



# Copyright and intellectual property guidance for electronic thesis submission

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For general guidance about copyright, please see: [nottingham.ac.uk/library/help/copyright](https://nottingham.ac.uk/library/help/copyright)

## 1. Introduction

When you submit the final corrected version of your thesis to the University's repository, Nottingham eTheses, you can choose whether to make the content available to read online on an open access basis. For more information about the process of deposit, please see:

[nottingham.ac.uk/academicservices/currentstudents/examinations/researchstudent/uploading-the-final-submission.aspx](https://nottingham.ac.uk/academicservices/currentstudents/examinations/researchstudent/uploading-the-final-submission.aspx).

This means you need to review any 3rd party copyright content that your thesis may include. While UK law offers leeway to include such content for the purpose of assessment by the University, the rules tighten if you then seek to make your research publicly available.

This guide outlines what to look for in your thesis before publishing the content open access to ensure you comply with copyright requirements. In summary, you may need to:

- 1) seek permission from the copyright owner(s)
- 2) create a 'redacted' version (eliminating 3rd party content) and explain why certain content has been removed

In every instance where you reproduce 3rd party copyright content in your thesis, you must acknowledge the author and the title of the original source.

## 2. What you need to think about

Any material in your thesis that was created by someone else, whether or not it was previously published, is likely to fall under the definition of 3rd party copyright. Examples to consider are:

- photos, maps, diagrams and tables
- extensive quotations
- musical scores

For all such content, whether in the main body of your thesis or in an appendix, you should review whether specific permission from the copyright holder is required before open access publication can go ahead.

It may not be necessary to secure specific permission if one of the following applies:

a) **Copyright has expired (e.g. the author of a published text died over 70 years ago)**

Different rules determine how long copyright lasts for different types of published and unpublished works. If copyright has expired, you can reproduce the content freely. Be aware that the version you use may attract additional protection (e.g. a new edition of a choral score may have editorial input that creates a new copyright).

b) **Material was reproduced solely to enable you to critically appraise its content**

A 'fair dealing' exception in copyright law allows reproduction of a limited amount of published content to facilitate criticism or review (unpublished content is excluded). Everything you reproduce must be subject to critique: you must not copy more than you need for this purpose.

c) **Short quotations**

A further 'fair dealing' exception in copyright law allows quotation of small portions of published works without the need to secure specific permission. The quotation should be limited to what is necessary and relevant in the context of your research.

d) **The material is available under a licence that permits reuse**

Some people publish their work in a way that allows others to reuse it in certain ways. Forms of reuse may be permitted or blocked by associating material with a licence. For example, the Open Government Licence permits Crown Copyright material published by official bodies in the UK to be freely copied or adapted. Creative Commons (CC) licences are commonly

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If your thesis contains 3rd party copyright content that falls outside these categories then before publishing via Nottingham eTheses you must either:

- 1) redact all such content; or,
- 2) seek permission from the copyright owner or owners

Make sure you obtain permission in writing; be explicit about seeking to share your thesis online, open access; and retain a copy of the reply as evidence.

If you are concerned that redaction affects the integrity of your thesis to the extent that the record of your research no longer makes sense, please contact [copyright@nottingham.ac.uk](mailto:copyright@nottingham.ac.uk) for advice as to how you should proceed.

### 3. Common copyright issues

- a) **Maps:** Hand-drawn maps produced by you as the author are permissible. Maps reproduced from digital resources, e.g. Digimap, and reproductions from atlases or Ordnance Survey maps will usually require you to establish a basis for permission before publishing your thesis open access. The categories of exceptions listed above may furnish this.
- b) **Photos:** Copyright in photos generally belongs to the photographer. If your thesis includes a photograph that you didn't produce, you will need to establish a basis for permission to include it before publishing open access. The categories of exceptions listed above may furnish this. Note that if reproducing part of an image satisfies a need for criticism or review (for example, to critique a painter's style), you should limit reproduction to that part. Photos of children should not be included in a thesis that is published open access. This arises from the sensitive nature of the subject-matter rather than copyright law.
- c) **Tables:** Reproducing a table from another source will usually require you to establish a basis for permission. The categories of exceptions listed above may furnish this. If you compile a table yourself from a third party's data, normally no further permission will be required.

- d) **Unpublished works:** Special rules apply to 3rd party copyright content in unpublished works. If you wish to reproduce such content in your thesis then you should seek further advice.

#### 4. Patents and Commercialisation

If the research presented in your thesis forms part of a patent application, or has the potential to be commercialised, there may be restrictions on when you can share your work online.

If this is the case then please speak to your supervisor, and contact the IP Commercialisation Office within Research and Innovation: [tto@nottingham.ac.uk](mailto:tto@nottingham.ac.uk).