Special Issues

**Copyright & Dissertations**

This copyright guidance is for students who are submitting their dissertations, or ‘theses’ if you prefer, for examination and, thereafter, deposit in the University Library, including those who wish to or are obliged to make their dissertation available online in Apollo, the University of Cambridge’s institutional digital repository (“Apollo Repository”).

The information is intended to complement instructions given by the Student Registry and the Office of Scholarly Communications (OSC) on fulfilling your degree requirements and documentation that is to accompany submission of your dissertation, e.g. the various Declarations, request to restrict access to your dissertation for a limited period of time (if applicable), and so on:

<https://www.cambridgestudents.cam.ac.uk/your-course/examinations/graduate-exam-information/after-examination/degree-approval-and-1> ;

<https://www.cambridgestudents.cam.ac.uk/your-course/examinations/graduate-exam-information/submitting-and-examination/phd-msc-mlitt/submit> ;

<https://osc.cam.ac.uk/theses/advice-phd-students> .

**Introduction**

Copyright law protects your dissertation, but also protects other sources such as text, illustrations, images, etc. authored or created by others that you may decide to include in your paper.

The guidance here follows custom and practice in academic publishing, and deals with two practical steps:

1. Asserting your copyright in your dissertation, and;
2. How to deal with others’ (‘third party’) copyright material you have included in your dissertation, i.e. ‘rights clearance’.

**Copyright law**

Basic tenets:

* It is often useful to categorise your own work and that of others in copyright terms.

Copyright subsists in and protects a range of different types of works:

* + **Literary works** include text in books, journal articles, novels or poems, tables, computer programs, preparatory design materials for a computer program, databases.
	+ **Artistic works** include graphic works (such as paintings, drawings, diagrams, maps, charts, plans, engravings, etchings), photographs, sculptures, collages, works of architecture, works of artistic craftsmanship.
	+ **Dramatic works** include plays, mime, ballets, film scripts, i.e. dialogue and stage/film directions in a performed work.
	+ **Musical works**, but not lyrics (which are treated as literary works).  Copyright in a musical work, i.e. sheet music notation, is a separate copyright to copyright in a sound recording of the musical work.

* + **Sound recordings** include recordings of musical works, film soundtracks and oral history recordings.
	+ **Films**
	+ **Broadcasts**, i.e. radio or television transmissions.  Copyright in a broadcast is a separate copyright to copyright in a film or sound recording as part of the broadcast.
	+ **Typographical arrangements of published editions**
	+ **Performers’ rights in performances** include those in musical performances, lectures and public presentations. Performers’ right is separate and apart from any underlying copyright work in a performance, e.g. musical work.
* Copyright in a work is created automatically when the work is recorded in a permanent form.
* The first copyright owner of a work is usually its author, but because copyright may be licensed or ownership transferred to another (‘assigned by assignment’), copyright in academic publications is often controlled by or owned by a publisher.
* The Copyright, Designs and Patents Act 1988 (CDPA), the main legislation governing copyright in the UK, sets outs the economic rights of the owner of copyright in a work as a series of exclusive rights and restricted acts that only the owner can exercise or authorise another to do in relation to their copyright work.

Copyright is infringed by any person that carries out or authorises another person or organisation to exercise any of the following restricted acts without permission or licence:

* Copy the work
* Issue copies of the work to the public
* Rent or lend the work to the public
* Perform, show or play the work in public
* Communicate the work to the public
* Make an adaptation of the work or do any of the above in relation to an adaptation, e.g. translate a literary work, alter or modify a photograph.

These restricted acts apply to the whole of the work or a ‘substantial part’ of it.  What is a substantial part of a work is assessed both qualitatively and quantitatively.  It is advised, however, to assume that even a small part of a work is substantial, e.g. courts have ruled that four lines from a 32 line poem or an 11 word newspaper headline used without permission or licence from the respective copyright holder are infringements of copyright.

*Kipling v Genatosan [1917-23] MacG Cop Cas 203*;

*The Newspaper Licensing Agency Ltd & Others v Meltwater Holding BV & Others [2011] EWCA Civ 890* <http://www.bailii.org/ew/cases/EWCA/Civ/2011/890.html> .

* An author of a work such as a dissertation takes on the personal legal responsibility of ensuring that the work complies with UK copyright law, backed up by warranties, i.e. legally enforceable promises. The Apollo Repository deposit documents ask you to warrant that:
* your work is original, and;
	+ quotations, extracts or excerpts from other sources you include in your work do not infringe the intellectual property rights, including the copyright, of any person.

Regarding the latter warranty, taking down offending material upon notice from a copyright owner is almost always insufficient to forestall payment to the copyright owner of a licence fee for use of the content and also a penalty fee for unauthorised use, or incurring legal action to do so.

* Regarding the often cited ‘fair dealing’ defence to copyright infringement in the context of non-commercial academic publishing such as your dissertation on deposit in the University Library or made available in the Apollo Repository, fair dealing means quoting no more from the work than is necessary to make your point, keeping in mind the effect of your use on the potential market for or value of the work.

‘Fair dealing’ is dealt with in passing in this document, both ‘fair dealing for the purposes of illustration for instruction’ applicable only to print hard copy dissertations held at the University Library, and ‘fair dealing for the purposes of quotation, including for criticism or review’ with its limited application for dissertations to be made available in the Apollo Repository.

For your reference, sections 30(1) and 30(1ZA) of the CDPA put together, in essence say that copyright is not infringed by the use of a quotation from another’s copyright work (whether for criticism or review of that or another work or of a performance of a work or otherwise) provided that -

* 1. the work has been made available to the public, e.g. it has been published,
	2. the use of the quotation is fair dealing with the work,
	3. the extent of the quotation is no more than is required by the specific purpose for which it is used, and
	4. the quotation is accompanied by a sufficient acknowledgement, i.e. crediting the source, i.e. the author(s), title, publisher(s) (unless this would be impossible for reasons of practicality or otherwise).

**Practical steps –**

1. **Asserting your copyright in your dissertation**

**General**

The ownership of copyright in your dissertation is covered in the University’s Intellectual Property Rights (IPR) Policy at Regulation 14:

14. The entitlement to intellectual property rights [including copyright] in material created

 by a student shall rest with the student, with the following exceptions:

(a) Where a student is sponsored by a third party, a condition of sponsorship may be that the sponsor may own any intellectual property developed during the period of sponsorship. Sponsored students are, therefore, advised to check the terms of their sponsorship agreement.

(b) Where a student is working on a sponsored project as part of his or her coursework or research, the sponsor may own any intellectual property that the student develops. This will be specified in the research contract and the supervisor or Department should inform students if this is the case as early as possible in the admissions process and in any case prior to the start of their research.

 (c) Where a student is working in collaboration with others in a manner that gives rise to joint creation of intellectual property, or interdependent intellectual property, the student may be required to assign intellectual property to the University or place the results in the public domain without restriction. He or she will be treated in the same way as University staff under these regulations. If this case is likely to arise, students should be so informed at the offer of admission where practical, and in any case prior to the start of their research.

*Statutes and Ordinances of the University of Cambridge*, CHAPTER XIII, pp. 1049–1057, FINANCE AND PROPERTY, INTELLECTUAL PROPERTY RIGHTS <https://www.admin.cam.ac.uk/univ/so/2017/chapter13-front.html> .

Copyright protection comes into effect automatically at the creation and noting down of a work and although there is no requirement to register copyright in your dissertation to protect it, it is advisable to have your dissertation prominently carry a standard copyright notice, e.g.

Copyright © 2018 Author.

If your work is deposited in the University Library and is not made available online or published elsewhere, i.e. your dissertation remains unpublished under UK copyright law, although it is protected by copyright, anyone can request a copy of your dissertation, in whole or in part, from the University Library (each request formally addressed to the Librarian), for the requestor’s own private study and non-commercial research. That means they are not permitted to copy and share the University Library-supplied copy of your dissertation with anyone, nor quote from it, without the dissertation author’s permission, i.e. your permission. The requestor is obliged by the University Library to agree to and sign a legally binding Declaration where they agree to be bound by these terms. The Declaration must be received before the copy is made and supplied:

<https://archive.cilip.org.uk/research/topics/copyright/resources/copyright-declaration-forms>

**Licensing your dissertation to others in Apollo, including Creative Commons Licences**

If you choose to or are under obligation to make your dissertation available online in the Apollo Repository, in addition to any copyright notices you include in your dissertation, there are a variety of places in the Apollo Repository where your copyright ownership and the terms of the release or license of your dissertation will be asserted and recorded. Anyone accessing your dissertation is also bound to either comply with Apollo’s default end user terms of use that apply to your dissertation, i.e. All rights reserved, or if you choose to or are obliged to release your dissertation under one of the Creative Commons Licences, the terms of the specific CC Licence you have chosen. <https://osc.cam.ac.uk/repository/repository-terms-use>

To be clear, the default ‘All rights reserved’ release of your dissertation online allows users to make a single copy of your dissertation for their private study and non-commercial research and to use extracts in accordance with copyright law. A release by any of the Creative Commons Licences allows copies of the whole of the dissertation to be made available elsewhere but only for the uses permitted under the specific Creative Commons Licence you may choose to release your dissertation under. The Apollo Repository allows you to choose your desired Creative Commons Licence when you fill in the form to make your dissertation available online.

Creative Commons Licences provide copyright owners with a simple and effective way of licensing their works by providing end-users access to your work and, depending on your preferences, to share and adapt your work for an end-user’s commercial or non-commercial purposes. For more information from Creative Commons about their six different licences: <https://creativecommons.org/licenses/> .

The most restrictive of the six Creative Commons (CC) Licences, the Attribution-NonCommercial-NoDerivs (CC BY-NC-ND) Licence, using the symbol below, allows others to download your dissertation and share it with others and use fair dealing extracts as long as they credit you, but they cannot modify or adapt your dissertation in any way or use it commercially.



**Publishing your dissertation elsewhere**

Unless you have agreed otherwise, you own the copyright in your dissertation and are free to publish it as you wish, but keep in mind that should you have released your dissertation online under one of the Creative Commons Licences, that Licence is irrevocable. You will need to study the terms carefully to determine their impact, if any, on any plans you have to further publish your dissertation.

The OSC provides guidance on open scholarly publishing, including how to make your dissertation and research available open access:

<https://osc.cam.ac.uk/> ;

<https://osc.cam.ac.uk/theses/advice-phd-students/oa-theses-and-publishing> .

Should you wish to publish your dissertation with a third party commercial publisher, any permissions obtained from copyright owners to include their material in your dissertation for availability online in Apollo will need to be reobtained for use within a commercial publication (unless you ask for permission to do so in your original permission request). You will need to take permissions advice from your publisher, which may differ from the guidance in this document.

1. **How to deal with others’ (third party) copyright material you have included in your dissertation, i.e. ‘rights clearance’**
2. **For a ‘print’ dissertation, i.e. not released online in the Apollo Repository but the bound print hard copy is on deposit in the University Library**

In copyright terms your dissertation is an unpublished work upon deposit in the University Library.

If it stays unpublished, and you have included extracts of others’ copyright works, say brief quotations, because a dissertation is considered an examination script, i.e. an answer to an exam question, albeit a long one (!), your use of the third party extract may be covered by the statutory exception of **‘fair dealing for the purpose of illustration for instruction’**, including for examination purposes (s. 32 of the Copyright, Designs and Patents Act 1988 (CDPA)).

The ‘fair dealing for the purpose of illustration for instruction’ exception applies to those extracts, excerpts or quotations from works included in a dissertation for examination and deposit in unpublished form in the University Library, but not its publication after examination, in hard copy or online, including in an online repository such as the Apollo Repository. In other words, the exception applies to the use of short extracts of others’ works in a dissertation that is to be examined but not to subsequent publication of that dissertation, including online.

The statutory exception of ‘illustration for instruction’ is a ‘fair dealing’ exception, which means:

* you may copy only what is reasonably required, i.e. include a portion of another’s work that is necessary for the immediate purpose of illustrating a point in your paper, and

* your use of another’s work must not impact adversely on exploitation of the work by its owner, e.g. material made available under the illustration for instruction exception must not be made available online in the Apollo Repository, or on another website such as a Faculty or Departmental website, in social media etc.;

images such as photographs of works of art may be used as long as the purpose is for illustration for instruction and the images are provided in low-resolution; and

* author and publication details of the source work must be acknowledged unless to do so is impractical.
1. **For a dissertation released online in the Apollo Repository**

If your dissertation is made available online in the Apollo Repository, in copyright terms it will a published work. Before upload, you are meant to follow these rules to ensure that your dissertation meets legal copyright compliance standards.

**What you do not need to seek permission for**

* **Short text quotations from books**

Custom and practice in academic publishing suggests that for the fair dealing purpose of criticism or review (not merely illustration), short extracts of text from a single published non-fiction work with full citation may be reproduced without formal permission if not greater than 400 words in a single quotation, or up to a total of 800 words in a series of short quotations, none of which is longer that 300 words.

* **Short quotations from journal articles, fiction works, newspapers and magazines**

Single text extracts of less than 100 words or up to 300 words in a series of short quotations with full citation may be reproduced without formal permission.

In addition to the above text limits, the following Scientific, Technical and Medical (STM) Publishers/ Professional & Scholarly Publishing division of the Association of American Publishers (PSP) have agreed that from their journal titles a maximum of two figures (including tables) from a journal article or five figures from a journal volume may be used without permission, unless a separate copyright owner is identified in such a figure, in which event permission needs to be obtained from that owner:

AIP Publishing

American Chemical Society

BMJ Publishing Group Ltd

Elsevier

Institute of Physics

International Union of Crystallography

John Wiley & Sons (including Blackwell)

Oxford University Press journals

Portland Press Limited

Royal Society of Chemistry

SAGE Publications

Springer Science+Business Media

Taylor & Francis

International Association of Scientific, Technical and Medical Publishers (stm) [www.stm-assoc.org/documents/](http://www.stm-assoc.org/documents/)  ‘*Guidelines for Quotation and Other Academic Uses of Excerpts from Journal Articles*’ (January 2016) (enter ‘Guidelines for Quotations from Journal Articles’ in Document Library search).

* **Extracts from material licensed/released by its copyright owner on terms that explicitly allow your intended re-use without making specific permission requests**

This applies to all types of copyright works, for example, reproducing an extract from a literary, artistic, dramatic or musical work, sound recording or film released by its copyright owner(s) under a Creative Commons Attribution Licence (CC BY Licence), or a Creative Commons Attribution-Non-Commercial Licence (CC BY-NC Licence) or the UK Government’s Open Government Licence, or on website or other platform terms that permit reproduction in your dissertation.

* **Out-of-copyright material**

If copyright no longer subsists in a work, it is said to be in the ‘public domain’ and no permission is required to copy or use that work or quotations, extracts or excerpts from it, but the source must be acknowledged. Please note that ‘out-of-print’ works are not necessarily out-of-copyright.

The National Archives provides copyright duration charts for UK literary, artistic, dramatic and musical works at:

[www.nationalarchives.gov.uk/information-management/re-using-public-sector-information/copyright-and-re-use/duration-copyright/](http://www.nationalarchives.gov.uk/information-management/re-using-public-sector-information/copyright-and-re-use/duration-copyright/) .

The Intellectual Property Office (IPO) provides UK copyright duration information for sound recordings, films and the typographical arrangements of published literary, dramatic or musical works at:

[www.gov.uk/copyright/how-long-copyright-lasts](http://www.gov.uk/copyright/how-long-copyright-lasts) .

For more detailed guidance for ascertaining the duration or term of copyright of a work and for foreign works –

<https://www.legal.admin.cam.ac.uk/how-we-can-help/copyright/information-sheet-1#7> (Raven access).

**What you need to seek and obtain permission for**

* **Long quotations**

Clear all use - Quotations beyond the fair dealing limits set out in the previous section **What you do not need to seek permission for** - **Short text quotations from books** and **Short quotations from journal articles, fiction works, newspapers and magazines** - require formal permission from the copyright owner.

* **Figures, illustrations, charts and tables, maps**

Clear all use - Most academic publishers insist that fair dealing provisions do not apply to illustrations or figures, since each illustration or figure is treated as a separate copyright item, and therefore any reproduction requires formal permission from the copyright owner of the item.

Exact reproduction of a previously published figure requires permission.

Permission is needed from the copyright holder if you are adapting or redrawing a previously published figure, e.g. copying the figure and replacing some data.

Redrawing a previously published figure entirely, i.e. creating a new and unique figure with new data, does not require permission. Any source data or factual information must be credited.

If difficult to assess whether your use is an adaptation or a new figure, the default position must be that if you begin with a figure from another publication, it is an adaptation and permission must be obtained.

* **Photographs**

Clear all use- The government’s Intellectual Property Office (IPO) has suggested that ‘fair dealing for the purpose of quotation’ may not necessarily apply to photographs, as any use may conflict with the copyright owner’s photographer’s normal exploitation of the work. Whilst ‘fair dealing for the purposes of criticism or review’ may apply, in light of the IPO caution, obtaining formal permission to reproduce another’s photograph in your dissertation is advised.

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/448274/Exceptions_to_copyright_-_Guidance_for_creators_and_copyright_owners.pdf>

If using your own photographs or videos, you need to obtain consent from individuals who feature in the photographs or videos and from location owners for your photography or filming of objects on location. If your photography or filming is of artwork located at museum or gallery, please refer to the following section.

* **Images of artwork/illustrations from museums, galleries**

Clear all use - Permission is required for reproduction of artwork (paintings, sculptures, etc.) from its source. Permission is required for both the artist’s copyright, which may be obtained from the artist, their agent or the Design and Artists Copyright Society (DACS) representing some more prominent artists, and for the photographer’s copyright, usually dealt with by the source of the artwork image, e.g. museum or gallery.

* **Unpublished material**

Clear all use - There are no statutory fair dealing exceptions for quoting from unpublished material, including others’ unpublished dissertations. Which means that you may not use quotations from unpublished works, including for the fair dealing purpose of criticism or review, without the permission of the copyright owner.

To note, unpublished works often have longer terms of copyright than other materials, most in the UK to the end of the calendar year 2039. See **Out-of-copyright material**.

* **Sources found on the Internet**

Clear all use – You need to check who owns the copyright in the original work and obtain their permission.

Nearly all material on the Internet and in social media is protected by copyright, including content obtained from websites, blogs, Google Images, YouTube, Facebook, Twitter, Wikipedia, etc. You are urged to exercise caution when contemplating use of images or other material found online. Often images and other material are posted without the knowledge or permission of the copyright owner, yet ignorance of this offers no defence for unauthorised use of copyright material.

Further, taking down offending material upon notice from copyright owners is almost always insufficient to forestall payment to the copyright owner of a licence fee for use of the content and a penalty fee for the unauthorised use or incurring legal action to do so.

However, linking to material that is lawfully available on the Internet should not raise any copyright issues. Ensure that each link opens in a new window and that you acknowledge the source of the link.

* **Your journal articles**

Your publisher may allow re-use after specific embargo periods. Should you not have your publishing agreement to hand, you will need to check with your publisher to confirm any terms that apply to use of the whole or extracts from the paper in your dissertation.

Nevertheless, if your previously published material contained extracts from other sources, e.g. figures, illustrations, tables or charts, you may need to obtain permissions from the copyright owners to reproduce those items in your online dissertation.

* **Epigraphs** – clear all use
* **Poems** ” ”
* **Song lyrics**  ” ”
* **Music – sheet music and sound recordings** ” ”
* **Film/television stills**  ” ”
* **Video clips** ” ”
* **Audio clips** ” ”
* **Cartoons** ” ”
* **Software** ” ”
* **Advertisements and Publicity Material**  ” ” .

**How to obtain permission**

Seeking permission from copyright owners to reproduce their work in your dissertation is a relatively uncomplicated process, but it can take some time, so if you wish to or need to make your dissertation available in the Apollo Repository you are urged to start with the “rights clearance” process as soon as you can. The steps:

**Identify the copyright owner.**

First, you need to identify the copyright owner of the work you are including in your dissertation, which is usually identified by the © symbol with the copyright owner’s name next to it.

**If the copyright owner is a commercial publisher or an academic journal**, the quickest way of securing permission, often at no cost for inclusion of material in dissertations, is to use the Copyright Clearance Center

<http://www.copyright.com/get-permissions/> ,

<http://www.copyright.com/search.do?operation=show&page=simple&start=1> .

Also, publishers and academic journals often provide links to CCC’s Rightslink service directly from the page that presents a journal article under ‘Permissions’ or ‘Rightslink’ information, e.g. Wiley

<http://support.copyright.com/index.php?action=article&id=349&relid=52> .

If the publisher or academic journal does not offer permission through the CCC or its Rightslink service, you need to check the publisher’s or academic journal’s website under ‘Permissions’ or ‘Rights and Permissions’ or similar for the publisher’s or academic journal’s preferred method of dealing with permissions requests, where with some publishers you may be required to submit your permission request using a prescribed online form.

**If the copyright owner is an individual or organisation** that does not appear to use any collective copyright licensing broker such as CCC or its Rightslink service and does appear to offer permissions information publicly, you need to email or write to the individual or organisation, explaining why you wish to use their work and request permission. For this purpose you may use the suggested [**Permission to Use Copyright Material in a Dissertation**](PERMISSION%20REQUEST%20TO%20USE%20COPYRIGHT%20MATERIAL%20IN%20A%20DISSERTATION_LSO%2007.02.2018.docx), or adapt the information provided in the form.

**What if permission is granted, i.e. citation/acknowledgement/credit lines**

You must include full citations for all copyright material in your dissertation regardless of author or source.

The style guide you are following for your dissertation, including citation style, will lead you but at a minimum each citation must include the copyright symbol © or Copyright, the name of the copyright owner (who may or may not be the author or creator), and specific page or other relevant references.

If you have adapted or modified another’s work with their permission, the source credit should include the author/title of the original figure and that the material has been adapted with permission, e.g. “Adapted from…” and “Reproduced with the permission of…”.

If you are licensing your dissertation under a Creative Commons Licence, with third party source material you may have included in your dissertation licensed to you and the Apollo Repository for release in Apollo, it is unlikely the copyright owner giving you permission would wish for their material to be released to the world under the Creative Commons Licence you have chosen for your own work. To ensure that end-users are aware of this distinction, your release under a CC Licence should be prefaced by the wording ‘Except where otherwise noted, this dissertation is licensed under a Creative Commons [ ] Licence.

<https://wiki.creativecommons.org/wiki/Marking_your_work_with_a_CC_license>

**What if permission is not granted**

Trite, but for upload to Apollo your dissertation should be as complete as possible. Removal of material for copyright reasons is only acceptable if you are refused permission by the copyright owner, if a fee is levied for your use of the material, or the copyright owner has not replied to your permission request despite your diligent efforts.

If you have removed copyright material from your dissertation and replacement is not feasible (e.g. with out-of-copyright material or with material covered by a pre-existing licence such as a Creative Commons Licence that permits inclusion), the following statement should be included in the area that material will have been placed in the dissertation: “This material has been removed due to copyright restrictions.”

In addition, to assist the reader you should include a description of the removed material and the information it contained, plus the URL of the source if publicly available online, and a full citation of the original source.

**On ‘restricted access’ and different versions of your dissertation**

To note, at the moment the Student Registry states that it requires PhD students to deposit both a hard copy and an electronic copy of their dissertation to the University Library

<https://osc.cam.ac.uk/theses/advice-phd-students> .

If you have worked through the rights clearance exercise described above, your print hard copy and counterpart electronic version may differ depending on the level of the clearance achieved, e.g. you may end with - a print hard copy version that has relied on the fair dealing exemption of illustration for instruction to include others’ copyright material, and; if you choose to or are obliged to make the electronic version available in the Apollo Repository, a version with all copyright items cleared (or some removed and marked so for copyright reasons).

These versions are separate and apart from the issue of making a request for access to your dissertation to be restricted for a specified period of time should your dissertation, for example, contain confidential or sensitive material (e.g. patient data, data obtained by interview, that if disclosed could potentially lead to harm to individuals), or contain information that if made freely available may invalidate an application for a patent, or contain information that would breach a provision of an agreement with an outside body or sponsor.

Any restriction granted means that neither the print hard copy nor the electronic version may be made available to the public in the University Library or in the Apollo Repository, or if feasible, only versions with redacted ‘restricted access’ sections will be made available.

In other words, the submission of print hard copy and digital copies of your dissertation and taking care of the copyright ‘rights clearance’ situation is not to be confused with an application to restrict access to your dissertation for a specified time and reason.

***Website links accessed 10 February 2018***

***Copyright Compliance ‘Copyright & Dissertations’ last reviewed LSO February 2018***