

# Copyright for electronic theses



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St Andrews

There are 2 main issues to consider with regard to copyright and electronic theses:

- Asserting your own copyright in your own work and publication
- Observing the copyright of others and taking all reasonable steps to ensure that you have dealt with 3rd party copyright in your work.

The observation of copyright law is a necessity throughout academic publication and no one can regard themselves as exempt from complying with copyright legislation. Dealing with copyright issues as part of the process of producing the postgraduate thesis and acquiring the necessary skills to do this can be seen as a positive asset for any future academic career and is very good preparation for future academic publishing.

Preparation with regard to copyright is essential and we encourage you to seek advice at every stage of writing your thesis. You can seek advice from supervisors and experts within your schools, also from the Copyright Officer and the Library.

## Asserting your own copyright in your own work and publication

The ownership of the copyright of the thesis is clearly stated in the University Regulations in the [Assessment of postgraduate research students](#) information, section 1.5: "The copyright of a thesis normally belongs to its author". So there is no doubt that you have the copyright to your work and you can assert that copyright. When the electronic version of your thesis is deposited into **St Andrews Research Repository**, the University digital repository, there are a variety of ways in which copyright ownership is asserted and declared. The repository record which describes your work clearly date stamps the submission and identifies the submitter, thus providing an authoritative record of the electronic publication of your original work.

As part of the submission process the author grants a deposit license. The deposit license is non-exclusive and doesn't compromise your reuse of your thesis. A further part of the submission process is the option to add an end user license to your work. **Creative Commons** is a way of self-publishing but retaining your rights, and offers a range of protections and freedoms for authors, artists and educators which enable the legal sharing and reuse of cultural, educational and scientific works. These licenses are becoming very widely used in the on-line environment.

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- The work cannot be altered, transformed or built upon in any way.

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The ***St Andrews Research Repository*** pages emphasize copyright by referring to the copyright ownership of the works stored in the repository, for example "This item is protected by original copyright". A cover sheet is added to all theses and contains an additional statement about your copyright ownership and protection. We would also encourage you to state your copyright ownership in an obvious position within your work, for example, on the front or back of title page and you can make use of the © symbol to do this.

### **Observing the copyright of others and taking all reasonable steps to ensure that you have dealt with 3rd party copyright in your work**

#### **Background**

It is important to remember the rights of copyright material belonging to others and that the use of this third party material is protected by the Copyright, Designs and Patents Act 1988. If you want to copy or use work belonging to another in your thesis then there are some exceptions in the legislation that permit this to be done and will be helpful to you. Otherwise permission may need to be sought.

Firstly, the print copy of a thesis has historically been viewed as an examination script and as such, third party copyright material can be included in

this version of the thesis for that purpose provided it is accompanied by sufficient acknowledgment and its use is considered to be 'fair dealing' i.e. the amount of the work being copied is reasonable and proportionate for your purposes. The exception under the copyright legislation that allows this to happen only applies to the print copy of your thesis that you submit for examination.

The electronic copy of your thesis will be made available online and is therefore deemed to be effectively published. This means that you need to be aware of your responsibilities with regard to the use of third party copyright material in this version of your thesis. In both the thesis declaration which you sign and the deposit license for the repository, you acknowledge that you have observed the rights of third party copyright holders.

With regard to your electronic version of your thesis, there are a few exceptions that may permit you to use third party copyright material without permission provided the material in question is already publicly available and it is accompanied by sufficient acknowledgement. The main exceptions being fair dealing with regard to the:

1. use of a work for the purpose of criticism or review; and
2. use of a quotation to illustrate a point whether for criticism, review or otherwise provided the extent of the quotation is no more than is required for your specific purpose (this is a new provision coming into effect as of 1 October 2014).

For example, a short quotation that is necessary and relevant to your work which accurately acknowledges the source, author, artist or creator of the work and a title or other identifying description of the work being copied

#### **What is fair dealing?**

Fair dealing is the terminology used to determine whether or not the use of copyright material is lawful. Unfortunately there is no statutory definition and it is a matter of judgement. The key points for you to consider are:

- Is the amount of work copied necessary,

reasonable and appropriate?

- Will the use of the work affect the market value of the original work or cause harm to the copyright holder in any way?

In the event that fair dealing does not apply, then permission will be required for the use of third party material. It is important to bear in mind that even though fair dealing can be used to justify the use of third party material, this may still be open to challenge and so we would recommend that you follow academic practice and seek permissions where possible. There is information below on procedures to follow if you are not successful in obtaining permission to use certain material.

### **Third party material**

Examples of third party material are: illustrations, photographs, diagrams, maps, graphs as well as extracts and quotations from publications of others, for example, books and journals. In addition, you may want to use journal articles that you have already published and include them as part of your thesis submission. You will usually need permission to include the publisher's version of your article because the publisher is usually the copyright holder of this version of your work.

### **How to seek permissions**

If your thesis contains any third party material then you will need to take reasonable steps to contact the copyright holder to request permission to use this material. For the material you seek to use from books and journals then the best place to start is the publisher. Many publishers provide information on copyright policies on their websites. They will also usually give contact addresses and emails.

We now have a standard letter which you can use to request permissions from copyright holders to use material in your electronic thesis. There is also a permissions letter to use when requesting permission to include journal articles already published by you.

We would advise you to review material in your thesis as you go along and start the process to obtain permissions at the earliest stage possible.

If you are in any doubt whether you need to seek permissions then always seek advice. Please seek advice from supervisors and from experts in your schools who will have had experience in requesting copyright permissions. You can also contact the Copyright Officer, [copyright@st-andrews.ac.uk](mailto:copyright@st-andrews.ac.uk) and St Andrews Research Repository staff, [digirep@st-andrews.ac.uk](mailto:digirep@st-andrews.ac.uk). You will also find further detailed information, plus the aforementioned form letters, on the University's website at: [www.st-andrews.ac.uk/students/rules/Copyright](http://www.st-andrews.ac.uk/students/rules/Copyright). Other useful links are the Electronic Theses Online Service toolkit at <http://ethostoolkit.cranfield.ac.uk> and JISC legal at [www.jisclegal.ac.uk](http://www.jisclegal.ac.uk).

### **Once you have received permissions**

You should always acknowledge and reference the material you use. This sort of captioning is important. Quote the copyright holder and then give a standard statement, for example, "Reproduced with permission of the rights holder". It is recommended that you keep copies of letters and emails you receive from rights holders. If you do not need to clear copyright material or you get permissions for everything that you need to clear you can submit the print copy and an identical electronic version on CD.

### **Procedures if you cannot get permissions**

If you have setbacks in getting permissions to include material in the electronic version of your thesis, you are still entitled to use the material in your print version, subject to the conditions of fair dealing outlined above. So you can still make use of all the material you need to present your thesis. Setbacks could be refusals from rights holders, requests for costs which you can't meet or rights holders who do not acknowledge your requests. In this situation you will need to have differences in the print version and the publicly available electronic version and you need to plan in advance so that you can provide the relevant PDF files on CD when you are required to submit the electronic version of your thesis. For example:

- The print version will have all the illustrations, the publicly available electronic version might have to exclude some.
- The print version will have all the published articles you have chosen to include, but the

publicly available electronic version may have to exclude these.

### **You will need to submit:**

- Print version (the original complete version)
- Electronic version (a complete original version, identical to the print version, on CD, which we will archive into secure storage as a backup copy)
- Publicly available electronic version (an edited version with all uncleared material removed, deposited on CD and which will be loaded into ***St Andrews Research Repository***)
- An accompanying document describing the omissions in the publicly available electronic version would be very helpful for ***St Andrews Research Repository*** staff when they process your deposit.

***If you need to create an edited electronic version of your thesis*** then there are some alternative options available to you:

You might be able to use reduced quality illustrations with no copyright restrictions in your publicly available electronic version and keep the good quality illustrations for your print copy. You might want to deal with illustrations and figures by inserting them throughout your text but inserting blank pages to replace any that cannot be made publicly available. We suggest that you have some standard text to substitute for the material on such pages, for example, "This material is unavailable due to copyright restrictions".

You could give a brief description of the material if you wish, for example, "This illustration of xxxxxxxxxxxx is unavailable due to copyright restrictions". It is helpful to retain the numbering of the figure / illustration so this matches your contents listing.

Alternatively you may want to organize the uncleared material into an appendix file. This appendix will then not be made available as part of the publicly available electronic version.

Please note that this procedure is independent of the University policy on restrictions / embargoes which can be applied to theses. Even if you have successfully applied for a restriction on access to the electronic version of your thesis you should still follow the above policy with regard to producing both a complete and publicly available electronic version of your thesis. The public version will still be required to be released when the thesis restriction period expires.

Please do contact us by email to [Digital-Repository@st-andrews.ac.uk](mailto:Digital-Repository@st-andrews.ac.uk) to discuss these issues and we can help you with the decisions on how to organize any uncleared material. If at some future date previously uncleared material can be cleared, then if you alert us we can make changes to the publicly available electronic version. Details of any omission in the electronic version will be described in the metadata for your thesis on ***St Andrews Research Repository***.

In the unlikely event of a copyright holder contacting and telling us that illegal material is present then the repository has a takedown policy and material can be removed immediately.

Please see the accompanying Library Factsheet "Electronic theses" for essential information about electronic theses submission processes, file formats and embargoes.