protected by copyright**
  - Such as images, photographs, graphs, diagrams, illustrations, cartoons, tables, questionnaires, video clips, screen shots, etc.

- **Commercial products**

- **Web content**
  - Look for Copyright Information link

- **Letters & other material not made publicly available**

- **Research Data Sets**

  If you are unsure whether you are allowed to reproduce material, it is safer to seek permission!
Does your thesis include **content from a journal article or conference paper** written in the course of your research?

**Have you retained copyright** over the content?

Publishers often request **you assign or transfer copyright** as a condition of acceptance.

- If so, **you will need permission** from the publisher or conference organiser to **re-use your own material** in a thesis and place into espace.

- **Do you share co-authorship or joint copyright** for content you want to include in your thesis?
  - If so, you may also need **co-author approval** to reproduce all or part of the material.
What rights have you retained as an author?

- **Read the terms and conditions** of the contract or publishing agreement you signed with the publisher.
- **Check what rights you assigned to the publisher** and **what rights you retained** as the author.
- There are a **wide range of terms in publisher agreements**.
  - Author may retain right to deposit a particular version of the article into espace.
  - Publisher may impose an embargo period or require content to be removed and replace with DOI links.
   - This includes information on:
     - whether you can deposit an article into a repository (espace)
     - which version of the article may be deposited.

2. Contact publisher directly.
Seeking Copyright Permission

- Consider what third-party copyright material you plan to include in your thesis when you **commence** your research.
- **Allow plenty of time** to seek permission.
- Specify material you want to use and for what purpose.
- Be aware that a copyright owner may **charge a fee** or ask you to sign a licence agreement.
- Ensure **permissions are in writing** and you retain a **copy**.
- **Comply with any conditions** imposed by the copyright owner in the permission.
- Always **acknowledge sources** of any copyright material used.
Seeking Copyright Permission

- Seek permission via:
  - RightsLink via published journal article
  - Online permission form on Publisher’s website
  - Permission letter template
Sample **Permission Request letter:**

http://copyright.curtin.edu.au/research/higher-degree-theses/

- Specify **subject of research** and the **details of use**.
- **Clear description** of specific material/extract to be used.
- Request written permission form **be completed & returned**.
- **Keep a copy** of the permission for your records.
- **Comply** with stipulated **conditions**.
Unable to obtain permission?

If you are unable to obtain permission to reproduce the material you have the following options:

- **Remove the copyright material** from the thesis and direct readers to the publisher version by including the Digital Object Identifier (DOI) link to the paper.

- **Request a permanent exemption** or a time embargo for the portion of material you do not have permission to reproduce when depositing your thesis into espace.

- All such requests require approval through the Associate Deputy Vice-Chancellor, Research Training.
Copyright, espace & publication

- Submitting to espace - guidance and information sheets.
  - Guidelines for the Submission of Digital Theses of Higher Degree by Research students
  - Theses Examination and Submission Checklist.
  - HDR Theses Students Copyright Information
  - Questions regarding submitting your thesis to espace contact espace@curtin.edu.au

- Considering publishing?
Copyright & espace

http://thesesupload.library.curtin.edu.au/

espace Thesis Submission

This webpage will allow you to submit your digital thesis to the University’s institutional research repository espace.

There are 3 things you must do BEFORE submitting your thesis to the library:

1. Read the Guidelines for the Submission of Digital Theses of Higher Degree by Research students and Theses Examination and Submission Checklist.
2. Read the Copyright Information and check that your thesis complies with copyright.
3. Complete the Form for the Submission of Digital Theses of Higher Degree by Research students including the required signatures.

If you have any questions about submitting your thesis please contact thesis@curtin.edu.au.

Continue to digital thesis submission page

Source: http://thesesupload.library.curtin.edu.au/ retrieved 4/05/2017

CRICOS Provider code 00301J
Generally, publishers allow deposit of the author’s accepted manuscript of a publication into an institutional repository.

Considering publishing?

- **Wide variety of Publisher agreements** - some more generous/restrictive than others.

- **Read publishing agreements** and understand the implications for **deposit into a repository** and **re-use of material** into new derivative works.

- **Consider the rights retained and those transferred:**
  - Will you retain or transfer copyright to the publisher?
  - Are you allowed to deposit the article/paper in an institutional repository (such as espace) or a subject repository (such as the SSRN)?
  - Can you reproduce some or all of the article in your thesis?
  - Can you post the article to scholarly sharing sites or place a copy on a personal website?
Publisher agreement requirements

Typical sign offs:

- The article is **your original work**. All sources **acknowledged** and **referenced**.
- The article **has not been published** or submitted for publication elsewhere.
- The article **does not contain any material** that infringes copyright.
- You have **written permission** to reproduce or adapt all third-party copyright material.
- The article **does not contain any offensive, defamatory or illegal** material.
Three points to takeaway ...

- Plan early in your research for permissions.
- Read and keep any publishing agreements.
- If you need assistance contact the Copyright Team at Library-Copyright@curtin.edu.au.
Further information – Useful websites

• Copyright website http://copyright.curtin.edu.au and http://copyright.curtin.edu.au/research/higher-degree-theses/

• Copyright Guide for Higher Degree Theses http://copyright.curtin.edu.au/resources/

• Open Access and espace http://libguides.library.curtin.edu.au/open-access

• espace http://library.curtin.edu.au/help/faq/espace/

• New to Research http://libguides.library.curtin.edu.au/new-to-research


• Referencing guides http://libguides.library.curtin.edu.au/referencing

• Library Workshops http://bookings.library.curtin.edu.au/
Further information – Useful contacts

- Library Copyright Team Library-Copyright@curtin.edu.au
- Library espace Team espace@curtin.edu.au
- Faculty Librarians http://library.curtin.edu.au/about/organisational-structure/staff/faculty-librarians.cfm
Questions?