Copyright Guide

Copyright Material in Theses (with special reference to images)

When researching and writing your thesis you need to be aware of copyright issues. As soon as a work is created it is automatically protected by copyright: this applies to digital as well as print material. The Internet makes copying very easy but, unless there is an explicit statement to say otherwise, works on the web including images such as photographs, film stills, diagrams and illustrations are covered by copyright and you will usually need the permission of the copyright owner to make use of them.

Who owns copyright in a work?

The creator, such as the person who takes a photo, is generally the original copyright owner. If the work was created in the course of employment copyright is owned by the employer unless a contract specifies otherwise. The owner cannot assign (transfer) the copyright or allow another person or organisation to license the work on their behalf, often in return for payment and/or on certain terms and conditions.

An image can have more than one copyright owner. For instance a cartoon might be created by a number of artists and illustrators. Photographs of artistic works involve two separate copyrights: the artist’s work and the photographer’s. It is often difficult to trace the copyright owner of photographs but in UK law such ‘orphan works’ are still under copyright. If you manage to contact the copyright owner and obtain permission you will usually need to negotiate separately for every further use of the work. However, there are ways to make legal use of copyright material without the need to seek individual permissions.

When can you copy without permission?

A. When the work is out of copyright

You do not need permission to copy material which is no longer in copyright. Copyright lasts for 70 years following the end of the year of the death of the creator(s). See the Copyright Information web page for further details about copyright duration.

B. When the work is used for specific acts permitted by law

An exception in the Copyright, Designs and Patents Act 1988 permits the use of a quotation from a published work (whether for criticism or review or otherwise) provided that the use is fair dealing* with the work, the extent of the quotation is no more than is required by the specific purpose for which it is used, and the quotation is accompanied by a sufficient acknowledgement. This means that short extracts of published works may be used without infringing copyright. All types of copyright work, including images, are within the scope of this exception.

* Fair dealing is not defined in law. The general advice given is that the use of copyright material should be fair and proportionate, i.e. the extent used should be justified by the context.

This is the Intellectual Property Office’s explanation of fair dealing:

‘Fair dealing’ is a legal term used to establish whether a use of copyright material is lawful or whether it infringes copyright. There is no statutory definition of fair dealing - it will always be a matter of fact, degree and impression in each case. The question to be asked is: how would a fair-minded and honest person have dealt with the work?

Factors that have been identified by the courts as relevant in determining whether a particular dealing with a work is fair include:

- Does using the work affect the market for the original work? If a use of a work acts as a substitute for it, causing the owner to lose revenue, then it is not likely to be fair.
- Is the amount of the work taken reasonable and appropriate? Was it necessary to use the amount that was taken? Usually only part of a work may be used.

The relative importance of any one factor will vary according to the case in hand and the type of dealing in question.

C. When the material is licensed for your intended use

With the potential for creators to offer their works directly to the public on the Internet, use of Creative Commons’ licences is growing. Via a Creative Commons (www.creativecommons.org) notice creators specify the rights conveyed to others, such as the right to copy, distribute and adapt their work, provided attribution is given. You may make free use of appropriately licensed material.

Wikimedia has an extensive list of sources of copyright-free images, see http://meta.wikimedia.org/wiki/Free_image_resources

Check the websites’ terms and conditions to make sure that the licence covers your intended use. There are also a number of stock photo agencies, such as Getty Images, which license the use of images in return for payment.

When do you need to seek permission?

Unless your use falls into one of the above categories you will need to seek permission from the copyright holder if you want to include third party copyright material e.g. extracts from publications such as
journals, or images such as illustrations, maps, photographs, tables etc. Ideally you should do this as you go along rather than at the point of writing up your thesis.

If you intend to include material that you yourself have published, e.g. journal articles, you need to check whether the publisher will permit you to include these as part of your thesis. The easiest way to do this is by contacting the publisher directly and checking: most publishers will permit this. See Template 1 for a sample template for seeking permission to include material you have published.

How do you seek permission for third party material?

To seek permission to include third party material in your thesis you need to contact the rights owner. This may be the author of a work, a publisher, an illustrator, a photographer etc. In the case of material from books and journals your first course of action should be to contact the publisher. Many publishers give details on their website of how to seek permission and whom to contact. Look for information on rights / permissions / copyright clearance. If the publisher does not hold the rights to the work they should forward your enquiry to whoever does. You should allow plenty of time: it can be difficult to track down the right person and publishers may take several weeks to reply. Also bear in mind that the copyright owner may impose conditions or charge a fee for use of the material.

Once you have established whom to contact you can use Template 2 to form the basis of a letter or email to the rights holder asking permission to include the material in your thesis

If the rights holder does not reply immediately you may choose to contact them again. However please note that you may not deem a lack of response as permission to go ahead.

What should you do if permission is granted?

If a copyright holder grants permission you should indicate this at the appropriate point in your thesis, e.g. ‘Permission to reproduce this … has been granted by …’ Keep a copy of any letters or emails you received from rights holders.

What should you do if permission is not granted?

If you are refused permission or do not receive a reply you should not include the material but look for alternative sources.

Help and advice

If in doubt about whether you need to get permission to include any material within your thesis it is always best to err on the side of caution and assume that you do. If you have specific queries you can send them to the Copyright and Digital Resources Advisor (g.dwyer@surrey.ac.uk) who will do her best to help you.

Further information


Intellectual Property Office copyright notice: digital images, photographs and the internet

Template 1: Seeking permission to include in your thesis material you have published

If you have assigned copyright to a publisher, e.g. for a journal article, and you wish to include this work in your thesis you need to check that this is permitted. This is a suggested wording you can use to contact your publisher:

I am the author of the following work published by (insert publisher’s name):

[Provide a full citation for your work]

I wish to include this work in my thesis, which I am required to deposit in Surrey Research Insight, the University of Surrey’s repository (http://epubs.surrey.ac.uk/). The repository is non-commercial and openly available to all.

I would be grateful if you could advise if this will be acceptable.

Template 2: Seeking permission to include third party copyright material in your thesis

When contacting rights owners to seek permission to include their material in your thesis it is important that you are clear about what you are asking for. The following is a suggested wording that can be incorporated into letters/emails that you send to rights holders:

I am contacting you to seek permission to include the following material in my PhD/MPhil (insert relevant level) thesis:

[Provide full details of the material you intend to include]

The thesis will be made available in Surrey Research Insight, the University of Surrey’s repository (http://epubs.surrey.ac.uk/). The repository is non-commercial and openly available to all.

If you are not the rights holder for this material I would be grateful if you could advise me whom to contact.

Gill Dwyer, 2015