## Including third party copyright material in your thesis

University regulations include the requirement to submit two copies of your thesis: one bound copy for the department and one in electronic format for inclusion in the University's institutional repository, Sussex Research Online.

## Third party material

While you might be permitted to use third party material in a thesis for the purposes of examination, you do not automatically have permission to make these materials freely available online. Under copyright law, making a thesis available online is considered a form of *'publishing'* as it is making the work available to the public. Therefore, inclusion of third party copyright material may require permission from the rights holder. Examples of third party material are photographs, images, diagrams, maps and long extracts from another work.

Before submitting an electronic copy of your thesis, you should check through material where the copyright is held by a third party. The Copyright, Designs and Patents Act (CDPA) 1988 says that less than a 'substantial' part of a work may be copied or quoted without permission or infringement of copyright, under 'fair dealing'. Fair dealing is not defined in the law, but a well established interpretation of it is, copying as long as the *"copying does not harm the copyright owner but nevertheless benefits either the individual or society generally"* (Cornish, 1999, p.38). Substantial is another term open to interpretation. It will depend on the significance of the passage as well as the length of the quotation. In deciding what is fair, a court will consider what proportion of the author's work consists of quotes and what proportion consists of criticism and review.

- Check the copyright on each item, as terms of use may already allow non-commercial re-use, for example in the case of material licensed under the Creative Commons licences.
- Check whether an item is still in copyright. Copyright in a literary, dramatic, musical or artistic work expires 70 years after the end of the year of the author's death. If there is no known author, copyright expires 70 years from the end of the calendar year in which the work was made, or 70 years from when the work was first made available to the public. See the University's Copyright Guidance webpage for further information on length of copyright. URL: http://www.sussex.ac.uk/records/1-2-1.html#how
- Check the purpose of including the material. If you have used a short extract of text or an illustration or table, and it is integral to your argument, then this may be allowed under the 'fair dealing' exception of 'criticism and review'. If this is the case, it may not be necessary to seek permission. This form of fair dealing does not apply to works that

have never been made available to the public, on the grounds that it would be unfair to the author.

## Seeking copyright permissions

Where third party material is included, that does not fall under the fair dealing exception of 'criticism and review', you are required to seek copyright permission from the rights holder(s) before the thesis is deposited. *It is advisable to do this as you gather resources for your thesis, rather than leaving it to the point at which you are required to submit an electronic copy.* 

All permission should be obtained in writing and an electronic copy of the correspondence should be submitted along with the electronic copy of your thesis.

The copyright holder may be the author, but in many cases it is the publisher. However, in the case of photographs, it is the photographer. Most publishers give details of how to apply for copyright permissions on their website and this can usually be done fairly easily online. If you are emailing the rights holder direct, make sure you provide the exact details of the material to be included, your reason for using it and that the thesis will be openly accessible from the institutional repository and from the British Library's EThOS database.

If you wish to incorporate published articles or post prints as part of the thesis, permission will also need to be obtained from the appropriate rights holder(s).

Further help and guidance regarding the inclusion of 3<sup>rd</sup> party material in your thesis can be obtained from the Library Copyright Group - email: library.copyright@sussex.ac.uk

## Reference

Cornish, G. (1999). Copyright: Interpreting the law for libraries, archives and information services. 3<sup>rd</sup> ed. London: Library Association Publishing.