Copyright for PhD Students
This guide is aimed at UCL research students and is relevant to PhD, MA and undergraduate dissertations.

Copyright is an important aspect of research and needs to be considered from an early stage in your planning. This applies to your thesis but also any other research outputs such as journal articles, blog posts and film.

You will learn:
- How to use the works and ideas of other people in a professional way, without infringing copyright
- When you need to ask permission to re-use other people’s work
- How to protect the copyright in your own work
Copyright in context

Copyright infringement has similarities with plagiarism. Both arise from misusing other people’s material and they often overlap.

Plagiarism is a matter of academic integrity. It arises mainly from using the material or the ideas of others without acknowledgement and presenting them as if they were your own work.

Copyright is a legal issue. Infringement occurs when you reuse material created by others without permission from the copyright owner. If you infringe copyright there can be legal consequences.

Copyright is also separate from questions of research ethics, research data management, confidentiality and data protection but copyright concerns may arise in conjunction with those topics.

Copyright issues may also arise with datasets which accompany your thesis, depending on the nature of the data and how it is organised. ”Raw facts and figures” are not generally protected but data in the form of photographs or videos are likely to be protected by copyright.

Third party copyright material

Are you including material by other people in your thesis, such as text, photographs or diagrams?

If the answer is “yes”, you need to ask yourself: Is this material licensed for reuse by either a Creative Commons licence (CC licence) or a similar licence? Or…

Is what I am doing covered by a copyright exception? If the answer to both questions is “no” then you will need permission from the copyright owner.
Who is the copyright owner?

The author is usually the first owner of copyright, but copyright has traditionally been assigned to a publisher as part of the publishing agreement.

When seeking permission it is often better to start by contacting the publisher.

Copyright ownership is sometimes difficult to track down, for example in the case of unpublished works or films. You may find some useful sources listed in the “UCL copyright resources” reading list under the heading “Seeking permission and tracing ownership.”

Seeking permission: Some pointers

Seeking permission from a copyright owner can take some time. It is best to start at an early point.

It is better to consider any copyright issues as you work on your thesis and to question whether permission is required as you proceed.

Try to avoid leaving copyright until the end.

Keep a record of your correspondence with copyright owners, particularly any permissions you receive.

Silence from the copyright owner does not imply consent to your request (See “Orphan works” below).

When seeking permission, mention your plans for your thesis

Permission from the copyright owner needs to cover everything you intend to do with your thesis. You should be specific about:

- The fact that your thesis will be uploaded on UCL Discovery (UCL’s Open Access repository) which is a publicly available website.

- Any plans you may have to publish your thesis or make it available in other ways.

If you decide to publish your thesis at a later stage you may need to go back for further permission.
Alternatives to seeking permission 1: The copyright exception for “Quotation”

This is to be found in Section 30(1ZA) of the Copyright, Designs and Patents Act 1988. There is a “fair dealing” test to apply and you should ask yourself:

- Could I be damaging the interests of the copyright owner?
- Am I reusing more of the work than is justifiable in the context?
- Have I credited the author and source adequately in my thesis?

In an academic context limited textual quotations from a book or a published paper will often be covered by the exception. Relying on the exception for images such as photographs and graphics can be more problematic.

Alternatives to seeking permission 2: Creative Commons licences (CC Licences)

Some material on the internet is already licensed by the copyright owner for others to reuse:

- Creative Commons licences are the most popular form of licence, see creativecommons.org
- From the researcher’s perspective CC licences offer a wealth of material in different formats which can be reused without cost or permission.
- You must adhere to the licence terms, which are quite straight-forward.

They are particularly useful for locating images and photographs which can readily be reused. You can search for licensed material from the CC website and from other popular sites such as Flickr and Google.
Your copyright

As a UCL student the copyright in your work belongs to you, unless you have assigned it to someone else. The UCL IPR policy contains more detail and can be found on the UCL website.

If you wish to use in your thesis material that you have published previously you may find you need permission from the publisher.

Sometimes authors are surprised to find they need permission to reuse their own work but this can arise if you assigned your copyright to a publisher as part of a publishing agreement.

Before signing a publisher’s contract you should read it carefully and be prepared to negotiate.

Reusing images: photographs, diagrams graphics etc.

Reusing images often poses more problems than text. In copyright terms an image is a complete “artistic work” so you will be reusing 100% of a copyright protected work.

This can be harder to defend as “fair dealing” but in some cases you may still be able to rely upon the quotations exception.

Photographs on the internet often lack information about who created them or who owns the copyright, which increases the danger of infringing copyright inadvertently.

Searching for images that are covered by a Creative Commons licence is a good solution.

Orphan works and your thesis

If you need permission to reuse third party content and it proves impossible to identify or locate the copyright owner despite your best efforts, this may be an “orphan work”.

The UK Intellectual Property Office (UK IPO) offers an Orphan works licensing service which allows you to reuse an orphan work for a modest fee.

You must demonstrate that you have carried out a “diligent search” for the copyright owner.

This is worth bearing in mind if the content is crucial to your thesis.
Open access publishing and your copyright

PhD theses are deposited in UCL Discovery, an Open Access platform:

- Making your work more visible to a wider audience
- Providing a stable platform and url for your work, so that it is easy to share it with the research community.
- Meeting the open access requirements of funders.

On the other hand you should also be aware that if you have plans to publish your thesis you may request an embargo from UCL Discovery.

Points to note about open access publishing

When your thesis is available on the internet, via UCL Discovery or another platform, any unresolved questions around third party copyright may become more of an issue.

You need to consider carefully each item of third party content before your work is posted online:

- Do you have permission or a licence to re-use the content?
- Do you feel confident in relying upon a "fair dealing" exception?
- Have you acknowledged the author and source?

There is often an element of judgement and you may need to seek advice from someone else such as your supervisor or the UCL Copyright support team.
What if I cannot obtain permission?

If there are outstanding issues about copyright in third party material you may need to submit a second version of your ethesis with the third party material redacted which can then be made available in UCL Discovery.

You may need to consider asking the Open Access team for an embargo on making the full text of your thesis available, for example if you have plans to publish it commercially.

The Library’s Open Access team will be able to assist with any questions about submitting your ethesis.
Further help with copyright issues

If you have questions about copyright please contact the Library’s copyright team by emailing copyright@ucl.ac.uk.

You will also find further information on the copyright pages of the UCL website: www.ucl.ac.uk/library/ucl-copyright-advice

Training opportunities:

- Regular copyright training sessions for UCL research students are offered by the Doctoral Skills Development Programme.

- See also www.ucl.ac.uk/library/ucl-copyright-advice/copyright-training