



This guide outlines the copyright obligations associated with a Higher Degree by Research Thesis. For more information please visit the Copyright at Curtin website at <http://copyright.curtin.edu.au/research/higher-degree-theses/>

Copyright material refers to material where the copyright is owned by a third-party (i.e. someone other than the Higher Degree student or Curtin University).

1. KNOW YOUR COPYRIGHT OBLIGATIONS AS A HIGHER DEGREE BY RESEARCH (HDR) STUDENT

- Your copyright obligations are set out in the following forms submitted as part of your HDR process.
 - ↪ Copyright and Release of Thesis for Examination:
<http://research.curtin.edu.au/postgraduate/current-students/thesis-submission/>
 - ↪ Submission of Digital Thesis Form:
<http://research.curtin.edu.au/postgraduate/current-students/forms/>
- In summary you are declaring that:
 - ↪ Your thesis “contains no material which shall infringe the copyright of any person or persons”.
 - ↪ You have “obtained, where necessary, permission from the copyright owners to use any third-party copyright material reproduced in the thesis, or to use any of (your) own published work (e.g. Journal articles) in which the copyright is held by another party (e.g. Publisher, co-author).”
- Under Curtin’s [Intellectual Property: Ownership and Commercialisation Policy and Procedures](#) students own the copyright in their thesis.
- Any written permissions should be stored in an appendices to your thesis.

2. MEETING YOUR COPYRIGHT OBLIGATIONS WHILE DOING RESEARCH

- Under the ‘fair dealing’ provisions of the Copyright Act you can make a single copy of ‘a reasonable portion’ of third-party material for your own personal research or study.
- Do not copy more than a reasonable portion, (e.g. ten per cent of the words or one chapter of a book, or one article per journal issue).

- Determine when it is necessary to obtain copyright permission to include third-party content in your thesis. Obtain these permissions.
- Always reference and acknowledge the source of copyright material in your thesis.

3. DETERMINING WHEN COPYRIGHT PERMISSION IS NECESSARY

- Consider what third-party copyright material you plan to include in your thesis when you commence your research.
- Allow plenty of time to seek permission from copyright owners.
- Remember that when you include copyright material in your HDR thesis and then submit it to espac you are **making a copy** of the material and then **communicating** it within the public sphere.
- The rights of **reproduction** and **communication** are reserved by the owner of the copyright material. As such you **will almost always require permission** from the copyright holder to include third party content in your thesis, **unless** the material falls into one of the following categories.
 - ↪ **Brief quotations** from another publication may be included as long as the source is properly acknowledged and referenced.
 - ↪ **Short extracts** of text or images from other works where these are the subject of **critical commentary or analysis** in your thesis. This use is permitted under the 'fair dealing' provisions for criticism or review in the Copyright Act.
 - ↪ **Curtin material** where the University owns the copyright and it is not confidential or sensitive information. No limits apply to the content amount. It is considered good academic practice to acknowledge the source of such material.
 - ↪ **Public Domain** (out of copyright) material. Copyright protection generally covers the life of the author plus seventy years but duration can vary depending on the type of material and the date of publication. It's OK to include any material where copyright has expired (generally life of author/creator plus 70 Years). No limits apply to the amount of public domain content. Always reference and acknowledge the source of public domain material in your thesis.
 - ↪ **Open licence** material e.g. content licensed under Creative Commons, may be reproduced without further permission. Abide by any terms attached to the licence, for example attribution of the source (BY) and no adaptations and modifications to the original work (ND No Derivatives). For more information see <http://copyright.curtin.edu.au/resources/oer/>
- Copyright **permissions are generally necessary** for the following:
 - ↪ **Commercial products** such as online databases, e-journals or e-books are protected by contract or [licence agreements](#). It is unlikely that the terms and conditions of the agreement will permit you to copy and communicate the material through espac without seeking written permission from the publisher. Publishers may impose a charge for use of the material.

- ↪ For **web content**, check the website's Terms of Use to determine whether you can reproduce the material within the public sphere. Where no explicit or implied permission is granted in the Terms of Use, written permission will be required from the organisation governing the website.
- ↪ **Letters and other material not made available to the public** may not be reproduced or communicated without written permission from the copyright owner. This may include private letters, manuscripts, company reports and questionnaires.
- ↪ **Research datasets** will often have permissions and conditions of use attached to the data. This will tell you how you can use the data.

**If you are unsure whether you are allowed to reproduce material,
it is safer to seek permission!**

4. OBTAINING COPYRIGHT PERMISSION

▪ Sample letter template requesting permission

- ↪ Sample permissions templates can be found at:
<http://copyright.curtin.edu.au/research/higher-degree-theses.cfm>
- ↪ When seeking permission, it is important to specify details of the material you want to use and the purpose, e.g. non-commercial use and inclusion in an institutional repository (espace).
- ↪ Many organisations are willing to grant permission especially for non-commercial purposes. If your use is non-commercial emphasise this.

▪ RightsLink

- ↪ Increasingly commercial publishers direct you to request permission via third-party online web forms such as the Copyright Clearance Centre's RightsLink service.
- ↪ These forms are typically accessed from the journal article or book chapter home page.
- ↪ You will need to specify the citation information and the type of use. Make sure you specify type of use as 'institutional repository' for inclusion in espace.

▪ Points to remember!

- ↪ Ensure permission from the copyright owner is in writing (email is acceptable).
- ↪ Retain a copy of the correspondence received. When you submit your digital thesis you will be required to insert these permissions as an appendices.
- ↪ Comply with any conditions imposed by the copyright owner in the permission.
- ↪ Indicate in your thesis or publication that you are using the material with permission.

5. WHAT IF I CAN'T OBTAIN COPYRIGHT PERMISSION?

- If you are unable to obtain permission to reproduce the material you have the following options:
 - ↳ You can remove the copyright material from the thesis and direct readers to the publisher version by including the Digital Object Identifier (DOI) link to the paper.
 - ↳ You can request a permanent exemption or a time embargo for the portion of material you do not have permission to reproduce when depositing your thesis into espace. All such requests require approval through the Associate Deputy Vice-Chancellor, Research Training.

6. SPECIAL CONSIDERATIONS FOR THESIS BY PUBLICATION

- If your thesis includes content taken from a journal article or conference paper that you have written in the course of your research, you will need to make sure that you have retained the copyright in the work.
- Often the publisher will request that you assign or transfer your copyright as a condition of acceptance of your paper. If this is the case then you will need to get permission from the publisher or conference organiser to re-use your own material.
- If you've written a journal article or research paper jointly with someone else (such as your supervisor), you may need to get their approval also to reproduce all or part of the text in your HDR thesis. This would be the case if your fellow author is a joint holder of the copyright.

7. HOW TO DETERMINE IF YOU HAVE RETAINED COPYRIGHT FOR YOUR PUBLICATION

- Read the terms and conditions of the contract or publishing agreement you signed with the publisher to check what rights you assigned to the publisher and what rights you retained as the author.
- There are a wide range of terms in publisher agreements. Some may allow the author to retain certain rights such as permission to deposit into a repository like espace, some may impose embargo periods.

8. WHAT IF YOUR PUBLISHING AGREEMENT IS MISPLACED OR YOUR MATERIAL WAS PUBLISHED BY A SUPERVISOR?

- Sherpa-Romeo <http://www.sherpa.ac.uk/romeo> provides information on publisher's standard copyright policies. This Includes information on whether you can deposit an article into a repository (espace) and which version of the article may be deposited.
- Contact the publisher directly.

9. ALWAYS REFERENCE AND ACKNOWLEDGE THE SOURCE OF COPYRIGHT MATERIAL IN YOUR THESIS

- Always provide full citation for any third party material you include in your thesis.
- Such acknowledgement is not only standard academic practice but is also a requirement under the “moral rights” provisions of the Copyright Act 1968.
- Refer to <http://libguides.library.curtin.edu.au/referencing> for further information.

10. NEED MORE INFORMATION:

- Visit the Copyright at Curtin Website at <http://copyright.curtin.edu.au/research/higher-degree-theses/>
- Contact the Library Copyright team at <http://copyright.curtin.edu.au/contact/>