COPYRIGHT GUIDANCE FOR POST GRADUATE RESEARCH STUDENTS

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SECTION 1
Introduction
The aim of this document is to provide guidance to Post Graduate Research students when preparing their thesis in relation to the copyright implications of depositing their thesis or going on to publish it.

SECTION 2
Thesis Submission
At the end of the University examination process all successful research postgraduate students are required to submit the following to Student Business (formerly Registry):

- one hardbound version of their thesis
- one completed Thesis Submission form
- one completed Digital Thesis Licence Agreement
- A PDF version of their theses on CD or memory stick,

PDF versions of the following thesis forms are available from the Downloads for Students web page:

- Thesis Submission Form
- Instructions for Format and Submission of Thesis
- Digital Thesis Deposit Licence Agreement

SECTION 3
What is an eThesis?
An eThesis is an electronic or digital copy of the finally accepted print thesis, they are stored as a PDF and made available via the University of Strathclyde Institutional Repository (on unrestricted access unless you apply an embargo/moratorium). Your eThesis will also go into the British Library’s EThOS online service (doctoral theses only).

SECTION 4
Including Third Party Material
In your thesis you may wish to include material by other authors or creators usually referred to as third party material, and this material will be protected by copyright. Copyright is an automatic right and does not need to be registered. It covers all original works such as books, journals, paintings, photographs, music, films, sound recordings, broadcasts, published and unpublished works. Software and databases are also covered.

Copyright in published items generally lasts for 70 years after the end of the calendar year in which the author dies.
The owner of copyright for an item is usually the author but for academic articles and books it can be the publisher. The copyright owner has the exclusive right to:

- Copy the work
- Issues copies of the work
- Perform, show or play the work
- Communicate the work to the public and rent or lend the work

**Using Third Party Material**

The law says that less than a **substantial part** of a third party work may be copied or quoted without permission or infringement of copyright. Unfortunately as **substantial** is not defined it will depend on the significance of the passage within the whole item. If you have included any of the items below consider if you have used a substantial part of these:

<table>
<thead>
<tr>
<th>Material of your own that has been previously published</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illustrations or images</td>
</tr>
<tr>
<td>Figures or tables</td>
</tr>
<tr>
<td>Long extracts of text from works by other people</td>
</tr>
<tr>
<td>Maps &amp; charts even those you have redrawn</td>
</tr>
</tbody>
</table>

In some cases it may be possible to rely on a copyright exception to cover this type of use, the most relevant ones are:

**QUOTATION** - permits you to quote from any type of work, for example you can reproduce an extract of text, or an excerpt from a performance or recording, providing the use is fair and you include an acknowledgement

**CRITICISM AND REVIEW** – permits you to reproduce part of copyright work for the purpose of criticism and review in teaching and scholarly works, but it cannot be used for design or illustrative purposes e.g. to make a power point presentation to look attractive.

Both exceptions are subject to fair dealing which means the use of the work must not adversely affect the sales of the work and the amount being copied must be reasonable and appropriate to the context in which it is being used.
SECTION 5

Practical Steps

Check the copyright status of the item you wish to use to establish what you are allowed to do with it. You may be allowed to reproduce the material in your eThesis without asking permission (see section 4). Alternatively, the material may be licensed under a Creative Commons licence, allowing re-use.

Please see tips below on how to check if a work is protected by copyright and how to gain permission.

<table>
<thead>
<tr>
<th>For website items</th>
<th>check the copyright notice or terms of use</th>
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</thead>
<tbody>
<tr>
<td>For books/journal</td>
<td>check the publisher website for details of their permissions contact</td>
</tr>
<tr>
<td>For items from archives, galleries or museums</td>
<td>check their terms of access on your entry tickets or ask at their enquiry desk</td>
</tr>
</tbody>
</table>

If permission is required, you will need to ask the rights holder’s permission. This may be the author, or more likely the publisher. Be specific about what material you want to include and your planned re-use of your eThesis e.g. deposit in Open Access Institutional Repository or publication as a monograph or journal article. Keep copies of all the letters or emails you send, and of all replies.

Seeking Copyright Permission

If you wish to seek permission you should:

1. Identify the rights holder
2. Formally request permission to include item in the digital version of your thesis, be clear it will be held in the University’s Institutional Repository and the British Library EThOS system (both available on public access). If you know at this stage you wish to publish your thesis (or extracts) as a book or journal, include the relevant details.
3. Keep a record of all correspondence
4. Repeat request after 6 weeks if you haven’t heard anything (twice)
5. Leave plenty of time to get all permissions

When you submit your thesis you will be asked to sign a Digital Thesis Deposit Licence Agreement to confirm that all appropriate copyright permissions have been sought, so the responsibility for seeking permission is YOURS. It also good practice to include evidence of any permission you have sought. You should discuss any copyright concerns with your supervisor as soon as possible.
Sample Permission Request

When seeking permission the key points that you should always highlight are:

- The item(s) for which you are seeking permission to reuse
- The purpose of the use
- Where you are seeking to reuse it (your thesis)
- Where it will be stored and on what type of access

Please see below example wording to be used when seeking permission.

Dear [NAME],

I am currently in the process of finalising my PhD thesis (insert title), which I am shortly due to submit to the University of Strathclyde.

During my research, I came across the following article/image (insert details) and would like to request your permission to include it in an electronic copy of my thesis.

The University of Strathclyde requires their students to submit an electronic copy of their thesis to their institutional repository, which is a digital archive of research outputs from the University. By submitting my thesis to the repository it will be available in full, to anyone, free of charge ("open access"). A copy will also be available from the British Library EThos which is an online e-theses service.

I believe that the inclusion of (insert details) is integral to my thesis and would therefore be extremely grateful if you could grant permission for me to use this ............. in the manner detailed above. I would fully reference your work and include any acknowledgement you deem appropriate. [If you already have plans to publish your work as book, journal article please state this here to save submitting another permission request at a later date]. Please contact me if you require further information.

SECTION 6

Creative Commons Licenses

Creative Commons (often abbreviated to CC) is one of the most popular alternatives to absolute copyright. It allows the rights holder, generally the original creator, to detail certain circumstances under which work can be reused and shared by others without the need for seeking permission. In this way items shared under one of the Creative Commons licenses will allow you to include it within your eThesis without the need to seek formal permission. Please see the Creative Commons website for further information on the range of licences available. If an item is licenced under Creative Commons it will normally include the CC logo and details of the licence attached, it is important to check this.
SECTION 7

Examples of Third Party Material You May Wish to Use
In addition to text based items you may wish to include illustration, figures, tables, maps and charts within your thesis. Please see guidance below.

Illustrations, Figures and Tables
If you have an illustration, image, figure or table as part of your argument then this type of use is normally permitted. It is less likely to be considered fair if you have used it simply for decorative purposes. If you have reused multiple figures from the same source then this may not be considered fair as it could harm the commercial interests of the rights owner. In this case you would need to seek permission.

Maps and Charts
If you have used a map from Digimap, they permit re-use within a thesis provided an acknowledgement is included. Please see our copyright webpage for guidance on this. If you have obtained the map from a book, check who owns the copyright in the map and if re-use is permitted, this should be indicated either with the map, or at the beginning or end of the book.

You are permitted to use images from Google Earth/Maps provided you include an acknowledgment to Google. Please see their attribution guidelines for using Google Maps and Google Earth images.

Some older maps or charts may be out of copyright but never assume this is the case for all items, and always fully acknowledge the source of the material. If the rights are unclear please contact ictlegalcompliance@strath.ac.uk for assistance.

Photographs and Images
Both are protected by copyright, you will generally own the copyright to any photographs you take but bear in mind someone else may own the rights to the material you are photographing (e.g. artworks in a museum). Also remember that photographs on the internet are likely to be protected by copyright even if no copyright statement is attached.

<table>
<thead>
<tr>
<th>Description</th>
<th>Guidance</th>
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<tbody>
<tr>
<td>If someone else created the original image or photo</td>
<td>You need to seek permission from the photographer or rights holder, unless it is available under a licence or the terms of use permit re-use.</td>
</tr>
<tr>
<td>If the image is of other images (e.g. portraits in a museum)</td>
<td>You would need to seek permission of the gallery or painter. This applies even if you took the picture yourself, as most galleries have terms and conditions associated with the reproduction of their works.</td>
</tr>
<tr>
<td>If you created the original image or photo, you are the rights holder</td>
<td>Unless you have assigned it to someone else or, you have photographed something in which the rights are owned by someone else (e.g. a pages in a published book).</td>
</tr>
</tbody>
</table>
If the image is from a photo-sharing site like Flickr or a blog

| Reuse may depend on the specific licenses attached to the image. If none are given assume reuse in your eThesis requires formal permission. Some people share images for which they are not the rights holder. Reusing these, even with permission, is a higher risk approach. |

As this is not a straightforward area, if you are considering using a significant number of photographs which belong to third parties then it is advisable to contact ictlegalcompliance@strath.ac.uk for advice.

Internet Material
The majority of content available via the Internet will be subject to copyright restrictions, unless it says otherwise. Most websites will contain a copyright statement or terms of use setting out if and how their content can be reused. Where there is no copyright statement or terms of use you should not assume the content is copyright free. The fact something is not behind a firewall and is publicly accessible does not mean it can be reused, copyright still applies.

You can do the following with internet content:
- Provide a link to legitimate content, but you should never link to pirated/infringing content.
- Copy a small extract in line with the copyright exception; remember the use must be fair.
- Freely use content that is covered by a Creative Commons licence subject to the restrictions of the licence.

Other Types of Material
Please contact us if there is other material you wish to use such as musical scores, audiovisual material, multimedia, or anything not mentioned above. These sources may include several rights holders and it can be complex and take longer to seek permission.

Adaptation
You cannot adapt portions of any published literary, dramatic, or musical work (including scores, films and soundtracks) without the permission of the rights holder. Adaptation of an artistic work is permitted. You must demonstrate a significant degree of skill and judgement in creating a new work for it to be classed as an adaption e.g. it must be sufficiently distinct from the original work to qualify for its own copyright protection. If a work does not qualify as an adaptation, remember the usual rules on copying apply.

SECTION 8
Submitting your EThesis
The third party material you have included within your printed thesis is covered by an examination exception under copyright law, however this rule does NOT apply to the same material in your EThesis version. You will need to seek permission from the copyright owner to include this material in your EThesis unless it is covered by an exception or a licence such as Creative Commons (CC).
SECTION 9
Previously Published Work

Publishing a portion of your thesis prior to its submission is a common and well established academic practice. However, you may need to consider carefully your rights to re-use your own work within your thesis at this point, if any rights have been gifted or otherwise assigned to a publisher.

If any portion of your thesis has been already published, perhaps as a journal article, you must check the agreement that you signed with the publisher. Even if you assigned copyright to the publisher, the agreement may still allow you to use the material in your thesis, so look for any educational exemption clause. If it does not expressly note this or you are unable to find the agreement then you must directly approach the publisher for permission.

On the other hand you may wish to include a complete published version of an article written by you within the thesis. Normally when these articles are included they appear in the appendices of the thesis print version, but are commonly removed from the eThesis due to copyright restrictions. Ideally you should seek permission from the publisher to include them, as they will contain significant elements of third party material such as your publisher’s type-setting, logo and branding.

However, many publishers will be disinclined to grant permission for these full articles to be made available within an institutional repository, and your time may be better spent elsewhere in your research. In this case just remember to notify the library at the time of eThesis submission where there are any elements of the thesis that do not appear in the electronic version, for reasons of copyright.

SECTION 10
Including Third Party Materials in Commercial Publications

If subsequent to your doctorate you wish to publish an article or a book using material from your thesis, then you would need to seek permission again from any third party rights holders; unless you specifically state in your original request that you will also be seeking to publish using the materials as well. It is common in these situation for the rights holder to request or expect a fee to be paid as the use is commercial. Permission is normally granted to reuse an item ONLY under the circumstances originally requested e.g. if you seek permission to include content within your ETthesis it would not extend to including it in a commercial publication.
Copyright Transfer Agreement

If you do wish to publish commercially, the publisher will normally ask you to sign a copyright transfer agreement. This in effect transfers the copyright in your work to the publisher although you would normally retain the moral rights e.g. to be identified as the author of the work. There is useful guidance on the SHERPA/RoMEO site which provides links to publisher copyright transfer agreements. This is a good resource but you may also need to check the publisher website for further information.

Unable to Contact Rights Holder

If you are unable to trace a rights holder or do not receive a response to repeated requests for permission, you have two options open to you.

1. Submit an edited eThesis (no risk)
   a. Remove any items/sections where you were unable to locate a right’s holders, or obtain permission.
   b. Advise Cataloguing that your digital thesis is a redacted copy and list what has been redacted.
   c. Your unedited print thesis will be deposited in the library.
   d. If taking the third party material out renders the thesis unusable, then you will need to speak to the Cataloguing team about the possible options available. There is no legal risk associated with this approach.

2. Submit with the items still included (potential risk)
   a. Where you have made a number of repeated and documented efforts to contact a rights holder, and have received no response, then you could choose to include the item.
   b. You must be able to show the lengths to which you went to contact a rights holder for some years afterwards on request.

There is some risk associated with this second approach. The rights holder may at some point object to items being used and ask for thesis to be taken down and potentially threaten legal action. At this point you will need to demonstrate that you used all due diligence in trying to obtain permission. This is not the preferred approach but can be considered under very limited circumstances. If you adopting this approach please contact lib.bcd@strath.ac.uk

The only 100% risk free approach to dealing with third party copyright items is to have clear permission granted for each one or to remove any items with uncertain permissions status from your eThesis.
SECTION 11

Access Restrictions

An access restriction means that the University has formally restricted access to your thesis. Occasionally there are circumstances which mean that open access is not appropriate. To protect this type of material, access to these research outputs can be restricted where the University accepts that there are good reasons for doing so. The period of access restriction will not normally exceed five years. Please see below the access restrictions options that are available:

Restricting Access to your EThesis

Once a thesis has been successfully submitted, it is added to the Library’s collections. Print theses are held in the Library and are available for consultation. Digital theses are made available on open access across the whole internet. You may, however, wish to restrict access either to both the print and digital copies of your thesis, or just to the digital copy. You need to consider which format(s) the restriction should apply to. In most cases this will be for a limited period of time. Registered staff, students and affiliates of the University of Strathclyde can view a thesis which has a digital restriction but nobody can view a thesis which is under moratorium.

Automatic access restrictions are applied to all post-graduate Chemistry theses (5-year digital embargo) and all MRes theses are subject to a permanent digital embargo.

You should discuss with your supervisor how to place a moratorium on your thesis, and if necessary, a Moratorium Request Form should be completed. A formal Moratorium at the University of Strathclyde can last for an initial period of one or two years, and be extended to five years. This Moratorium applies to both the print and digital version of a thesis. Both versions would be kept out of the public domain during the moratorium period. The same applies to the abstract.

Digital Restrictions

A thesis which is made available in print form only is not deemed to have been published. A digital thesis which is made available on Open Access may be seen by a minority of publishers as having already been published. If, on discussion with your supervisor, it becomes apparent that publishing opportunities may be compromised by the making available of a thesis in digital form, then it is possible to restrict access to this digital version for the publishing potential of the thesis. If this is the case, please inform lib.bcd@strath.ac.uk of your need for a restriction on the digital availability and reproduction of your thesis. Normally a one or two year restriction on access to the digital version of a thesis is sufficient after which the thesis will be placed on Open Access by the Library. Access is restricted to the digital version only – the print version will be available for consultation. The full-text of the digital version can be accessed by Strathclyde affiliates with DS log-in credentials. The abstract will be available.
SECTION 12
Further Information

- If you are in doubt about an item’s copyright and reuse status, ask permission from the rights holder.
- Don’t leave seeking permission until the last minute, it can take weeks to arrange.
- Remember if permission is still outstanding on the day that you submit your print and electronic theses, you can place an embargo on the eThesis. You can always request its removal once permission is granted.
- Keep copies of all correspondence for a reasonable period after you graduate.
- Reference and acknowledge everything, even if you have not had to ask permission. This is good academic practice.
- Ask for help if you need it: the Library is here to help.

Getting Help
If you need assistance with copyright matters please contact ictlegalcompliance@strath.ac.uk or phone 0141 548 3744. For help with queries relating to the mandate, submitting digitally, and access restrictions please contact lib.bcd@strath.ac.uk

For help with any possible clashes with grant making bodies policies please contact openaccess@strath.ac.uk

Remember your supervisor is also available to offer advice on publication timescales relating to embargos, setting up embargoes, and assist you in discussions with rights holders.

Please see following FAQ’s which may be useful.
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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<tbody>
<tr>
<td>If I redraw a map from an original, do I need permission of the copyright holder of the original to include my map?</td>
<td>This is a substantial reuse of an object so permission would be required unless the reuse fell under the criticism and review exception.</td>
</tr>
<tr>
<td>If there is an object in my photo, (e.g. a Coke can) do I need permission of the copyright holder of the object?</td>
<td>Probably not, as long as it’s inclusion is either incidental (i.e. not the primary reason for the photo) or, in terms of the print copy of your thesis only, is for the purpose of criticism and review.</td>
</tr>
<tr>
<td>Does copyright last for 70 years after death of author even if someone else is the copyright holder?</td>
<td>Yes</td>
</tr>
<tr>
<td>Can we take no reply to our request as a “yes” – or make statement to that effect in a letter (that is, “if I do not hear from you within one month, I will assume you are granting permission”)?</td>
<td>Again, this is a judgment of risk, but our advice is not to include any work for which you do not have permission to use.</td>
</tr>
<tr>
<td>Can the University mandate a student to submit a digital copy of their thesis if it was not in their original terms and conditions?</td>
<td>Only students submitting from 2009 onwards are mandated.</td>
</tr>
<tr>
<td>Within what timescale do I need to submit the digital copy?</td>
<td>You should submit your eThesis at the same time as the print copy.</td>
</tr>
<tr>
<td>Do I need permission to include an item from the local record office?</td>
<td>Yes, if the item is still in copyright and was not freely accessible or your use doesn’t fall under the criticism and review defence. You may have had to sign some terms and conditions of use when you accessed the records, so it is worth</td>
</tr>
<tr>
<td><strong>Is only work with a © on it copyrighted?</strong></td>
<td><strong>No, in the UK copyright automatically applies unless otherwise stated. You always need to check the items terms and conditions of use/copyright information. However, in the USA you are required to register your copyright and use this symbol, it is not a requirement in other countries.</strong></td>
</tr>
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