



Copyright is an important aspect of writing your thesis. Copyright will apply to and protect your thesis and you rely on copyright law to reproduce other people's work as part of your research. It is important that you understand how copyright works so that you do not infringe it.

Copyright – the basics

Copyright does not apply to ideas or information, only how they are expressed in a material form, e.g. written as text or recorded as sound or images. Copyright applies automatically there is no need to register your work. This means that copyright will protect your thesis, even if you never publish it. Any written material, films, music or images created by other people that you use as part of your research or include in your thesis will also be protected by copyright.

Creators of works are usually the copyright owners and have the right to control how their work is used, such as how and if it is reproduced, published, performed or communicated online. There are certain circumstances in which a work can be used without needing to seek the permission of the copyright owner, including for the purposes of research. Generally, copyright lasts for 70 years after the death of the creator. For some types of works, such as films, copyright lasts for 70 years after the year of publication (For more details see: <http://www.unimelb.edu.au/copyright/information/fastfind/#duration>). Once copyright has expired, it can not be renewed and the work passes into the public domain where it can be freely used by anyone.

For more general information about copyright see our guide, *Introduction to Copyright* (<http://www.unimelb.edu.au/copyright/introguideblue.pdf>) or our website, *Overview of Copyright* (<http://www.unimelb.edu.au/copyright/information/overview.html>)

Researching Your Thesis

An important part of researching your thesis will involve understanding and analysing earlier research from other academics and researchers. This will often require you to photocopy material such as journal articles or download or print material from the web. In doing this, you are actually reproducing the work, which is an exclusive right of the copyright owner. Permission is usually required from the copyright owner to reproduce material, however, the Copyright Act 1968 includes a provision - fair dealing for the purposes of research and study - which allows you to reproduce 'fair & reasonable' amounts of a copyright work for your own research and study.

Under fair dealing for research & study, you are always allowed to reproduce 10% or one chapter (whichever is greatest) of literary works (books, reports, poems etc), dramatic works (plays, screenplays, choreography), or musical works (notated or sheet music). If you would like to reproduce journal articles, you may copy one journal article from one journal issue or two or more articles from the same issue if the articles are for the same research or course of study.

The '10% rule' does not apply if you wish to use artistic works (images, photographs, paintings, diagrams etc), unpublished material, films or sound recordings, including music. For these types of material, OR, if you would like to use more than 10% or one chapter of literary, dramatic or musical works, you will need to consider whether it would be 'fair & reasonable'. There are five criteria used to determine this:

- Can I buy this item at a reasonable price within a reasonable time?
- How much am I planning to copy?
- Why I am copying?
- What effect will this have on the market for or value of the work?
- How much effort, time & resources went into creating this work?

If your intended use would be considered fair & reasonable against each of these criteria then you can copy the audio-visual, unpublished or artistic work or more than 10% or one chapter of the textual material such as a book or play.

Writing Your Thesis

As you write your thesis, you may wish to include quotes, images, film clips or sound recordings to illustrate or accompany your thesis. Including other people's work in your own is covered by copyright law as it involves reproducing the copyright material but there are several provisions in the Copyright Act that allow you to do this without needing to seek permission from the copyright owner.

Insubstantial Portions

If you want to quote a few lines or sentences then you may do so under the insubstantial portion provision. This provision allows an insubstantial portion of a copyrighted work to be reproduced or published without needing permission from the copyright owner. This means that if you wish to quote a few lines or sentences from a book or play, you can do so but you must acknowledge the work used.

You may also be able to use a short clip of a film or a snippet from a sound recording as an insubstantial portion. However, the Copyright Act does not define what an insubstantial portion is. Whether something is insubstantial depends on how distinctive it is and how important it is to the overall work. As this is qualitative rather than quantitative, even a really short extract may not be considered insubstantial if it is distinctive or a key part of the overall work. For example, a short scene in a movie that reveals a key plot point or a few bars from a song if they form a distinctive part of the melody will probably not be deemed insubstantial.

Acknowledge Your Sources!

The Copyright Act also provides creators with 'moral rights'. These rights include the right for the creator of the work to be acknowledged, the right not to have their work falsely attributed to someone else, as well as the right not to have their work treated in a derogatory way. You must attribute any materials created by other people that you reproduce in your thesis. *Endnote X* is bibliographic software that can help you manage your references as well as create and format your bibliography. *Endnote X* can be downloaded from <http://www.lib.unimelb.edu.au/endnote/index.html>

Fair Dealing

Fair dealing for research & study also enables you to include material as part of your thesis. For example if you wished to include an image or diagram from another work or source to illustrate a point you could do so under fair dealing for research & study so long as conditions outlined above are fulfilled.

Additionally, fair dealing can also be used for the purposes of criticism & review and parody & satire. Material can only be reproduced under these provisions if it is genuinely being critiqued, reviewed, parodied or satirised. You cannot use these provisions to reproduce work to illustrate a point or to make a joke, for example.

As with fair dealing for research & study, any use of material for criticism & review or parody & satire must be 'fair & reasonable'. The 10% or one chapter rule does not apply to criticism & review or parody & satire so you can use the entire work if it is 'fair'

Express Permission

Some copyright owners are expressly permitting people to use their work for non-commercial purposes or certain other uses without having to seek their permission first. This is becoming especially common on the web, where creators choose to make their work more freely available. It is important to realise that all material on the web is subject to copyright unless the copyright owner has specifically allowed the material to be used for non-commercial purposes.

Check the terms & conditions on the website to see what can & can not be done with the material. If the website allows the material to be used for either non-commercial or research purposes, you can use the content for those

purposes only. You must abide by the terms & conditions on the website and you must fully acknowledge any websites you use.

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Protecting Your Thesis

Once your thesis is written it will be protected by copyright, as this applies automatically as soon as a work is recorded in material form. There is no need to register your thesis for copyright protection. Copyright will also apply to any drafts of your thesis. Under the University's Student IP Statute, you will own any intellectual property (IP) including the copyright in your thesis, unless you have a funding grant or other agreement and, as part of that grant, the IP and copyright is assigned to a third party.

As the copyright owner, you will have exclusive rights to:

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- adapt your thesis
- broadcast your thesis.

This means that if anyone wants to do any of these actions with your thesis, they will need your permission. Of course, just as you have relied on fair dealing to reproduce other people's research in writing your thesis, other researchers and academics will be able to use your thesis in their research so long as it is 'fair & reasonable'. Universities and schools will also be able to use your thesis for 'educational purposes' under the statutory licences. For more information see: <http://www.unimelb.edu.au/copyright/information/guidelinesedpurp.html>

Moral Rights will also apply to your thesis.

If anyone exercises one of your rights as a copyright owner without your permission and in a way that is not covered by fair dealing or the statutory licences for education purposes they will have infringed your copyright. If either your copyright or moral rights are infringed you can take action, see the section below, *Infringing Copyright*.

To Publish or Not to Publish

Once you have written your thesis, you may decide that you wish to publish it. Publishing may be in a number of forms. You may decide to publish the entire thesis as a book or selected chapters as journal articles. Alternatively, you may decide to make your thesis available online either on your own website or on a digital repository such as the University of Melbourne ePrints Repository (UMER). Whether or not you publish your thesis in print or electronically there are several copyright issues you need to consider first.

Third Party Copyright Material

If you have included any copyright material from other people in your thesis, you will need to seek permission from them to include their material as part of your thesis when it's published. When the thesis was originally written, you were able to rely on fair dealing for research & study to include copyright material. This only applied when the thesis was written for the purposes of research & study as well as assessment. As soon as the thesis is published, fair dealing for research & study will no longer apply. You will need to seek permission unless the copyright material is:

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- in the public domain, either because copyright has expired or the work has been licensed by the copyright owner to permit use without permission.
- included for criticism & review or parody & satire. Fair dealing would apply for these purposes.

If you are seeking permission, you will need to do so in writing and you should outline your intended uses, e.g. whether you are publishing your thesis in print or whether you plan to publish it on your website or in UMER. More information about seeking permission is available at:

<http://www.unimelb.edu.au/copyright/information/fastfind/permission.html>

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E-publishing on Digital Repositories

Open access digital repositories are becoming increasingly common and are a great way to make your research available to the wider academic community. The University of Melbourne has its own digital repository – University of Melbourne ePrints Repository (UMER) – and staff and students are encouraged to submit their own research to be included on UMER.

The Copyright Act refers to making material available online as an ‘act of communication’ however the same considerations apply to third party copyright material as for publishing. You must have permission from the copyright owner for any third party material unless one of the exceptions outlined above apply or the copyright owner has licensed their material to be used for non-commercial purposes.

If you still wish to put your thesis on UMER and you do not have permission for any third party copyright material, you may still be able to with the third party copyright material removed. If it is not possible to remove the copyright material without destroying the integrity of the thesis, the thesis could be suppressed on UMER and an abstract made available.

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This information also applies if you choose to make the theses available on your own personal website.

Infringing Copyright

It is important that you do not infringe copyright in other people’s work when completing your thesis. Make sure that you do not use infringing material, such as illegal music, movies and software from the internet. The University regulations require that all students not infringe copyright. The University will take disciplinary action against students found infringing copyright using University facilities or networks. Students may also be liable for legal action from the copyright owners.

Of course, copyright will also protect your thesis from infringement as well. In the event that you think your copyright has been infringed, you should seek legal advice.

Further Information

- Copyright Office Website - <http://www.unimelb.edu.au/copyright/>
 - Overview of Copyright - <http://www.unimelb.edu.au/copyright/information/overview.html>
 - Fast Find Index - an A-Z glossary of copyright terms and topics <http://www.unimelb.edu.au/copyright/information/fastfind/>
 - Theses Page – http://www.unimelb.edu.au/copyright/information/fastfind/FF_theses.html
 - Fair dealing - http://www.unimelb.edu.au/copyright/information/fastfind/FF_fairdealing.html
 - Seeking Permission - <http://www.unimelb.edu.au/copyright/information/fastfind/permission.html>
- Student IP Statute - <http://www.research.unimelb.edu.au/ridg/ip/studentinfo/>
- Academic Honesty & Plagiarism - <http://academichonesty.unimelb.edu.au/>
- Acknowledging Sources - <http://www.services.unimelb.edu.au/lisu/resources/referencing/>
<http://www.lib.unimelb.edu.au/cite/index.html>
- Thesis Writing – webpage from the Language & Learning Skills Unit <http://www.services.unimelb.edu.au/lisu/resources/thesis/>
- UMER - <http://eprints.unimelb.edu.au/>
- *Copyright Guide for Research Students* - a guide from the OAKLAW Project on writing and publishing your thesis and the copyright issues involved. (<http://www.oaklaw.qut.edu.au/files/Copyright%20Guide%20for%20Research%20Students.pdf>)
- Copyright Agency Limited (CAL) - <http://www.copyright.com.au>
- Contact the Copyright Office - <http://www.unimelb.edu.au/copyright/contact.html>

This guide prepared and written by:
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