Copyright for researchers

[Adapted from guidance by City University London]

How might copyright issues affect my PhD thesis?

Some of the material you include in your research may be protected by copyright. This may be material you have re-used from other resources e.g. books, journals, websites, maps and photographs--or it may occasionally be material you have authored yourself where copyright has been assigned to a publisher under the terms of a publisher's contract. All such material, where copyright does not belong to you, is known as "third-party" copyright material.

Once your thesis is submitted it usually goes through a two stage process. Firstly it is sent to your examiner to assess then, once it has been accepted, it is added to an online public access repository for other researchers and interested parties to read. Copyright restrictions do not apply to the examination part of the process but once a thesis is made available via a repository--or used for any other purpose beyond the submission for examination--any material whose copyright you do not own may become an infringement.

If you want to maintain your academic profile when you complete your PhD it is important that your work is included in open access repositories. You might also want to continue using your research material in your later career, in conference papers for example or in publications. Thinking about copyright issues now means that you are more likely to be able to do this. So it is a good idea to start making these considerations at an early stage in your research as you go about selecting material for inclusion in your thesis. It may be problematic if you leave this it until the end of the process.

In what cases am I entitled to include third-party copyright material?

There is a legal entitlement which allows copyrighted material to be used for the purposes of "criticism and review". For example, if you are arguing for or against an argument someone else has made and are reproducing their material in doing this, then it is likely that you are within your rights to do so. In these cases you must use no more of the material than is necessary in order to make your point and you must acknowledge the source in full, as always.

However, if you are using material for illustrative purposes, or are perhaps including something for the convenience of your examiners (for example in an appendix), this might constitute a copyright infringement. In these cases it is best to ask the copyright holders' permission to include it, or leave it out if is not important.
What should I do if I am unsure?

There is a step-by-step checklist below which may help. Ask yourself the following questions:

1. Was this material authored (produced/composed/etc.) by someone else? If so, it is likely to be in copyright.
2. If I authored it, have I signed a contract which has assigned the copyright to my publisher? If so, you would need the publisher's permission to re-use it.
3. For older material it may be that copyright has expired. If this is the case you may re-use it as you wish. Remember that the typography of printed material—the visual layout of the page—has its own copyright which lasts twenty-five years.
4. Am I using the material for the purposes of "criticism and review"? If so, this is likely to be permissible but keep the amount you use to a minimum.
5. If I am not using the material for the purposes of "criticism and review"…
   o is this something I could leave out?
   o do I have permission from the copyright holders to use it?

Asking permission

You will need to contact the rights holder which may be an author, illustrator, photographer or composer. For material from books and journals, the copyright holder will usually be the publishers and their website should list a contact address or mailbox, sometimes with information on seeking permission. Look for a section entitled "rights", "copyright clearance" or "permissions".

Keep a record of any letters or e-mails you receive granting you permission and indicate that permission has been granted at the appropriate place in your thesis, for example: "This [item] has been reproduced with the permission of..."

What if I don't get permission?

If you do need to include certain copyrighted material in your thesis but do not receive permission to do so, you may need to omit it from the open access version. Remember that it is not an infringement to include third-party copyright material in the version of your thesis which gets passed to your examiners. Doing this will have no bearing on the outcome of your examination.

Bear in mind that if your permission request receives no reply, this does not mean that you are permitted to use the material.