



University of
St Andrews

Copyright for researchers

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1. Introduction

This document helps you understand how to navigate copyright and related rights when undertaking your research.

2. Copyright in research outputs

Your research outputs, such as papers, datasets, diagrams or even practice-based research are likely to be protected automatically by copyright. Depending on the nature of your research they may also be afforded protection by other types of intellectual property, such as database rights, patents or design rights.

Ownership of copyright will vary depending on type of work and funding conditions. Please see the [Intellectual Property policy](#) for further detail and [contact us](#) for any guidance required.

If you choose to publish your research, your publisher may ask you to sign a Publishing Agreement (sometimes called an Exclusive Licence or Copyright Transfer Agreement). This may transfer copyright and/or other rights to your publisher, reducing your ability to reuse your own work in other situations (such as teaching) unless the publisher allows it. You should read any such agreement carefully and make sure you understand what rights you will retain and which you will transfer.

You are recommended to consider your reuse rights when signing publishing agreements and retain author rights where possible – you can contact the [Open Access team](#) for advice.

The University's [Research Data Management team](#) can advise on all aspects of research data management, including making data publicly available and any legal or ethical issues.

The University's [Research and Innovation Services](#) team supports you in maximising the impact of the intellectual property generated by your research. They can also direct you to additional teams supporting revenue generation, if relevant.

3. Open Access publishing

You should be aware of [Open Access](#) publishing and how it relates to your research.

Open Access publishing means making research outputs free to all readers at the point of access, so they can use and share it more easily. In addition to being free to read, true open access means the work must be free of legal restrictions on reuse.

Reuse rights are usually covered by [Creative Commons licences](#). These licences are intended to provide a free, simple, and standardised way to grant copyright permissions for creative and academic works, ensure proper attribution, and allow others to copy, distribute, and make use of those works.

All Creative Commons licences require that the work must be attributed in the manner specified by the author or licensor. This must not be done in any way that suggests the author endorses either the person using the work or the way they use it.

Creative Commons licences are often applied in open access publishing as they are relatively easy to understand, well established, and widely used. There are a number of licences available – three widely used are:

- [attribution – CC BY](#). Work made available under CC BY allows anyone to copy, distribute, transmit, adapt and make commercial use of the material as long as they credit you.
- [attribution, non-commercial – CC BY-NC](#). Work made available under CC BY-NC allows anyone to copy, distribute, transmit and adapt the material. Note that work made available under CC BY-NC cannot be used for commercial purposes, and therefore cannot be shared on platforms such as ResearchGate or Academia.edu,
- [attribution, non-commercial, no-derivatives – CC BY-NC-ND](#). Work made available under the CC BY-NC-ND allows anyone to copy, distribute and transmit the material. Work made available under CC BY-NC-ND cannot be used for commercial purposes, or altered, translated, transformed or built on.

If you are publishing Open Access you will need to select an appropriate licence to use. If you are unsure which licence to choose, it is recommended to opt for the CC BY licence, as this is the standard licence for open access publishing, and has the fewest restrictions on access and reuse of the licenced work. Many research funders also specifically require the CC BY licence. However, the NC and ND variants may also be an option where additional restrictions on reuse are required and permitted by researcher funders.

You can learn more about Open Access publishing options and the support we can offer at the University [here](#).

4. Using pre-existing content or data in your research

Facts can't be protected by copyright or any other type of intellectual property right. However, databases and datasets may be protected by copyright or database rights: check if there's a licence and what the conditions of use are. For example, geospatial data will typically come with a licence which may be open source, or may require you to agree to terms and possibly pay a licence fee.

You may be using existing creative works such as photographs or films as part of your research. If you have permission to use them from the copyright holder then all you need to do is abide by the terms of that agreement. You can also rely on copyright exceptions such as "[non-commercial research and private study](#)" if your use is fair. Please [contact us](#) if you need any help with this.

5. Quotation

You're likely to want to include other people's copyright material in your research outputs, for example:

- quotations, such as passages of text or music
- images, such as photographs, maps, charts or graphs.

If you are quoting reasonable amounts and your quotation is properly cited, you don't need to get permission from the author or copyright owner. These uses are covered by the [fair dealing copyright exception for quotation](#). If you're unsure of whether your use of copyright material is a fair and reasonable quotation [contact us](#) for help.

If your use of other people's work is significant you may need to contact the copyright holder for permission.

6. Clearing copyright for academic publications

If your work is going to be published in a book, journal or similar output your publisher is likely to ask you to clear copyright in all the content you want to include. Examples of these would be significant textual quotations, photographs, illustrations, diagrams or musical scores.

In some cases getting permission from copyright owners can be difficult or costly and you may want to discuss with your publisher whether your use is covered by fair dealing exceptions. It's also possible that you can't identify or get in touch with the copyright owners of the content you want to reproduce. These are known as "orphan works" (see below).

If you need support in addressing the copyright issues and liaising with your publisher on this please [contact us](#).

7. Working with archival material and 'orphan works'

If your research involves working with archival material created within the last 100 years, it's likely that it will be protected by copyright. Most unpublished archival material from earlier than this is still in copyright in the UK.

Rights clearance in archival material

If you want to digitise and make these works available, you need to factor rights time on clearance into your research project. How much time and effort you need will depend on the material you're working with. For example, if you're working with archival material that has multiple copyright owners who would likely object to the material being made available, you may need to put significant resource into it.

Orphan works

In some cases it may not be possible to identify or get in touch with the copyright owner of a work at all. These works are called 'orphan works' and there are licensing schemes and exceptions in the UK that could allow you to make them available. However, both the licensing scheme and the exception have their disadvantages: you may need to make a risk-based decision to make some content available even where you haven't cleared the rights. You can contact us for advice on this.

8. Text and data mining

If you are using text and data mining (sometimes called TDM) to undertake automated analysis of your datasets, you need to address the copyright issues.

Text and data mining involves copying and possibly editing or normalising data. If this data is protected by copyright or database rights you will need to either have a licence from the copyright owner or determine that the [TDM exception](#) applies to your activity. This exception allows you to apply TDM to any copyright works for non-commercial research purposes, as long as you have lawful access.

Please [get in touch](#) if you need help.

9. Crown Copyright

Crown copyright exists in works “made by Her Majesty or an officer or servant of the Crown in the course of his duties.” This includes legislation, government reports and other official material.

The UK Government has introduced an [Open Government Licence \(OGL\)](#), which allows reuse of Crown copyright and public sector information in research outputs and other contexts. Please see www.nationalarchives.gov.uk for information on the Open Government Licence if you wish to use Crown Copyright material in your research.

10. Software or code as a research output

You can learn more about software as a research output [here](#).

If your research involves particularly innovative use of technology, the dividing line between software, code, data and metadata and who owns each element can become less clear. [Contact us](#) if you need help understanding who owns each element.

When it comes to choosing licences for publishing or sharing software or code, we recommend exploring the guides at the [Software Sustainability Institute](#), the [Open Source Initiative](#) and <https://choosealicense.com/>. The [Research Computing team](#) can provide more in-depth advice on anything software or code related.

11. Help

We provide advice, training and specific guidance on copyright law to support you in your work and study. If you have any questions about copyright, email: copyright@st-andrews.ac.uk

12. Related Documents

[Copyright Overview](#)
[Copyright for Students](#)
[Copyright for Teaching](#)
[Copyright and Theses](#)

13. Bibliography

[‘Copyright: What you Need to Know’](#) by Chris Morrison and Angela Groth-Seary

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1.0			Sean Rippington, Copyright Officer, University Library	02/10/2020
1.1	Updates		Sean Rippington, Copyright Officer, University Libraries and Museums	09/06/2022