

Copyright & your dissertation

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Introduction

When writing your dissertation, you are likely to want to include extracts from or copies of other people's work to illustrate a point you are making or to provide supporting evidence for an argument.

In these situations, you need to be aware of what you can and cannot do under copyright law. This guide explains the most important issues that you need to be aware of and how to deal with them. It is not a comprehensive guide to copyright law. More detailed information is available on the Library Website¹.

What is copyright?

The creator of a work (such as a book, journal article or photograph) automatically has copyright in anything they produce; under UK law they do not need to apply for it or mark their work with the © symbol for it to apply. For example, you automatically own the copyright in your dissertation. Ideas and facts are not copyrighted, although presentation of ideas and facts may be. In addition to content copyright, the format or layout (typography) of an item is protected by copyright. Images within a work, e.g. book illustrations, may have copyright separate from the book as a whole. Finally, authors can transfer their copyright to someone else; for example, a publisher. Therefore any individual or organisation that currently holds the rights to exploit and reuse an item is known as the **rights holder**.

How long does it last?

If the published item (and this includes journal articles) is from an EEA² country, copyright in that item lasts until 70 years after the end of the calendar year in which the creator (or the last surviving creator, if there is more than one) dies. If the item is published outside the EEA, it gets the same protection as it would get in its home country. United States copyright also lasts for 70 years except for 'corporate authors' (such as film companies) whose copyright lasts for 95 years. If you are not sure whether an item is in copyright, please contact the Library at copyright@le.ac.uk for advice.

What about educational reuse?

UK copyright law has a defence against copyright infringement known as fair dealing for the purposes of criticism and review. This means that if you are subjecting a work to either criticism or review, you do not need to get permission to include it, providing:

- It is properly acknowledged
- That you only include the specific part you need i.e. it is integral to your argument

¹ <http://www2.le.ac.uk/library/for/postgraduates/copyright/copyright-and-studying>

² EEA = European Economic Area, which comprises the countries of the EU plus Iceland, Liechtenstein, Norway. Although not in the EEA, the same conditions apply to items published in Switzerland.

- That it does not interfere with the commercial interests of the rights holder

Can I include quotes from books and journal articles?

Yes, as long as they are short and you include details of the source in each case. Check your course handbook for details of how you should reference publications in your dissertation.

Can I include copies of pictures, videos, maps, tables, illustrations or items I find on the Web?

Not without checking if the publisher or creator has given a specific permission to copy or, if not, without contacting them for permission. Just because an item is freely available on the Web does not mean that you can copy it as you wish.

How to check for copyright & permissions

For items on the web

- There may be a copyright notice at the top or bottom of the main page.
- If not, check for terms and conditions on the site.

For material from archives, galleries, museums or other similar locations

- Check their terms and conditions of access.
- These may be on your entry ticket otherwise contact the relevant organisation.

Remember, although an item may be on the Web without a copyright notice this does not mean it is copyright free.

Using pictures, photos & other images – rules of thumb

- If someone else created the original image or photo
 - You need to seek permission from the photographer or rights holder.
- If you created the original image or photo, *you* are the rights holder
 - Unless you have transferred copyright to someone else or
 - You have photographed something in which the rights are owned by someone else (e.g. a page).
- If the image is a photograph of people
 - You need their formal permission to use the photo, unless they are incidental to the photo (e.g. a picture of a building with people passing by)
 - If the people are deceased, it is unlikely you will need to ask anyone else for permission, but please use caution if the photographs are of a sensitive nature or used in a manner which could cause distress to friends and relatives.
 - If the photograph is of minors or of an otherwise sensitive nature you may need to discuss the ethics of its inclusion as well as seeking permission.
- If the image is of other images (e.g. portraits in a museum)
 - You would need to seek permission of the gallery or painter.
 - This applies even if you took the picture yourself, as most galleries have terms and conditions associated with the reproduction of their works.
- If the image is from a photosharing site like Flickr or on a blog
 - Reuse may depend on the specific licenses attached to the image. If none are given assume reuse in your dissertation requires formal permission.
 - Some people share images for which they are not the rights holder. Reusing these, even with permission, is a higher risk approach!

A common way for a rights holder to give you a specific permission without you having to ask is to include a so-called Creative Commons licence with the item.

What are Creative Commons Licences?

Creative Commons³ (often abbreviated to CC) is one of the most popular alternatives to absolute copyright. It allows the rights holder to detail the circumstances under which their work can be reused and shared by others without the need to seek permission. Licences are generally selected by combining one or more elements from the following mix.

Creative Commons Licence Mix

- **BY – By Attribution** (original source and author must be cited)
- **SA – Share Alike** (the work this is included in must also be shared under the same CC licence)
- **NC – Non-Commercial** (the material cannot be republished or shared in an item that is sold or otherwise used in any commercial work)
- **ND – No Derivatives** (the material cannot be changed, paraphrased, built upon or incorporated in any way to other publications)

If a Creative Commons Licence is not used or there is no mention of permission to copy, you need to ask the rights holder for permission to copy.

How do I ask for permission to copy?

There is no legal format that a permissions request must take, but a good practice example of an email or letter is shown below

Permissions Request Template Message

Dear [NAME],

I am currently in the process of writing my Masters dissertation on, which I am due to submit to the University of Leicester.

During my research, I came across the following image/map/table and would like to request your permission to include it in an electronic copy of my dissertation.

The University of Leicester includes selected dissertations in its online dissertations repository, dissertations@Leicester (<https://dissertations.le.ac.uk/>). Please note that only University of Leicester students and staff have access to dissertations@Leicester.

I believe that the inclusion of is integral to my dissertation and would therefore be extremely grateful if you could grant permission for me to use this in the manner detailed above. Naturally, I would fully reference your work and include any acknowledgement you deem appropriate.

Please let me know if you require any further information, otherwise thank you in advance for your kind consideration.

The key points that you should always include are:

³ <http://creativecommons.org/>

- The item which you are seeking permission to reuse
- Where you are seeking to reuse it (i.e. your dissertation)
- A short background to your need (your dissertation may be made available to University of Leicester students and staff in dissertations@leicester)

As in all communication of this kind be specific, be polite and wherever possible be brief; a rights holder may have limited time and may simply not feel they have the time to respond to a long request.

Keep copies of the replies to your requests.

How do I know who to ask for permission?

In some cases the rights holders you will be approaching will be a publisher whose details you can find on the Web. However, you may well wish to include materials for which you need to seek out a specific individual or organisation. While you may spend some time tracking them down yourself, or decide to treat materials as an orphan work (see below) there are agencies that exist to aid in their location, such as WATCH⁴ and the Society of Authors⁵ websites.

What if I can't find out who the rights holder is?

“Orphan works” is the term used to describe works where the rights holder either cannot be identified, or cannot be contacted. This can happen if the publisher has gone out of business, or repeated attempts to contact them have failed. It may also be that the rights holder has died and you have been unable to find out who now owns the rights. Normally this is the next of kin but they may have been given to someone else in the will or subsequently sold to a third party, further complicating the matter.

In these instances, a judgment has to be made as to the level of risk associated with using the copy. You can opt to remove the potentially risky item from your dissertation.

If you need advice over seeking permission, or interpreting the responses of a rights holder, then contact the Library at copyright@le.ac.uk for further advice.

What if the rights holder refuses permission or asks me to pay a fee?

If a rights holder refuses you permission or asks you for a fee this means that copying of the item is a sensitive issue and/or the rights holder sees copying without charge as damaging their commercial interests. Do NOT copy in these circumstances. Find an alternative which you can copy.

Legal Disclaimer

Copyright is a complex area of law. The authors of this work are not intellectual property lawyers, and while advice given is from a best professional understanding it should not be regarded or construed as formal legal advice.

⁴ <http://norman.hrc.utexas.edu/watch/>

⁵ <http://www.societyofauthors.net/>