

# Copyright in Theses and Dissertations

All UNBC graduate students will be required to submit a copy of their thesis to ARCA, UNBC's institutional repository (IR), where it will be made available to the public. This requires that you sign a license that gives UNBC the rights necessary to make the thesis available to the public. You are personally responsible for ensuring that your thesis complies with Canadian copyright law, and the IR license you sign requires that you confirm that you have done so. The license is a non-exclusive distribution license - you retain copyright in your work.

This guide is designed to provide you with a starting point for your understanding of and compliance with your responsibilities.

**Note:** In this guide, we'll refer to your "thesis" and "theses" for short, but we mean both theses and dissertations.

## What is Copyright?

Copyright is an area of intellectual property law that protects forms of creative expression. It gives creators and owners of literary, dramatic, musical and artistic works the exclusive right to produce, reproduce, perform, publish, adapt, translate, distribute and telecommunicate (e.g., post on the internet, email, etc.) a work, and to authorize these rights. The economic and moral rights established by the copyright framework enable creators to:

- Control the publication and distribution of their works
- Monetize their works through reproduction, sale, distribution or performance
- Protect the integrity of the work and their reputation by association with their works

Using a "substantial" part of someone else's copyrighted work in any of these ways is copyright infringement, unless (a) you fall within one of the exemptions set out in the [Copyright Act](#), or (b) you have written permission from the copyright owner.

The term "substantial part" is not defined in the Copyright Act. The courts have held that both the quality and quantity of what is copied must be considered. In an infringement case, a court will consider whether the alleged infringer has reproduced the distinct traits of the original work. What is a "substantial" part of a work depends on numerous considerations, including:

- the work,
- the quantity of what is being copied,
- whether what is being copied forms a material or essential part of the work, and
- what purpose the copied portion will be put to.

It is commonly understood that, for most purposes, copying more than a few sentences of a literary work, a few words of a short poem, a few bars of music, or a few seconds of a film is a

"substantial" portion of the work. Also, copying any important part of a painting, graph or table, etc., is a "substantial" portion of a work.

Copyright protection comes into effect as soon as a work is created; there is no requirement that the work be registered or that the word "copyright" or the symbol © appear on the work. The work may be registered, under a voluntary government registration system. In Canada, works are registered for a fee with the [Canadian Intellectual Property Office](#). Accordingly, works that are publicly available on the Internet (such as images found via Google) are treated the same way under copyright law as materials distributed in any other way. In Canada, generally speaking, copyright expires 50 years after the death of the author, regardless of who holds the copyright. After that, the work enters the public domain. The terms of copyright protection apply differently in various countries, For instance in Europe, Australia and the United States, copyright protection generally last for the life of the author plus 70 years.

## **Who Owns Copyright in my Thesis?**

You own the copyright to your thesis as a whole. If you have started writing your thesis, then your draft is already protected by copyright, which gives you control over the ways in which it can and cannot be legally used by others. In addition to submitting your thesis to UNBC's institutional repository, you are free to publish your thesis elsewhere if you wish. However, this also means that you need to think very carefully about how you are using the works of others, and about whether or not you will need permission to quote from or include these works in your thesis. If your thesis includes copyrighted works like images, figures, maps, charts, diagrams, tables, etc. the publisher may request that you get permission to publish.

## **Use of Copyrighted Material**

According to Library and Archives Canada, "students should ensure that the use of copyrighted materials from other sources in their theses meet the requirements of the Copyright Act. Some written permission may be required" (Thesis Canada).

When you submit the final copy of your thesis, you must sign the UNBC Institutional Repository Non-Exclusive Distribution License confirming that if you have third-party copyrighted material in your thesis, it either complies with an exception to copyright infringement in accordance with the Copyright Act, or you have obtained permission to use it.

Please retain the original permission forms or letters for your records in case of a challenge.

(For more information about copyright in general, please see the [Copyright FAQ](#) and the [Copyright Guidelines for UNBC Faculty, Staff, and Students](#).)

## **What is Fair Dealing and can I use it for my Thesis?**

Fair dealing is one of the exceptions in the Copyright Act that allows any person to make a copy of a copyrighted work without permission. The fair dealing exception allows copying only if: (a) the

copying is for one or more of the following purposes: research, private study, education, satire, parody, criticism, review, or news reporting, and (b) the copying is fair. See [UNBC 's Fair Dealing Guidelines](#) for more information.

When copying copyrighted works for use in a thesis, such copying is primarily for the purpose of research. As understood in the context of the fair dealing exception, the research purpose does not contemplate distribution to the public (i.e., publication of your research).

Because the University requires you to submit your thesis to the institutional repository (which, as mentioned above, means that it is published online) and also to submit your thesis to the Library and Archives Canada, **the fair dealing exception is not available for use in your thesis.**

In addition, you may wish to publish your thesis (or parts of it) in an academic journal; publishers will typically not be satisfied with copyright works used pursuant to fair dealing and will usually require authors to obtain permission for third-party copyrighted materials prior to publication.

## When to Seek Permission

You should seek permission if your thesis contains any of the following:

- Images of any form that have been obtained from copyrighted sources. This includes any tables, figures, maps, graphs, photographs, screenshots, drawings, logos, video screen captures, etc. that have been obtained from websites, newspapers, journals, books, brochures, professors' lecture notes, etc.
  - Since you will typically be using the whole of the copyrighted image (as opposed to a small portion of the image), you should be particularly careful to obtain permission before including it in your thesis.
  - Altering an image does not remove the need to seek permission. Common alterations include cropping, re-sizing, modifying colours, and annotating with text, arrows, and other visual call-outs.
  - Keep in mind that just because something is freely available on the web does not necessarily mean that you have permission to reproduce it. Always check the Terms of Use or copyright licence information on the website.
- Long quotations or excerpts from any one source. Common sources of quotations include books, academic journals, newspapers, magazines, short stories, plays, and poems.
- Articles or parts of articles that you wrote and previously published in a journal to which you assigned copyright. Academic publishing agreements commonly require authors to assign their copyright to the publisher.
- Material co-authored with others. Each co-author shares copyright and must consent to your use of the work.

- Scripts and recordings of any performance.
- Translations of copyrighted work.
- Testing instruments such as standardized tests, questionnaires, forms, and surveys.

**Important:** The list above is not exhaustive. If your use of copyrighted material is not described above, that does not necessarily mean that you do not need to seek permission.

## How to Obtain Permission

Seeking permission is a straightforward process, but obtaining responses from copyright owners can take a long time. You are strongly encouraged to send out your permission requests as early as possible.

### Identify the Copyright Owner

The first step in the process is to identify the copyright owner. Usually you will be able to identify the owner somewhere on the work by looking for the copyright symbol ©, which should have the copyright owner's name next to it. You'll often find this at the beginning of a book, at the side of a photograph or at the bottom of a web page.

### Permission from Individuals

If the copyright owner is an individual, then the next step is to email or write to him/her, explaining how and why you want to use the work and requesting permission. The permission should be in writing; an email message will suffice. It's also a good idea to keep a record of who gave the permission, what was permitted, the date, and how to contact the person who gave the permission. (For more information about what information to include in your permission requests, see the next section of this guide.)

### Permission from Commercial Publishers

If the copyright owner is a commercial publisher, the fastest course of action is often to search for the work in question at the [Copyright Clearance Center](#) (CCC). The CCC handles permissions for a large number of publishers, and permission to include images in theses can often be obtained through the CCC website swiftly and at no cost. Select "Pay-Per-Use Options", "Republish or display content", "Thesis/Dissertation". After completing the form identifying the content you wish to use, you'll create a CCC account and will be provided with a confirmation/license. Typically the cost will be reflected as \$0.00 for this type of permission.

If you cannot obtain permission through the CCC, then the next step is to check the publisher's website. Many publishers will require that you submit your request directly to their permissions department, while others will require that you use an online form. When you arrive at the website, look for a link that says "Rights and Permissions" (or something similar), then read through the available information to determine the correct method for requesting permission.

### Permission from Journals

If the copyright owner is an academic journal (or an academic association/society that publishes a journal), then you may be able to obtain permission through the Copyright Clearance Center (CCC), as discussed above. If permission is not available through the CCC, then you should check the journal's website, which may provide one or more of the following:

- Advance permission for specific uses. For example, [The Journal of Biological Chemistry](#) provides advance permission for non-commercial use.
- Advance permission to journal authors who have signed over copyright
- Information on how to request permission
- Information on uses that are specifically prohibited

If you can't locate any information about copyright and permissions on the journal's website, then visit the website of the company or organization that publishes the journal.

If permission to use copyrighted material is given on a website, then print out or save an electronic copy of the web page that states this and keep it for your records. Note, saving a link to the page is not sufficient, as the link may break or the content of the website may change.

### **Proof of Permission**

You should keep copies of all letters and forms granting you permission to use copyrighted material. These copies are for your own records; do not include them in your thesis or dissertation.

As mentioned above, email permissions are acceptable. The best possible proof of permission is one of the following:

- a completed copy of the Permission to Use Copyrighted Material form, or
- an original signed letter on the copyright owner's letterhead.

Originals are best, though scanned copies work well too.

## **What to Include in Permission Requests**

Include the following information in your requests.

### **Introduce yourself clearly.**

Tell the copyright owner that you are a graduate student preparing a thesis or dissertation for submission as part of the requirements for your degree at the University of Northern British Columbia.

### **Identify the work you are seeking permission to use.**

Give standard reference information for the work you wish to use, including figure/table number, if any, and page numbers. You should briefly describe the context in which you propose to use the work in your thesis.

### **Tell the copyright owner where their work will be distributed.**

- that your thesis will be publicly available in UNBC 's online digital repository, and
- that you will be granting non-exclusive licences to UNBC and to Library and Archives Canada.

You, of course, will not know at the time you are asking permission, whether your thesis will be published in an academic journal. If you believe that it is a realistic possibility, you may wish to ask the copyright owner's permission to use their work in the published version of your thesis.

### **Send the copyright owner information about and a copy of UNBC's institutional repository licence agreement**

#### **Ask for specific action.**

- Request a reply by a given date.
- Offer to send the copyright owner a copy of your completed work.

#### **Keep copies.**

- Keep copies of request letters and all correspondence with the copyright owner.

## **Unable to Get Permission?**

When you are unable to obtain permission or there is a charge for obtaining permission, you must either (1) remove the copyrighted material and insert the text described below; or (2) replace the material with a different work for which permission is either obtainable or not required (such as works that are covered by Creative Commons licenses or that are in the public domain).



Your thesis must be as complete as possible. Removal of material is only acceptable if you are denied permission, if a fee will be charged for use of the material, or if you receive no response from the copyright owner after making a reasonable effort at contact.

If you have removed copyrighted material from your thesis and not replaced it, you must insert the following:

- A statement that the material has been removed because of copyright restrictions
- A description of the material and the information it contained, plus a link to an online source if one is available
- A full citation of the original source of the material

Example: Figure 3 has been removed due to copyright restrictions. It was a diagram of the apparatus used in performing the experiment, showing the changes made by the investigating team. Original source: Wu, G. and Thompson, J.R. (2008) Effect of Ketone Bodies on Dairy Cattle. *Biochem J.* 255:139-144.

The brief description of the removed figure is important, as it gives the reader a chance to follow the thesis argument without needing to look up the actual figures. If possible, including a link to an online source is also very useful.

## Citations & Bibliographies

You must include full citations for any copyrighted material in your thesis or dissertation regardless of source. Each citation must include the copyright symbol, name of the copyright owner (who may or may not be the author), and, if applicable, a statement that the use of the material or adaptation (in the case of adapted graphics) is by permission of the copyright owner.

Examples of direct citations to copyright owners:

- Image title (© 2001 Jane Doe, by permission)
- Graph Title (© 2003 John Smith, adapted with permission)
- Poem Title (© 2005 Jane Doe, by permission)
- Testing Instrument Title (© 2007 Company Name, by permission)

Citations from published works should follow your chosen citation style (e.g., APA, MLA, etc.) but include reference to the specific page. Examples of sources from published works:

- Table 1 from © Author, A., Author, B., & Author, C. (2007). Book Title. City: Publisher. Page 45. By permission from publisher.
- Figure 4.1 from © Author, A., Author, B., & Author, C (2009). Article Title. Journal Title, 38(2), 186-204. Page 191. Adapted with permission from publisher.
- Photo Title from © Author, A. & Author, B. (2012, May 5). Title of Web Article. Website Title. Retrieved from URL. By permission from author.

Sometimes copyright owners will ask you to use a specific wording in your citation. If so, it's important to follow their instructions exactly, word for word.

Otherwise, craft your citations in accordance with your degree program's preferred style guide. If you are unsure about which style guide to use, ask your supervisor. Check out the Library's [Citation Styles Libguide](#) or contact the subject librarian for your discipline.

## Need Help?

If you have any questions about copyright or permissions, please begin by consulting the resources available on the Copyright at UNBC website. The Copyright Office offers copyright workshops and drop-in clinics, where you can get one-on-one support with all of your copyright concerns. You are also invited to send your copyright or permissions questions to [Patrice.Hall@UNBC.ca](mailto:Patrice.Hall@UNBC.ca).

If you have questions related to the thesis-writing process, please review the following resources from UNBC's Office of Graduate Studies and Academic Success Centre:

- [Thesis Defence Process](#)
- [Dissertations](#)
- [Proposal and Thesis Writing Tools](#)
- [Theses Layout and Formatting](#)
- [Statistics Support](#)

## Student Responsibility

### Question

My supervisor said that I don't need permission to include copyrighted images in my thesis, so can I submit my thesis without seeking permission?

### Information

As the author of your thesis, *you* are responsible for ensuring that your use of copyrighted images and other material is compliant with Canadian copyright law.

When you submit the final copy of your thesis, you must sign the UNBC Institutional Repository Non-Exclusive Distribution License confirming that if you have copyrighted material in your thesis, you have obtained permission to use it.

## Removing Images

### Question

Can I just remove any copyrighted images from my thesis before submitting it, so I don't need to worry about seeking permission?

### Information

For the reasons set out in the next paragraph, your thesis should be as complete as possible. Removal of material should only be an option if you are denied permission, if an unreasonable fee will be charged for use of the material, or if you receive no response from the copyright owner after making a reasonable effort at contact.

Theses are scholarly documents, and students are expected to complete them in accordance with scholarly best practices and their program's requirements. Furthermore, by submitting your thesis to UNBC's digital institutional repository, it will be publicly accessible online, so you want it to be as complete as possible to ensure that it appears professional, especially to future colleagues and employers. Your thesis is not only the culmination and crowning achievement of your graduate degree, but also the main surviving record of the work you completed during your degree. It is in your best interests to ensure that it is as complete as possible. By omitting images from your thesis, you run the risk of obfuscating the very arguments that you devoted so much time and effort to creating.

## Non-exclusive Licences

### Question

I know that I need to sign the UNBC Institutional Repository Non-Exclusive Distribution License before I can submit the final copy of my thesis, but I'm not entirely sure what I'm agreeing to. What exactly is a "non-exclusive licence," and why do I need to grant such a licence to UNBC in order to submit my thesis?

### Information

You own the copyright for your thesis, which means that you have the right to produce, reproduce, perform, publish, adapt, translate and telecommunicate your thesis, and you have the right to control the circumstances in which others may do any of these things.

By signing the UNBC Institutional Repository Non-Exclusive Distribution License, you are giving the University the permission to publish and archive your thesis in the institutional repository.

Because this licence (or permission) is "non-exclusive," you retain all of your rights as the copyright owner, and you may grant similar rights to others, at any time. This is in contrast to an "exclusive" licence, which would mean that the University alone would have the right to publish and archive your thesis.

## The Institutional Repository Submission

### Question

What is the institutional repository, and where can I get help with submitting my thesis to the institutional repository electronically?

### Information

UNBC's institutional repository is an open access digital repository for research and teaching materials created by the UNBC community and its partners. Its aim is to showcase and preserve UNBC's unique intellectual output by making content freely available to anyone, anywhere via the web.

Apart from theses and dissertations, the institutional repository contains articles, conference and workshop papers, technical reports and working papers, books, datasets, learning objects, multimedia and audio-visual materials including podcasts, webcasts and more.

The University, via the Office of Graduate Programs, requires you to submit your thesis to the institutional repository electronically. For information on how to submit, please see the institutional repository instructions for electronic thesis submission.

If you have specific questions regarding the institutional repository, please contact [James.Macdonald@unbc.ca](mailto:James.Macdonald@unbc.ca).

## **Publishing Your Thesis**

You own the copyright to your thesis and are free to publish your thesis if you wish. However, if your thesis includes any copyrighted works (e.g. figures, tables, etc.) that you did not create, then you will likely need to obtain permission from the copyright owners in order to publish them.

This is true even if you have already obtained permission to use the works in your thesis, as the act of publishing your thesis would count as a different use of the works in question, and would therefore require separate permissions. With this in mind, as you make your initial requests for copyright permissions for your thesis, you may wish to think about asking for permission should you decide to revise your thesis for publication as a journal article or book at a later date.

Also, you should be aware that students who have graduated may be contacted by publishing companies that have an interest in publishing their thesis. These companies often contact authors directly. You are free to grant permission, but you should research the company first to ensure that it is a reputable academic publisher. There are usually discussions among former students online that can give you an insight into the value of publishing with a particular company.

## **Creative Commons Licensing**

Creative Commons (CC) licences provide copyright owners with a simple and clear way to grant others permission to access and (depending on your preferences) to share and adapt your work for commercial or non-commercial purposes.

By applying a CC licence to your thesis, you can enhance the ease with which others can share and reuse your work. For more information about the various licences and what they allow, please see this [useful overview](#).

To apply a CC licence to your thesis, you can simply select your desired licence when you submit your thesis to the institutional repository

To apply a CC license to your other work, you can use the "[Choose a License](#)" form on the CC website. This form helps you choose a licence based on your preferences and then generates the appropriate text to apply to print works, as well as the HTML code to apply to online works.



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