

Including copyrighted materials in your thesis

Developed from Johnson, G.; Rowlett, T.; Melocha, R. (2014): [*Keeping your thesis legal*](#)
[Accessed 4 June 2015], [CC-BY-NC-SA 4.0](#)

Contents

Contents	2
Introduction	3
General considerations	3
Checking for copyright and permissions	4
Fair dealing	5
Public domain	6
Creative Commons licenses.....	6
Crown copyright	6
Next steps.....	7
Seeking permission	7
Including discreet publishable papers.....	8
Permission denied?	8
Making the appropriate attributions within the thesis	8
Help and further information.....	9



This work is licensed under the [Creative Commons Attribution-NonCommercial-ShareAlike 4.0](https://creativecommons.org/licenses/by-nc-sa/4.0/) International License

Introduction

Third party copyright relates to any material that is not your own creation, or where you are no longer the rights holder (e.g. a published article).

In your thesis it is likely you will want to include third party material, and this material will be copyrighted. This guide outlines the major considerations for you as researcher when using third party copyrighted materials.

Remember, responsibility for obtaining copyright permissions **lies with you**. Your thesis will be publicly available via the UWE Bristol Research Repository. **Therefore it is important that you obtain any necessary permissions and make the appropriate attributions in your thesis.**

General considerations

The law says that less than a **substantial part** of a third party work may be copied or quoted without permission or infringement of copyright. Unfortunately as *substantial* is not defined it will depend on the significance of the passage within the whole item.

Have I used substantial third party material in my thesis?

Examples of third party material include:

- Long extracts of text from works by other people
- Poems or music
- Illustrations or images
- Figures or tables
- Television or film stills
- Maps and charts, even those you have redrawn yourself
- Material of your own that has been previously published

If you have included any of these items in your thesis then **permission from the rights holder may be required**. Please note that this is not an exhaustive list – there may be other types of third party material that you wish to use.

Checking for copyright and permissions

Check the copyright of the material in question to see what you are allowed to do with it. You may be allowed to reproduce the material in your thesis without asking permission (see [Public domain](#), [Creative Commons licenses](#), and [Crown copyright](#) for more information on these specific examples.)

You should look for statements that outline rights reserved, or rights and permissions.

Photographs

- Ask the photographer's permission. If using a site like Flickr, a reuse statement might be included.
- Depending on the photo it may be necessary to receive permission from the subjects as well.

Material from archives, galleries, museums or other similar locations (even if you took the photo yourself)

- Check the website for a copyright statement (many have open image licenses but **this should not be assumed.**)
- Check their terms and conditions of access.
- These may be on your entry ticket, otherwise contact the relevant organisation.

Poetry and music

- Ask permission from the publisher.
- Follow up with the creator if required.

Large sections of text

- Ask permission from the publisher.
- Follow up with the creator if required.

Film and television stills

- These remain under copyright so permission must be sought.
- Contact the copyright owner for permission.

Images from a book, journal, report etc.

- Check for a 'Request permissions' button on the article/chapter webpage. This often opens a RightsLink window allowing you to apply for permission in minutes.
- Check the publisher's site for their permissions department. Sometimes this can be found under the **Contact Us** information.
- If the journal or book was accessed electronically you should check the license terms associated with gaining or purchasing access to the item.
- Follow up with the creator if required.
- This is necessary even when you have 'redrawn' an image by copying an existing image in your own style, and when you have 'adapted' an image by taking an existing image and adding labels, cropping parts or otherwise modifying it in some way. You must specify to the rights holder that you will be using an adapted form of the work.

Remember copyright does not have to be claimed, it is automatically owned by the rights holder. Although an item may be on the Web without a copyright notice this **does not** mean it is copyright free.

Fair dealing

Fair dealing is a UK law which allows exceptions to copyright law if **less than a substantial part** of third party material is used for criticism, reporting, or research and private study.

We do not encourage students to rely on fair dealing as it is a subjective policy.

Fair dealing allows for the use of a less than substantial/not significant amount of third party material to be used – however what is classed as insubstantial or insignificant portion is not specified by law, and varies on a case by case basis. It also looks at how the use of material affects the market for the original work, which will vary depending on the material, publisher and use in the thesis.

For example: Two lines of a book may be insubstantial, but two lines of a haiku are almost the whole text. A film still may only be a fraction of the whole film, but if it depicts the climax of the film it would be a significant piece of material and could dissuade people from buying the original film.

Third party material used in theses should be assessed on a case by case basis.

Public domain

Public domain material is material for which any copyright has been waived or has expired, and can be used by anyone in both commercial and non-commercial settings without permission being required. Items can enter the public domain if copyright has expired after an amount of time (e.g. a book that enters the public domain a certain number of years after the death of the author) or if the original creator waives their rights and dedicates the work to the public domain instead of claiming copyright.

You should not assume that anything you find through a search engine is in the public domain just because the public can view it – instead you should assume that everything is under copyright unless otherwise stated. Public domain works will usually be marked with a symbol or statement proving their status.

Creative Commons licenses

Creative Commons (CC) licenses provide a simple, standardised way to give the public permission to share and use creative work, given certain conditions.

As you do not need the permission of the copyright holder in order to use materials covered by a CC license, it is recommended that you use these materials wherever possible. You must abide by the conditions of the particular license. More information about the different kinds of CC licenses is available on the [Creative Commons website](#).

A useful tool for finding materials covered by a CC license is [CC Search](#).

Crown copyright

Crown copyright is applied to material created by government employees, including works such as legislation, reports, and press releases. The default license for most Crown copyright works is the [Open Government License](#), which allows material to be re-used without requiring permission, as long as the terms of the license are observed. You can find more information by [clicking on the Crown copyright statement](#) on the material you wish to use.

Next steps

Now you know what third party material requires permission before you can use it in your thesis. Including it in your thesis is a two-part process:

1. Seeking permission from the rights holder
2. Making the appropriate attributions within the thesis

Seeking permission

The rights holder is generally either the publisher or the author. We recommend contacting the publisher in the first instance.

Many publishers have made applying for copyright permission a quick and easy process through the use of **RightsLink**. Applying for permission through RightsLink is a fast, two-step process:

1. Find a Request Permissions button or similar on the publisher page



The screenshot shows the article page for 'The arrangement and function of octopus arm musculature and connective tissue' in the Journal of Morphology. The 'ARTICLE TOOLS' section on the right contains several options: 'Get PDF (4981K)', 'Save to My Profile', 'E-mail Link to this Article', 'Export Citation for this Article', 'Get Citation Alerts', and 'Request Permissions'. A red arrow points from the text above to the 'Request Permissions' button, which is circled in red.

2. Complete the RightsLink online form. You will need to register for an account to complete the form.

If seeking permission from a copyright holder who does not use RightsLink you will need to ask the rights holder directly. Gaining formal written permission is little more than ensuring

you have some documentary evidence that an agreement has been made to allow inclusion of a work in your thesis – therefore an email is sufficient.

Be specific about exactly what material you want to include and about what is going to happen to your thesis. **Keep copies** of all the letters or emails you send, and of all replies.

Start asking permission while you are drafting your thesis! Getting permission can be a long process, and any permission issues must be resolved before you upload your final thesis to the Research Repository.

Including discreet publishable papers

If you have included discreet publishable papers in your thesis, you are advised to contact the relevant journal where you intend to submit the paper for advice on whether you may include the paper in its current form in your thesis when your thesis is made publicly available. Journal opinions vary on whether this counts as pre-publication, and it could harm your chance of having your paper published.

If you may not include the paper, you may be eligible to apply to the Research Degrees Award Board (RDAB) for permission to remove the paper(s) from the thesis. In these cases you will find the relevant information on [form RD22](#).

Permission denied?

If in the unlikely event that you are unable to get permission, you may be eligible to apply to the Research Degrees Award Board (RDAB) for permission to remove sections of the thesis. In these cases you will find the relevant information on [form RD22](#).

Making the appropriate attributions within the thesis

Publishers will often specify a particular statement of attribution which you **must** use in your thesis.

If you have received an email from a publisher or an author giving permission to use their material, but they have not specified an attribution statement, you should use the following:

“Used with permission of the [author/publisher/creator as appropriate]”

Attribution statements should be placed **immediately after the third party material** e.g. immediately underneath a third party image.

For material covered by a Creative Commons license, you should attribute by including the title, author, and a link to the human readable page for the license. You must ensure that you have abided by the individual license requirements.

Help and further information

The Open Research Services team in the Library is happy to help you with your queries related to uploading theses to the UWE Bristol Research Repository. Contact us at repository@uwe.ac.uk with details of your query and we will respond as soon as possible.

For issues around obtaining copyright permission and Graduate School procedures, contact the Graduate School at doctoralacademy@uwe.ac.uk.