

Making your thesis publicly available online

Federation University Australia is committed to

- Providing access to knowledge for staff and students and promoting the effective use of information resources by the University community.
- Ensuring that staff and students observe the law relating to copyright and abide by contractual commitments.

What is Copyright?

Copyright law provides protection for creators of certain forms of media against the unauthorised use of their material. In Australia the use of copyright material in such things as books, journals, newspapers, photographs, music, films or websites is governed by the Copyright Act 1968(Cth). As a research student you will need to use other people's copyright material in your own work. As you do this you need to make sure you comply with copyright law.

Copyright ownership

Copyright is generally owned by the creator/author of the material or, in some cases the publisher of the material. There is no requirement to register copyright, it comes into existence automatically once an idea is expressed in a material form (i.e. written down or stored in electronic form). If you create material as an employee, copyright is generally owned by your employer. Under the FedUni Intellectual Property Policy, post graduate students retain ownership of copyright in their thesis; copyright material produced by staff is owned by FedUni (there are some exceptions, for details see 'Statue and Regulation 8.2, Intellectual Property' at <http://federation.edu.au/about-feduni/governance/legal/feduni-legislation/feduni-statutes-and-regulations>). Once it has been created, copyright can then be traded to other parties, either completely - as when you sign an agreement assigning (transferring) your complete copyright ownership in an academic article to a journal publisher, or partially - as when you licence (or give permission) for someone to use the material in a limited way such as in a certain type of media for a limited time.

Using other people's copyright material in your own research

You will not infringe another person's copyright if you only include an 'insubstantial part' of their material in your thesis. The courts have stated that substantiality is determined on a qualitative rather than a quantitative basis, so each situation will need to be assessed on its own merits.

A fair dealing

In order to encourage the widest possible use and dissemination of intellectual material, copyright legislation includes certain 'exceptions' to the rights of copyright owners, which allow limited uses of copyright material without having to obtain permission. These are known as the 'fair dealing' exceptions. (There are also other exceptions for educational and other uses. See the University copyright website at <http://federation.edu.au/copyright>).

As a research student you are most likely to use 'fair dealing' for the purpose of 'research or study' and/or 'criticism or review'. These exceptions allow limited uses of other people's material as long as the use is 'fair' – to determine if your intended use is fair you need to consider a number of factors listed in the legislation. The fair dealing exceptions may allow you to copy and include certain amounts of copyright material in your

thesis. For more information on fair dealing for research or study see the University copyright website at: material you want to use and how you intend to use it. You will also need them to confirm that they own copyright in the material. Deciding how and when to ask for permission to use other people's material can be difficult. Some resources from the University Copyright Office may help:

- Have I permission to use someone else's material in my thesis?
- Things to include in a permission letter
- Sample permission letter
- Copyright checklist for thesis students
- Licences and copyright

Moral rights

There are certain provisions in Australian copyright law which requires that authors of a copyright work receive proper attribution and that their work is not subject to derogatory treatment. Ensuring that you properly cite and credit other people's material included in your work will also help you avoid plagiarism.

Contact the Copyright Office

The Copyright Office offers a range of training sessions to suit students, researchers and teaching staff.

If you have a question about copyright, email the Copyright Office at copyright@federation.edu.au or phone (03) 5327 9876.

Have I permission to use someone else's material in my thesis?

Here are some useful steps to determine if you are allowed to include other people's material in your thesis that you plan to make publicly available. It is also useful for any other work or research you plan to publish.

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 thesis. If there is no apparent ownership statement on the material such as "© Joe Blogs 2007", you can:

- **Check the website or other available information** of the copyright owner (i.e. the publisher's website) for a licence covering the work authorising your use of the material; or if not available online
- **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). 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 payment is required, ask your supervisor or institution about their policy of paying for the use of copyright material. If you do not wish to pay for the use of the material you can:

- delete it from the digital copy of your thesis; or
- rewrite to express the ideas in your 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 thesis. Is there anything else I should do?

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

Sample Permission Template

[Copyright owner's details]

[Date]

[Your details]

Dear [Copyright owner's name],

My name is [Your name]. I am completing a [Masters / PhD / Professional Doctorate] thesis at the [University name].

Once completed, my thesis will be made digitally available on the World Wide Web for public access via the [University name] institutional repository. The content will be freely available on the web, and the service is designed to showcase the work of academics/students at [University name]. For more information see:

[University's repository link] i.e. <http://researchonline.ballarat.edu.au/>

My thesis includes the following copyright material:

[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:

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e.g. journal article (journal number, edition, volume, month, year); book (title, author, ISBN) etc.]

I wish to obtain from you a non-exclusive irrevocable license, to include these materials in the digital copy of my thesis which will be made publicly available in the institutional repository. Your works will of course be fully and correctly referenced.

If you do not hold 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 if 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 Checklist for Thesis Students

When you submit your thesis you will be required to warrant that you have not infringed the copyright of any person. Here is a final checklist that is useful to go through before submitting an online version to your institutional repository.

Description	Yes	No
<p>Have you ensured that you have used all copyright material included in the thesis is 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.</p>		
<p>Have you acknowledged the copyright material appropriately in your thesis? (suitable author attribution and publication or source citation details etc)</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 acknowledged the permission to use any copyright material in your thesis and kept a record of any permissions? (e.g. you can include permission details in your copyright material log)</p>		

Copyright and Licences

What is a licence?

A licence is a permission or authorisation from the copyright owner to use their copyright material by dealing with it in ways which fall within the copyright owner's exclusive rights. A licence can be exclusive (the licensee is the only person who can use the material in the ways covered by the licence) or non-exclusive (grants the right to exercise one or more of the copyright owner's rights in the material, but not to the exclusion of the copyright owner or other licensees); and may be granted in express terms by the copyright owner or arise by implication.

There are three types of licences which you are likely to encounter while writing and submitting your thesis.

1. Deposit licence (what the University will do with your thesis)

You as the copyright owner of your thesis will be required to deposit a digital copy of your thesis with the University's online repository. The repository will manage and organise access to your thesis while it is stored within the repository. Further information about depositing your thesis is available here <http://libguides.federation.edu.au/content.php?pid=116808&sid=2737163>.

2. Third party licence (what other people allow you and anyone else to do with their copyright material)

You may need permission from third party copyright owners to include their work in the copy of your thesis that is publicly available. Some resources from the University Copyright Office that may help are:

- Have I permission to use someone else's material in my thesis?
- Sample permission letter

3. Publisher licence (what you have already published and included in your thesis)

If you have previously published parts of your thesis as journal articles or in other publications, you will need to determine who owns the copyright in those publications. It may be that you have assigned copyright to someone else (i.e. a publisher of a journal). If you are unsure you may like to discuss the matter with your thesis supervisor.

Further information

For specific copyright issues contact the Copyright Office Telephone (03) 5327 9876. Email: copyright@federation.edu.au Web Site: <http://federation.edu.au/copyright>

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 27 Jun 2007, from http://eprints.qut.edu.au/archive/00007306/01/Printed_Oak_Law_Project_Report_No_1.pdf