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**

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**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.

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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.

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• 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)
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- 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.

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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.