

CRICOS Provider code 00301J

ELECTRONIC WARNING NOTICE FOR COPYRIGHT STATUTORY LICENCES

WARNING

This material has been reproduced and communicated to you by or on behalf of **Curtin University** in accordance with section 113P of the *Copyright Act 1968* (**the Act**)

The material in this communication may be subject to copyright under the Act. Any further reproduction or communication of this material by you may be the subject of copyright protection under the Act.

Do not remove this notice.



Summary of Content

- 1. What is copyright?
- 2. What are your copyright obligations
- 3. How to meet your copyright obligations
- 4. Seeking copyright permission
- Special considerations for Thesis by Publication& Hybrid Thesis



1. Definition of Copyright

Copyright is a form of Intellectual Property.

Copyright owners have exclusive economic rights with regard to:

- Reproduction photocopying, scanning, downloading, recording
- Communication making it available online, sending via email
- Publication distributing copies for sale
- Adapting or translating the work
- Playing or Performing in public



Copyright protection: economic rights

Copyright protects a range of material:

- Academic & literary texts books, journals, newspapers, plays, poems, etc.
- Computer programs
- Audio-visual works sound recordings, film, radio & TV broadcasts.
- Artistic works paintings, photographs, engravings, drawings, cartoons, sculptures, murals.
- Sheet music
- Graphic works diagrams, illustrations, graphs, maps, tables.

Copyright applies to the 'material form' in which ideas are expressed, not ideas, facts, methods or techniques.

A single work may have several layers of copyright.



Copyright protection: moral rights

Aside from the economic rights, creators have moral rights:

- The right of attribution
 - To be attributed as creator of the work;
 - Not to have their work falsely attributed to someone else.
- The right of integrity
 - To have the integrity of the work respected,
 - Not to be subject to derogatory treatment in a way prejudicial to their reputation.



Student copyright

- HDR Students both use third party copyright material and create new copyright material.
- Curtin's IP Policy stipulates that students own copyright in their work.
 - Possible exception research projects with external funding or commercial agreement may request transfer of IP ownership.
- Students may assign or license copyright.
- Curtin's IP policy and procedures located at: http://policies.curtin.edu.au/findapolicy/index.cfm#i



Infringing Copyright

- Using a 'substantial part of the work' without permission.
- Substantial is not defined in the Act but is a quantitative and qualitative assessment.
- An infringement of moral rights is copyright infringement.
- Individuals and organisations can also be found to 'authorise' or 'facilitate' a copyright infringement – linking to an unauthorised copy.



Copyright versus Plagiarism

- Plagiarism is to present somebody else's work as one's own without appropriate acknowledgement.
- You can be guilty of plagiarism without infringing copyright.
 - Reproduce a small amount of third party content without sufficient attribution.
 - Issue of Academic Integrity
- You can infringe copyright without being guilty of plagiarism.
 - Reproduce a substantial amount of third party content with sufficient attribution, but without written permission.
 - Issue of Copyright Infringement



2. What are your copyright obligations?

- Application for Candidacy
- Copyright and Release of Thesis for Examination
- Submission of Digital Thesis Form

- Thesis contains no material infringing the copyright of another person(s).
- Permission where necessary has been obtained to reproduce /communicate third party material in Thesis.



Application for Candidacy

Application for Candidacy / Conversion of Candidacy

Higher Degree by Research Students

Copyright and Ownership of Intellectual Property: Student Agreement

Part 3a: Student/Supervisor must complete this section						
I (inse	ert full name)		in consideration			
of Cu	rtin University	(the "University") allowing me to undertake research in t	he			
Enroll	ling Area of _		hereby declare that:			
(i)	I have read the Copyright Procedures of the University ¹ and understand the provisions therein;					
(ii)	I shall ensure that the thesis contains no material which shall infringe the copyright of any person or persons; and					
(iii)	In accordance with the Copyright Procedures, I shall obtain, where necessary, permission for third-party copyright material reproduced in the thesis (e.g. questionnaires, artwork, unpublished letters) from the copyright owners.					



Copyright & Release of Thesis for Examination

Copyright and Release of Thesis for Examination

Higher Degree by Research Students

Part 3: Copyright Declaration

Curtin students and staff are subject to the provisions of the Commonwealth of Australia Copyright Act 1968. For information on copyright as it applies to Curtin HDR students refer to http://www.copyright.curtin.edu.au/research/high_degree_theses.cfm.

- 6. I warrant that the thesis contains no material which infringes the copyright of any other person(s).
- 7. I warrant that I have obtained, where necessary, permission from the copyright owners to use any third-party copyright material reproduced in the thesis, or to use any of my own published work (e.g. journal articles) in which the copyright is held by another party (e.g. publisher, co-author).

 A sample letter requesting permission to reproduce material in a thesis is available online at

A sample letter requesting permission to reproduce material in a thesis is available online at http://www.copyright.curtin.edu.au/docs/hdr students permission request.pdf.

- O Permission statements are included in an appendix to the thesis; or
- No permission statements were required.
- 8. The following statement has been included at the end of the Bibliography/Reference List in the thesis;
- Every reasonable effort has been made to acknowledge the owners of copyright material. I would be pleased to hear from any copyright owner who has been omitted or incorrectly acknowledged.

Source: http://research.curtin.edu.au/postgraduate/current-students/forms/ retrieved 14/09/16



Submission of Digital Theses

Submission of Digital Theses

Higher Degree by Research Students

Section B: Copyright Clearance

You are required to submit the exegesis component of your thesis and any published material which is not subject to copyright restrictions and which you have the right to publish in the National Library of Australia's TROVE repository and be made available through the Curtin Library Catalogue and espace@Curtin. (Please refer to the Guidelines for further information.)

If your submitted thesis includes any published material, if it has been submitted as a Thesis by Publication, or if it includes a significant amount of third-party copyright material (see the Guidelines at http://research.curtin.edu.au/forms/policies.cfm#thesisprod), then you must request an exemption or a time embargo for that material for which you do not own the copyright or which you do not have the right to publish.

	·			
(i)	Does your thesis contain any material (other than short, duly acknowledged quotations or occasional diagrams) in which the copyright is owned by another party (e.g. journal articles, questionnaires, reports, photographs)? No (Continue to Section C) Yes			
(ii)	Have you obtained all necessary permissions from the copyright owners to reproduce their material in the thesis? ☐ No. Please note that you will need to identify such material at Section D and request an exemption. (Continue to Section C) ☐ Yes, permission statements are included in an appendix to the thesis. (Continue to			
	Section C)			

Source: http://research.curtin.edu.au/postgraduate/current-students/forms/retrieved 14/09/16

3. How to meet your copyright obligations?

- Copying third party material for personal research
- Adapting or reproducing third party material in thesis
- Communicating third party material in thesis
- Seeking permissions where necessary



Copying material for personal research

'Fair Dealing' exception

OK to copy a 'reasonable portion' for the purpose of your own research or study; or criticism or review.

Copying limits:

- Books 10% of words or one chapter.
- Journals 1 article per issue.
- Anthology a work up to 15 pages.
- Images in their entirety unless commercially sold.
- Limit unclear for audiovisual material seek advice if copying more than a small amount.

Curtin University

Reproducing & communicating third party copyright material in thesis

- Including copyright material in HDR thesis is reproduction.
- Submitting your thesis into espace is communicating material within the public sphere.
- The rights of reproduction and communication are reserved by the owner of the copyright material.
- Bottom line is you will almost always require permission from the copyright holder UNLESS the material falls into one of the following categories:



When permissions aren't necessary ...

You **DO NOT** need additional permissions for the following:

- Brief quotations
- Short extracts of text or images subject to critical commentary or analysis - this use is permitted under the 'fair dealing' provisions for criticism or review in the Copyright Act.
- Curtin material be mindful of confidential or sensitive content
- Public domain material
- Open licence material be mindful of open licence terms
- Permitted by website terms & conditions default is All Rights
 Reserved



Standard CC Licences



Attribution (BY)

You must credit the creator, the title and the licence the work is under. For more information on how to attribute a work, see the "How to Attribute Creative Commons Material" guide, http://creativecommons.org.au/materials/attribution.pdf.

Noncommercial (NC)

Any use of the work must be for noncommercial purposes only. That means file sharing, educational use and film festivals are all ok, but advertising and for-profit uses are not.





No Derivative Works (ND)

Only verbatim copies of the work may be used. In other words, you can't change the work in any way. You need to get extra permission if you want to crop a photo, edit down text or use a song in a film. Basically, any remixing is out.



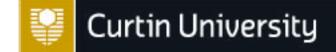
Any new work produced using this material must be made available under the same terms. So if you do remix a work you have to release your new work under the same licence.

Eg. Attribution-Share Alike has to stay Attribution-Share Alike.





Source: http://creativecommons.org.au/learn/fact-sheets retrieved 30/03/2017



Six standard CC licences

Licence	Buttons	Types of use	What others can do
Attribution (BY) http://creativecommons.org/licenses/by/3.o	© BY	Commercial and noncommercial	 Copy; Adapt or modify; Distribute (publish, display, publicly perform or communicate the work); and License to others.
Attribution- Noncommercial (BY-NC) http://creativecommons.org/ licenses/by-nc/3.o	© BY NC	Noncommercial only	Copy;Adapt or modify;Distribute; andLicense to others.
Attribution-Share Alike (BY-SA) http://creativecommons.org/licenses/by-sa/3.0	CC BY SA C BY-SA	Commercial and noncommercial	 Copy; Adapt or modify; Distribute; and License to others on the same terms as the original work.
Attribution-No Derivative Works (BY-ND) http://creativecommons.org/ licenses/by-nd/3.0	BY ND	Commercial and noncommercial	 Copy; Distribute verbatim copies only; and License to others.
Attribution- Noncommercial-Share Alike (BY-NC-SA) http://creativecommons.org/ licenses/by-nc-sa/3.0	EY NG SA	Noncommercial only	 Copy; Adapt or modify; Distribute; and License to others on the same terms as the original work.
Attribution- Noncommercial- No Derivative Works (BY- NC-ND) http://creativecommons.org/ licenses/by-nc-nd/3.o	© BY-NC-ND	Noncommercial only	 Copy; Distribute verbatim copies only; and License to others.

Website Terms of Use – Creative Commons



Copyright © Australian Institute of Health and Welfare

This product, excluding the AIHW logo, Commonwealth Coat of Arms and any material owned by a third party or protected by a trademark, has been released under a Creative Commons BY 3.0 (CC-BY 3.0) licence. Excluded material owned by third parties may include, for example, design and layout, images that we have obtained under licence from third parties and signatures. We have made all reasonable efforts to identify and label material owned by third parties.

You may distribute, remix and build upon this work. However, you must attribute the AIHW as the copyright holder of the work in compliance with our attribution policy. The full terms and conditions of this licence are available at http://creativecommons.org/licenses/by/3.0/au/

Some products may be released under more restrictive terms. Generally, these products will be documents that pre-date the implementation of Creative Commons licensing. Where a product contains a copyright notice or licensing terms that are not CC-BY 3.0 compliant, that notice or those terms take precedence over this licence.

Enquiries relating to copyright should be addressed to the Digital and Media Communications Unit, Australian Institute of Health and Welfare, GPO Box 570, Canberra ACT 2601.

(cc) BY

Digital Media and Communications

Enquiries and

requests

directed to:

Australian Institute of Health and Welfare

Enquiries and requests concerning

reproduction rights should be

GPO Box 570

Canberra ACT 2601

Telephone (02) 6244 1026

Source: http://www.aihw.gov.au/copyright/ retrieved 30/03/2017



When is it necessary to obtain permission?

You generally **REQUIRE** additional permissions for the following:

- Substantial amounts of text or content protected by copyright
 - Such as images, photographs, graphs, diagrams, illustrations, cartoons, tables, questionnaires, video clips, screen shots, etc.
- Commercial products
- Web content
 - Look for Copyright Information link
- Letters & other material not made publicly available
- Research Data Sets

If you are unsure whether you are allowed to reproduce material, it is safer to seek permission!



Example: CSIRO Material



About us

Accessibility

Accessibility plan

Copyright

Legal notice and disclaimer

Last updated: 16 January 2017

This website is © Commonwealth Scientific and Industrial Research Organisation, 2015-2017.

Use of material other than media releases

Copyright in the material available at this site is owned by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and third parties. It may only be used in the ways described in this Copyright Notice:

- You may take temporary copies necessary to browse this site on screen
- Unless otherwise stated, you may download or print a single copy of CSIRO copyright material for your own information, research or study, but only if you:
 - O Do not change the material; and
 - $\circ\,$ Do not remove any part of any copyright or other notice.

Except as permitted by statute, any other use of copyright material on this website is subject to first receiving consent.

Requests for further use should be directed to:

Source: https://www.csiro.au/en/About/Footer/Copyright retrieved 30/03/2017



4. Seeking copyright permission

- Consider what third-party copyright material you plan to include in your thesis when you commence your research.
- Allow plenty of time to seek permission.
- Specify material you want to use and for what purpose.
- Be aware that a copyright owner may charge a fee or ask you to sign a licence agreement.
- Ensure permissions are in writing and you retain a copy.
- Comply with any conditions imposed by the copyright owner in the permission.
- Always acknowledge sources of any copyright material used.



Seeking copyright permission

- Seek permission via:
 - RightsLink via published journal article
 - Online permission form on Publisher's website
 - Permission letter template





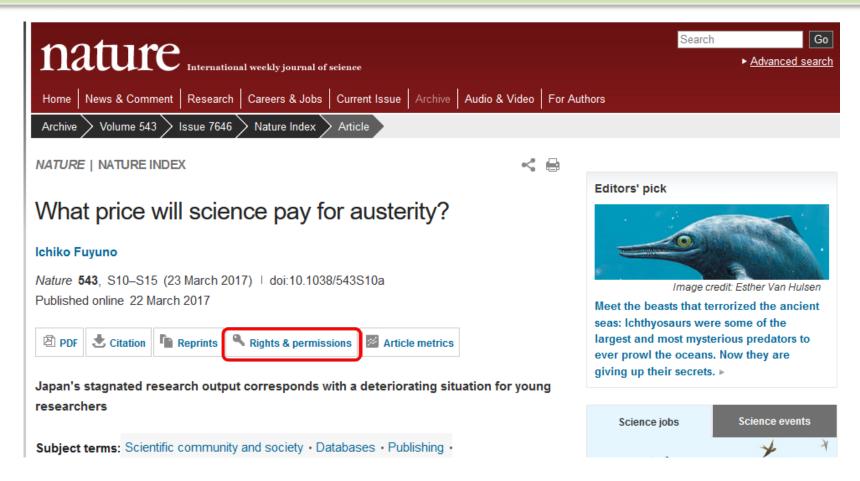
Source: http://www-tandfonline-com.dbgw.lis.curtin.edu.au/doi/abs/10.1080/09614529853585 retrieved 30/03/2017





Source: http://www.sciencedirect.com.dbgw.lis.curtin.edu.au/science/article/pii/S2351989415001146 retrieved 30/03/2017





Source: http://www.nature.com.dbgw.lis.curtin.edu.au/nature/journal/v543/n7646 supp/full/543S10a.html retrieved 30/03/2017





Source: http://onlinelibrary.wiley.com.dbgw.lis.curtin.edu.au/doi/10.1002/pbc.26364/full retrieved 30/03/2017





Source: http://onlinelibrary.wiley.com.dbgw.lis.curtin.edu.au/doi/10.1002/pbc.26364/full retrieved 30/03/2017





















Title:

Patient-reported neuropathic pain in adolescent and young

adult cancer patients

Author:

Melissa A. Acquazzino, Eva C. Igler, Mahua Dasgupta, Pippa

Simpson, Meghen B.

Browning,Amanda M. Brandow

Publication: Pediatric Blood & Cancer Publisher: John Wiley and Sons

Date: Nov 28, 2016 © 2016 Wiley Periodicals, Inc.



If you're a copyright.com user, you can login to RightsLink using your copyright.com credentials. Already a RightsLink user or want to learn more?

Welcome to RightsLink

John Wiley and Sons has partnered with Copyright Clearance Center's RightsLink service to offer a variety of options for reusing John Wiley and Sons content. Select the "I would like to..." drop-down menu to view the many reuse options available to you.



Copyright © 2017 Copyright Clearance Center, Inc. All Rights Reserved. Privacy statement. Terms and Conditions.

Comments? We would like to hear from you. E-mail us at customercare@copyright.com

Source: http://onlinelibrary.wiley.com.dbgw.lis.curtin.edu.au/doi/10.1002/pbc.26364/full

retrieved 30/03/2017





RightsLink®

Author:











Patient-reported neuropathic

pain in adolescent and young adult cancer patients

Melissa A. Acquazzino, Eva C.

Igler, Mahua Dasgupta, Pippa Simpson, Meghen B.

Browning, Amanda M. Brandow

Publication: Pediatric Blood & Cancer Publisher: John Wiley and Sons Date: Nov 28, 2016

@ 2016 Wiley Periodicals, Inc.

LOGIN

If you're a copyright.com user, you can login to RightsLink using your copyright.com credentials. Already a RightsLink user or want to learn more?

Source:

http://onlinelibrary.wiley.com.dbgw.lis.curtin.edu.au /doi/10.1002/pbc.26364/full retrieved 30/03/2017

Welcome to RightsLink

John Wiley and Sons has partne

post on a

make photocopies

send by email

reuse in a government report

reuse in a mobile application reuse in newsmedia reuse in broadcast media

reuse in conference proceedings

make a selection variety of options for reusing Jo menu to view the many reuse make a selection reuse in a book/textbook I would like to... make a s reuse in a journal/magazine make a se reuse in a reuse in another Wiley imprint/publication reuse in reuse in a dissertation/thesis reuse in Copyright @ 2017 Copy reuse in a coursepack/classroom materials Conditions. reuse in post in an institutional repository Comments? We would post in ar post on an intranet

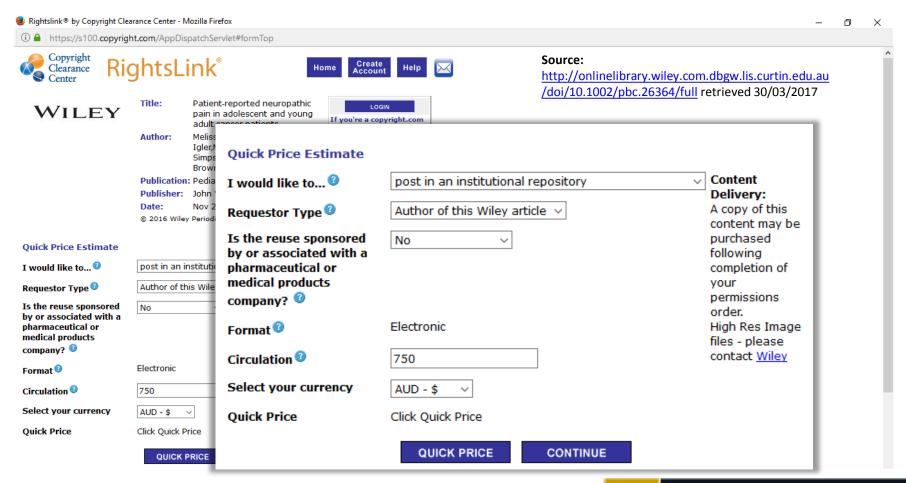
> post on a website reuse in promotional materials/pampniet/procnure

reuse in a CD-ROM/DVD/other storage media

reuse in a presentation/slide kit/poster reuse in training/CME materials



Curtin University



Seeking copyright permission: Letter Template

Sample Permission Request letter:

http://copyright.curtin.edu.au/research/higher-degree-theses/

- Specify subject of research and the details of use.
- Clear description of specific material/extract to be used.
- Request written permission form be completed & returned.
- Keep a copy of the permission for your records.
- Comply with stipulated conditions.



5. Thesis by Publication or Hybrid Thesis

You're entitled to re-use any published material that you've written because it belongs to you.

TRUE/FALSE?



Publisher agreements and copyright

- Does your thesis include content from a journal article or conference paper written in the course of your research?
- Have you retained copyright over the content?
- Publishers often request you assign or transfer copyright as a condition of acceptance.
 - If so, you will need permission from the publisher or conference organiser to re-use your own material in your thesis and place into espace.
- Do you share co-authorship or joint copyright for content you want to include in your thesis?
 - If so, you may also need co-author approval to reproduce all or part of the material.
 Curtin University

What rights have you retained as an author?

- There are a wide range of terms in publisher agreements.
- Read the terms and conditions of publishing agreements and understand the implications for depositing a copy into an institutional repository and the re-use of content in a new work.
- Check what rights you assigned to the publisher and what rights you retained as the author.
 - Author may retain right to deposit a particular version of the article into espace.
 - Publisher may impose an embargo period or require content to be removed and replace with DOI links.



Which version can be deposited in espace?

Generally, publishers allow deposit of the author's accepted manuscript of a publication into an institutional repository.

Source: http://library.curtin.edu.au/help/faq/espace/ retrieved 30/03/2017





Comply with attribution requirements

- The publisher agreement may have particular attribution requirements.
- To avoid the risk of self plagiarism you must acknowledge and reference the published version.
- Even if you have modified or adapted content from a prior publication, you may still need permission to reuse.

Misplaced publishing agreement?

- 1. **Sherpa-Romeo** http://www.sherpa.ac.uk/romeo/index.php provides information on publisher's standard copyright policies.
 - This includes information on:
 - whether you can deposit an article into a repository (espace)
 - which version of the article may be deposited
 - embargo periods
- View the journal's online permission information or contact Publisher directly.



Search - Publisher copyright policies & self-archiving

English | Español | Magyar | Nederlands | Português

One journal found when searched for:

Journal:	Developmental Review (ISSN: 0273-2297)
RoMEO:	This is a RoMEO green journal
Paid OA:	A paid open access option is available for this journal.
Author's Pre-print:	✓ author can archive pre-print (ie pre-refereeing)
Author's Post-print:	✓ author can archive post-print (ie final draft post-refereeing)
Publisher's Version/PDF:	🗶 author cannot archive publisher's version/PDF
General Conditions:	 Author's pre-print on any website, including arXiv and RePEC Author's post-print on author's personal website immediately Author's post-print on open access repository after an embargo period of 24 months Permitted deposit due to Funding Body, Institutional and Governmental policy or mandate, may be required to comply with embargo periods of 24 months Author's post-print may be used to update arXiv and RepEC Publisher's version/PDF cannot be used Must link to publisher version with DOI Author's post-print must be released with a Creative Commons Attribution Non-Commercial No Derivatives License
Mandated OA:	Compliance data is available for <u>57 funders</u>
Paid Open Access:	Open Access
Copyright:	Unleashing the power of academic sharing - Sharing Policy - Sharing and Hosting Policy FAQ - Green open access - Journal Embargo Period List (pdf) - Journal Embargo List for UK Authors - Attaching a User License (pdf) - Funding Body Agreements
Updated:	09-Jan-2017 - Suggest an update for this record
Link to this page:	http://sherpa.ac.uk/romeo/issn/0273-2297/
Published by:	Elsevier: 24 months - Green Policies in RoMEO
	This summary is for the journal's <i>default</i> policies, and changes or exceptions can often be negotiated by authors. All information is correct to the best of our knowledge but should not be relied upon for legal advice.

Source: http://sherpa.ac.uk/romeo/search.php?source=journal&sourceid=15172&la=en&flDnum=|&mode=simple|retrieved 16/05/2018

Demonstrating copyright permissions

Include in an appendix:

- A reproduction of the publisher's or journal's webpage giving global permission and outlining requirements for reuse (which you must follow).
- A formal request to the journal or publisher with a written affirmative response indicating their agreement for you to reuse the material for which they hold the copyright.



Unable to obtain permission?

If you are unable to obtain permission to reproduce the material you have the following options:

- Remove the copyright material from the thesis and direct readers to the publisher version by including the Digital Object Identifier (DOI) link to the paper.
- Request an exemption or a time embargo for the portion of material you do not have permission to reproduce when depositing your thesis into espace.
- Permanent exemptions require approval through the Associate Deputy Vice-Chancellor, Research Training.



Lastly ... implications for future publications

- Considering publishing an article based on your thesis? Keep the following in mind:
 - Be transparent with publisher if content already available online through espace
 - Some journals may view inclusion of content in institutional repository as a form of "publishing"
 - Consider requesting a time embargo when depositing thesis to espace to avoid the possibility of redundant publications.



Four points to takeaway ...

- 1. Plan early in your research for permissions
- 2. Read and keep any publishing agreements
- 3. Visit Copyright at Curtin website http://copyright.curtin.edu.au
- 4. Complete the HDR Online Training Module

http://assets.library.curtin.edu.au/copyright/hdr/



Further information – Useful websites

- **Copyright website** http://copyright.curtin.edu.au and http://copyright.curtin.edu.au/research/higher-degree-theses/
- Copyright for HDR Students Online Training Module http://assets.library.curtin.edu.au/copyright/hdr/
- Copyright Guide for Higher Degree Theses http://copyright.curtin.edu.au/resources/
- Open Access and espace http://libguides.library.curtin.edu.au/open-access
- espace http://library.curtin.edu.au/help/faq/espace/
- New to Research http://libguides.library.curtin.edu.au/new-to-research
- Thesis Examination and Submission Checklist http://library.curtin.edu.au/about/thesis-checklist



Further information – Useful contacts

- Library Copyright Team Library-Copyright@curtin.edu.au
- Library espace Team <u>espace@curtin.edu.au</u>
- **Faculty Librarians** http://library.curtin.edu.au/about/organisational-structure/staff/faculty-librarians.cfm

