

Copyright for Researchers Toolkit

Getting permission to include someone else's material in your research

Here are some useful steps to determine if you can include other people's material in research outputs that you plan to make publicly available.

What do I do first?

Check to see if there is a **permission or license statement** on the source of the information. For example websites quite often have a link to a copyright statement in the footer of the web page. There may also be a license statement on the material.

I can't find a license or permission statement, now what?

If you can't find a permission statement you need to **determine who owns the copyright** in the material you wish to include in your research. If there is no apparent ownership statement on the material such as "© Joe Bloggs 2010", you can:

- **Check the publishers website or other available information** for details of copyright ownership or information covering authorisation to use the material; or if you can't find this information
- **Write to the publisher** of the source of the material requesting the details of the copyright owner.

I have identified the copyright owner, what is the next step?

Write to the copyright owner to ask for permission, including details of the material you want to use and how you intend to use it (see sample permission letter in this toolkit). If the copyright owner does not reply, write a follow up letter or make a follow up phone call. Some publishers may ask for a payment for the use of their material. If you do not wish to pay for the use of the material you can:

- delete it from the release copy of your research; or
- rewrite to express the ideas using own words and structure; or
- Contact the FedUni Copyright Office to discuss your options further.

I have contacted the copyright owner and they have given me permission to use their material in my research. Is there anything else I should do?

- **Acknowledge the permission** from the copyright owner in your research
- **Keep a record** of all copyright material included in your research (see Copyright Material Log).

Writing a permission letter

When you write a permission letter to a copyright owner you should describe the material you want to use, how you intend to use it, and ask for their permission to use the material. You can draft a letter including the elements listed below, or use the sample permission letter template overleaf.

- Copyright owner's details.
- Your name and contact details.
- Your research institutes name. e.g. Federation University Australia
- How you are going to use the material. i.e. for your thesis, journal article, book chapter, report.
- How the material will be made available e.g. freely available online via the institutional repository; available only on the intranet to staff and students of the University; via subscription to the Journal of XXXXX
- Details of the material to be used and its source, stating amount, page numbers, chapters. It may be helpful to include a copy of the material.
- Type of licence and duration of permission to use the material. i.e. permanent, irrevocable, non exclusive licence for worldwide use
- Any changes you plan to make to their material.
- Explain that their work will be fully and correctly referenced.
- Ask the copyright owner to confirm they own the material and indicate their agreement by return letter.

Your permission letter and its reply do not have to be in hard copy. However it is preferred that the reply to your request for permission is expressed in writing. Permissions can be received via email.

Sample Permission Letter

[Copyright owner's details]

[Date]

[Your details]

Dear [Copyright owner's name],

My name is [Your name]. I am currently [brief summary or outline of your research e.g. undertaking Masters / PhD / Professional Doctorate; Fellowship] at the [University or institution name].

Once completed, I plan to release the final copy of my research [state in what medium your research will be expressed e.g. via the FedUni institutional repository; in my department's annual publication XXXXX; via publication in the Journal of XXXX etc.].

This publication will be available [state how the material will be made available e.g. on the World Wide Web for public access; through my institute's intranet for staff and student access only; via paid subscription to the journal]

I wish to include the following copyright material in the final release of my research:

[description of material copied, used, communicated e.g. diagram/illustration/photograph/(title or description of image, name of publication), etc.]

from the following works for which I believe you hold the copyright:

[description of the source of the material e.g. journal article (journal number, edition, volume, month, year); book (title, author, ISBN) etc.]

I am therefore requesting from you a permanent, irrevocable, non-exclusive, worldwide license to include these materials in the final copy of my research which will be made available [restate as per paragraph 2 above]. Your material will of course be fully and correctly referenced.

If you do not own the copyright in the material in question, I would be very grateful for any information you can provide as to who is the copyright owner.

I would greatly appreciate it you could confirm that you hold the copyright in the material stated above and consent to my request for its use. If you require any additional information, please do not hesitate to contact me. I can be reached at:

[Your contact information]

Yours sincerely,

[Your name]

Copyright Material Log

When you release your research publicly you want to be sure that you have not infringed the copyright of any person. This log can be used to record the details of any copyright material used in your research and the source of any permission to have to use it. The log is intended to assist with your personal record keeping.

Date	Page number (in final version)	Copyright material (Describe source and amount)	Permission required? (if no include reason)	Permission requested? (include date)	Permission obtained? (include date)	Other issues

Copyright checklist for researchers

When you are ready to release your research you may like to consider the following points.

Description	Yes	No
<p>Have you ensured that you have used all copyright material included in your research in accordance with the terms of either:</p> <ul style="list-style-type: none"> • an express permission as granted by the copyright holder; or • a particular licence or contractual agreement; or • other applicable exemptions within the Copyright Act? (Unsure? Contact the FedUni Copyright Office) 		
<p>Have you obtained a written agreement from the copyright owner with the details of the permission granted?</p> <p>If yes, make sure you have not done anything with the copyright material which goes beyond the scope of the permission you have obtained. (For example you have obtained a licence to include copyright material in a hardcopy release of your research but you also intend to release your research online)</p>		
<p>Have you acknowledged the copyright material appropriately in your research? (suitable author attribution and publication or source citation details)</p>		
<p>Has the integrity of the copyright material been preserved?</p> <p>(Make sure you do not do anything which could damage the author's honour or reputation, for example altering, mutilating or distorting the work in a way that could have an adverse effect on the author's honour or reputation)</p>		
<p>Have you kept a record of any permissions licences used or obtained? (e.g. you can include permission details in your copyright material log)</p>		

You should be able to answer yes to all these questions before releasing your research.

References

Getting permission to use someone else's material in your research is adapted from the Copyright Guide for Research Students prepared by the Oak Law team.

Fitzgerald, B., Fitzgerald, A., Perry, M., Kiel-Chisholm, S., Driscoll, E., Thampapillai, D., et al. (2006). *OAK Law Project Report No 1: Creating a legal framework for copyright management of open access within the Australian academic and research sector*. Retrieved 2 Sep 2010, from http://www.oaklaw.qut.edu.au/files/LawReport/OAK_Law_Report_v1.pdf

Sample permission letter is adapted from the Copyright Guide for Research Students prepared by the Oak Law team.

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Copyright Checklist for Researchers is adapted based on information from Fitzgerald, B., Fitzgerald, A., Perry, M., Kiel-Chisholm, S., Driscoll, E., Thampapillai, D., et al. (2006). *OAK Law Project Report No 1: Creating a legal framework for copyright management of open access within the Australian academic and research sector*. Retrieved 2 Sep 2010, from http://www.oaklaw.qut.edu.au/files/LawReport/OAK_Law_Report_v1.pdf

Further information

Contact the Copyright Office:

Telephone: x9876

Email: copyright@federation.edu.au

Web Site: <http://federation.edu.au/copyright/>