Copyright and your thesis

What is copyright?
- Copyright is literally the right to determine who can make copies of a work, under what circumstances, in what media, and for what recompense.
- The person who creates a work automatically holds the copyright in that work – they do not need to do anything to assert their copyright.
- Copyright is an intellectual property right, and like all property rights it can be exchanged, bought and sold. This means that the copyright in a work may not be held by its original creator.
- The person or organisation that owns the copyright in a work is called the rights-holder.

What items are covered by copyright?
The kinds of work that are subject to copyright can include (but aren’t limited to):
- the content of printed works (e.g. novels, newspapers, magazines);
- the content of electronic works (e.g. ebooks, ejournals);
- typographical designs and layouts (e.g. copyright can exist in fonts, book layouts, etc.);
- recordings (e.g. film and audio recordings);
- web pages (an important one this – unless there is a specific statement to the contrary, you must assume all material you find on the web is protected by copyright).

One of the most complicated aspects of copyright is the fact that one item may have many different copyrights associated with it, which can be held by different people – for example, a book may have copyright in its textual content, typographical rights in the font and layout, separate rights for any individual photographs within the book, etc., all held by different rights-holders.

Note that ideas and concepts are not covered by copyright – only expressions of ideas (books, paintings, etc.) can be copyrighted.

What does this mean for the completion of a thesis?
There are a number of aspects of copyright that are directly connected to the creation of a PhD thesis. These break down into three main categories:
1. copyright pertaining to using information to help with your research;
2. copyright pertaining to material created by third parties that you include in your thesis;
3. copyright pertaining to your own rights within your thesis.

Copyright pertaining to using information to help with your research
There are certain restrictions on how you can use the information you find during the course of your research. The university pays for a licence from the Copyright Licensing Agency (CLA) that allows members of the university to do the following:
- photocopy / print out one chapter or 10% of a book, whichever is the greater;
- photocopy / print out one whole article from one issue of a journal or 10% of the issue, whichever is the greater
- photocopy / print out one whole scene from a play or 10% of the entire play, whichever is the greater;
• photocopy / print out one whole paper from a set of conference proceedings or 10% of the entire set, whichever is greater;
• photocopy / print out up to (and no more than) 10% of an anthology of short stories or poems, or one short story or poem of 10 pages or less, whichever is the greater;
• photocopy / print out the entire report of a single case in a set of published judicial proceedings, and no more.

In addition to the allowances provided by our CLA Licence, the law allows for copying of “insubstantial” amounts of material for the purpose of private research and study. As described later, what constitutes an “insubstantial” part of a work is not defined in law, and has to be a matter of personal judgement.

Copyright pertaining to material created by third parties that you include in your thesis
This is the most important element to consider with regards to copyright and your thesis. If you are including material created and owned by others in the body of your thesis, you must be aware of the related issues, especially given that your thesis will be made available online in the University Repository (see later).

The following table summarises the risks associated with including other people’s material in your thesis. Further explanation is then given later in the document.

<table>
<thead>
<tr>
<th>Level of risk</th>
<th>Material created by others (i.e. third party material) included in your thesis</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Risk</td>
<td>• Material whose copyright has expired (see How long does copyright last)</td>
</tr>
<tr>
<td></td>
<td>• Insubstantial parts of third party material used with attribution (e.g. properly cited quotations from books and journal articles)</td>
</tr>
<tr>
<td></td>
<td>• Material that has been made available under a licence statement that specifically allows re-use, such as a Creative Commons licence (see Checking for permissions)</td>
</tr>
<tr>
<td></td>
<td>• Material where the rights-holder has given you specific permission to include it in your thesis (see Managing Permissions)</td>
</tr>
<tr>
<td>Low risk</td>
<td>• A very low number of photographs or figures (i.e. one or two) from a book or other item, with proper attribution</td>
</tr>
<tr>
<td></td>
<td>• Material from older works that are still within the copyright period but where the identity of the rights-holder isn’t known (see Orphan Works)</td>
</tr>
<tr>
<td>High risk</td>
<td>• Large / significant extracts from a work whether or not the rights-holder is known, even with attribution¹</td>
</tr>
<tr>
<td></td>
<td>• Large numbers of photographs or figures from a book or item</td>
</tr>
<tr>
<td></td>
<td>• Unpublished works still within the copyright period</td>
</tr>
</tbody>
</table>

It is also worth noting that non-textual material (e.g. photographs, sound recordings) tend to have tighter restrictions on their re-use.

If you have to include high risk material, i.e. your thesis would make no sense without it, see later section “Your thesis and the University Repository”.

¹ A simple test to help your judgement is to ask yourself the following: ‘if I were the rights-holder, would I consider myself to be “losing out” given the use being made of my material in the thesis?’.
How long does copyright last

For Written, Theatrical, Musical, Artistic and Film works produced in an EEA[^2] country, copyright 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 creator is unknown, copyright lasts for 70 years from the end of the calendar year in which the work was created, unless it was made available to the public during that time (e.g. published, broadcast) in which case the duration of copyright will be 70 years from the year the work was first made available.

If a work is unpublished the situation is more complicated:

- If the author died before 1 Jan 1969, the work was unpublished when they died and they were a national of an EEA state, copyright expires on 31 December 2039.
- If the author died on or after 1 Jan 1969 and they were a national of an EEA state, copyright lasts for 70 years from the end of the year in which the author died.

If the item is published outside the EEA or is an unpublished work, or if the author was not a national of an EEA state, the duration of copyright set out in law in the country in which it was published applies.

Checking for permissions

The table below summarises where you can look for information on rights-holders and permissions. Remember that copyright is automatic and does not have to be claimed – although an item may be on the web without a copyright notice this does not mean it is copyright free.

<table>
<thead>
<tr>
<th>Type of item</th>
<th>Where to check for rights information</th>
</tr>
</thead>
<tbody>
<tr>
<td>A book or journal</td>
<td>• The verso title page of a hardcopy book or journal</td>
</tr>
<tr>
<td></td>
<td>• The publisher’s website (search for their Permissions department)[^3]</td>
</tr>
<tr>
<td></td>
<td>• The title or abstract page for a journal article or ebook (e.g. most articles licenced with a Creative Commons licence will show this information on their abstract page)</td>
</tr>
<tr>
<td>Web-based material</td>
<td>• The very bottom of the page, which is where copyright information is most often found (though be aware that such copyright statements may apply to the web site’s platform, not necessarily all the content on that web site)</td>
</tr>
<tr>
<td></td>
<td>• An “about this site” link, or similar</td>
</tr>
<tr>
<td></td>
<td>• A Terms and Conditions link</td>
</tr>
<tr>
<td>Material from archives, galleries, museums, etc.</td>
<td>• The institution’s website – search for Permissions</td>
</tr>
<tr>
<td></td>
<td>• Directly by telephone or email</td>
</tr>
<tr>
<td></td>
<td>• Information you may be handed if visiting the institution in person</td>
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</table>

You may also find WATCH of use. WATCH is a database of copyright contacts for writers, artists, and prominent figures in other creative fields: [http://norman.hrc.utexas.edu/watch/](http://norman.hrc.utexas.edu/watch/)

Managing permissions

In the case of unpublished material or material where you cannot be certain if your intended use of the material falls into the No Risk or Low Risk category, you will need to contact the rights-holder directly (using the advice in the table below to help find that contact information).

[^2]: EEA = European Economic Area, which comprises the countries of the EU plus Iceland, Lichtenstein and Norway.

[^3]: It may be the case that the publisher will advise you to contact the author directly.
1. Identify the rights-holder (see Checking for permissions table above)
2. Formally request permission to include the item in your thesis (this can be by telephone or in writing – if in writing, we supply a template document as an appendix to these guidelines)
3. Repeat the request after six weeks if you haven’t heard anything
4. If you have still not heard anything after another six weeks, include the material, but …
5. You must keep a record of all your attempts at correspondence

If you get a response from a rights-holder, these are the most common outcomes:

<table>
<thead>
<tr>
<th>Response</th>
<th>Actions you should take</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Permission granted, no conditions</td>
<td>• At the relevant place in the thesis, make sure you fully reference the item and acknowledge that permission has been granted, e.g. image reproduced with permission of Mr A. Jones</td>
</tr>
</tbody>
</table>
| 2. Permission granted, with conditions | • These will vary between rights-holders  
   • They may require a link to the published material, or a specific formally worded acknowledgement in the text.  
   • They might request that access to the ethesis be restricted for a period of time. You can request that access to your thesis be embargoed to meet this condition, up to a maximum of five years. |
| 3. Permission granted, but only on payment of a fee | • If you decline to pay the fee (and we recommend that you don’t pay such fees), then permission will not be granted and you will have to proceed as in the case of 4, below. |
| 4. Permission denied | • If the rights-holder declines permission, or you decline to pay a fee, you can remove that material from the version of your thesis made publicly available (see “Your thesis and the University Repository”, below).  
   • You do not need to remove the material from the hardcopy thesis submitted for examination. |
| 5. Unclear | • If it is unclear if you have permission or not you can remove the material from the version of the thesis we make publicly available (see “Your thesis and the University Repository”, below). |

**Orphan Works**

An orphan work is a copyrighted work for which it is not possible to identify the rights-holder(s), or for which they or their successors can be identified but it is not possible to locate them. This might be because a publisher or other organisation has gone out of business or a rights-holder has died and it is not possible to establish to whom the rights have passed.

If the material you are planning to include is from an orphan work you will not be able to get permission from a rights-holder to include third party material in your ethesis so you will need to decide whether to remove it (see Which version should you deposit to the Repository), which is the no risk strategy, or to leave it in and accept some risk. If you choose to leave third party material from an orphan work in your ethesis you must be able to show that you have conducted a diligent search for the rights-holder. You should record your attempts to locate the rights-holder and retain the documentation for some years after you graduate.

**Copyright pertaining to your own rights within your thesis**

It is usually the case that the copyright in the content of your thesis, other than any material created by third parties (e.g. photographs taken by others) belongs to you. This is your intellectual property.
As the holder of the copyright in your thesis, you are at liberty to place that material with publishers as you wish (though you may not be able to include the third party material you may have used within your thesis – if you wish to include such material, you had better re-check with the rights-holder).

It may be the case that other parties have a stake in the intellectual property rights of your thesis. This may be, for example, due to your signing an agreement with a commercial sponsor or government body. You should bear in mind any agreements you sign pertaining to your thesis during the course of your research.

However, it is worth noting here that many journal publishers insist on your assigning the copyright in your material over to them if you are publishing a journal article. This is an important point – technically, the work of academics published in most journals does not “belong” to the author, but rather to the journal publisher.

If any portion of your thesis has already been published, you must check the agreement you signed with the publisher. Even if you assigned copyright to the publisher, the agreement may still allow you to include the material in your eThesis. If the copyright agreement does not expressly allow you to include the work in your eThesis or you are unable to find the agreement then you will need to approach the publisher directly and ask for permission, or remove the article from the publicly-available version of your thesis (see Your thesis and the University Repository, below).

Your thesis and the University Repository
All students who register for a PhD at University of Liverpool will be required to deposit an electronic copy of their thesis with the Library. This copy will be placed in the University Repository, from where it will be publicly available. Note that you will still need to provide a hardcopy of your thesis for marking.

The version of your thesis placed in the Repository must be the final approved version, incorporating any amendments required by the markers. You will use Liverpool Elements to upload your thesis to the University Repository.

- If your thesis contains high risk third party material that can be removed without destroying the meaning of the thesis (e.g. an appendix containing photographs taken by others), remove it from the thesis, and deposit two version of the thesis in the University Repository – the edited version will be made publicly available, the unedited version will not.
- If the whole thesis rests on extensive use and reproduction of high risk third party content, the removal of which would render the thesis meaningless or impinge on its academic integrity, only deposit that version. The full text will not be made publicly available, though the abstract and bibliographic information about the thesis will be made available.

In most cases you will be able to request an embargo period of up to 5 years, and will need your supervisor’s agreement on this. Information about your thesis, including its abstract, will be available in the University Repository, but the thesis itself will not be made available until the end of the embargo period. Very rarely some might feel the abstract itself “gives away” too much of their work – in this case you are still required to provide a descriptive abstract, but this can be edited from the full abstract in the body of the thesis itself.

4 The format in which to deposit your thesis is PDF.
In instances where making the thesis publicly available could potentially lead to serious threat of harm to any individual, or information was obtained under promise of strict confidentiality, then the embargo would be indefinite, and no information about it would be made available in the Repository (and no-one would be able to read your work).

Benefits of having your thesis in the University Repository
Etheses can have a number of advantages to you.

- They can help raise your profile, which is exactly what you want at an early stage in your research career:
  - etheses are far more likely to be circulated and read;
  - you can track the usage figures, to help you demonstrate how your work is being used;
  - they are searchable via search engines such as Google Scholar.
- They can provide better access to others’ theses:
  - no need to travel to the university that holds the thesis you want\(^5\);
  - no need to make an Inter-Library Loan request;
  - it’s easier to locate researchers with similar interests to yours, so as to create a community of practice.
- They can provide greater flexibility in expressing results (for example through embedding multimedia files, attaching datasets that can be interrogated by readers, etc.).
- They save on printing and binding costs.

Summary

- If you are in doubt about an item’s copyright and reuse status, ask permission from the rights-holder.
- Do not leave seeking permissions until the last minute as this can take weeks to arrange.
- Keep copies of all correspondence for at least five years after you graduate – you may need to refer to them again.
- Reference and acknowledge all third party materials even if you have not had to ask permission to use them. This is good academic practice.
- Ask for help if you need it, the library is here to help.

\(^5\) Unfortunately a small number of major universities do not participate in the British Library’s EThOS service, and so if you want to use a thesis from one of those institutions, you would have to travel to them.

October 2017
Appendix One: Sample letter for requesting permissions

Dear [NAME]

I am currently writing my PhD thesis on [thesis title], which I hope to submit for examination to the University of Liverpool. I would like to ask your permission to include [outline specifics of material] from the following work(s) for which you hold the rights in an electronic copy of my PhD/MD/MPhil [change as appropriate] thesis.

[list works]

The University of Liverpool requires all students to submit their completed thesis to its institutional repository, the University of Liverpool Repository (http://repository.liv.ac.uk/). By including the [work(s)] mentioned above in my thesis they will be made available online to everyone, in full and free of charge (“open access”).

I believe that the inclusion of the [works] is integral to my thesis and would be most grateful if you would grant me permission to use them in the manner described above. I will ensure your work is properly referenced and will include a copyright notice or other form of acknowledgement supplied by you alongside the work if required.

Please let me know if you require any further information.

Thank you for considering my request.

Yours faithfully

[Remember to stipulate how much of the work you wish to use]

[When contacting rights-holders we recommend waiting for six weeks after your initial communication before sending a follow-up communication. If you have still not heard after another six weeks, assume that you will not hear from the rights-holder and then proceed under a risk-management approach as outlined earlier.]
Appendix Two: Support and Advice

Remember, you are not alone. There are a lot of people around the University who are happy to help you produce your ethesis.

Repository Team
The team can help you with matters relating to the ethesis regulations, copyright policies, restricting or embargoing access and submitting your ethesis to the Repository via Liverpool Elements.

- E-Mail: irhelp@liverpool.ac.uk
- Tel. +44 (0)151 794 5408
- Web: http://livrepository.liverpool.ac.uk

Your Supervisor
Your supervisor may be able to help you decide whether you need to restrict access to your thesis and for how long.

Liverpool Doctoral College
The team can advise you on the University regulations for doctoral students.

- E-mail: ldc@liverpool.ac.uk
- Tel: +44 (0) 151 794 5927
- Web: https://www.liverpool.ac.uk/study/postgraduate-research/liverpool-doctoral-college/

CSD Helpdesk
The CSD Helpdesk can advise on creating PDFs from Microsoft Word and other word processing packages. They can also help if you are experiencing technical difficulties using Liverpool Elements.

- E-mail: servicedesk@liv.ac.uk
- Tel: +44 (0) 151 794 4567
- Web: http://www.liv.ac.uk/csd/getting-help/