Copyright FAQ for post graduate researchers

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# Executive Summary

The purpose of this document is to provide Post Graduate Research (PGR) students with an overview of how IP/copyright ownership is applied to their materials. There’s also guidance on the sharing of materials. Below is an executive summary of key points throughout the document.

* There is no requirement register works for copyright in the UK, as this protection is automatically generated when a work is available in a ‘fixed’ format. You can have further protection, by choosing to use the internationally recognised copyright symbol “©” when making your work available
* Examine the policy or guidance at your university around Intellectual Property (IP) and ownership, usually PGR students who are not employed by the University will own any IP they create.
* Research Outputs such as, papers, datasets, images, documents, and publications are likely to receive automatic copyright protection (and possibly Intellectual Property protection depending on the type of output). **N.B. be sure to examine your institutions guidance/policy around this area of IP, as this may vary for different universities**
* The UK copyright exceptions can allow excerpts of copyright protected material to be used for non-commercial [private study](https://www.legislation.gov.uk/ukpga/1988/48/section/29), providing the usage aligns to fair dealing factors. *N.B, the exceptions should only be used if no suitable blanket licence is in place, no written permission to use material granted, or no copyright free alternative could be found*
* You cannot share any of the work you have copied using the [Private study exception](https://www.legislation.gov.uk/ukpga/1988/48/section/29), via email or if your phone if you have taken any photographs of pages within a book/journal
* The UK Copyright exception ([29A](https://www.legislation.gov.uk/ukpga/1988/48/section/29A)) allows researchers to copy a work in order to analyse it using automated techniques, for the purposes of non-commercial research. Data and text mining technologies can be utilised, without the risk of infringement.

# 1. Do I need to register my work, so it can be copyright protected?

There’s no need to register your work, as copyright is assigned automatically (under UK Law), when a work is created in a fixed format (i.e., a photograph taken using a mobile phone). Several steps can be taken to demonstrate evidence that you created the work at a specific point in time.

One of the steps that you can employ is to add the internationally recognised copyright symbol “©” when you’re publishing or making your copyright protected work available. On a similar theme, you could add a watermark to your documents and images to further indicate they’re protected by copyright. Finally, you could produce a copyright notice to deter possible infringement and make it clear your work is protected. A copyright notice demonstrates you have an awareness of copyright and take any infringement seriously.

The UK Copyright Service, have guidance you can refer to when writing your copyright notice, which can be viewed at the following webpage: [Using Copyright Notices](https://copyrightservice.co.uk/copyright/p03_copyright_notices).

***N.B a full explanation of what UK copyright law is, along with Fair dealing and the copyright exceptions, can be found in*** [***this document***](https://edshare.gla.ac.uk/id/document/7122)***.***

# 2. Copyright in relation to Research Outputs

Research Outputs such as, papers, datasets, images, documents, and publications usually receive automatic copyright protection. Depending on the type of research output, it may be eligible for intellectual property protection – examples could in include a new drug you’ve developed, created an innovative software application.

Regarding the ownership of Intellectual Property (IP) for work created, you should examine your university’s policy around IP. It may be the case that PGR students who are not employed by a university own their IP, unless this is governed by a third-party agreement (e.g., funding or sponsor), or other factors that bestow an interest in the IP.

# 3. Can I copy materials for private study and my own research?

Yes, copying limited excerpts of copyright protected material is permissible, providing the intended use is for **non-commercial research and private study**. The UK copyright exception [Section 29](https://www.legislation.gov.uk/ukpga/1988/48/section/29), is what permits the copying conditions outlined in the previous sentence, however you must make sure the use would align to “[Fair Dealing](https://www.gov.uk/guidance/exceptions-to-copyright#fair-dealing)”. Below are some factors that you must consider when trying to determine if your use is “Fair”.

* Only use the amount of work required to fulfil your purpose, i.e., don’t copy pages of a book unnecessarily, if you all you need is two sentences to illustrate your point.
* Would your usage damage the interests of the creator, and impact them negatively financially?
* Always provide attribution (citation) for the creator and their work unless it is impossible or impractical to do so.

## 3.1: How much can I copy?

There is no legally defined amount or exact percentage of what can be copied under fair dealing exceptions. Its at this point you should refer to the guidance around Fair Dealing and consider the factors we previously looked at (shown below):

* Only use the amount of work required to fulfil your purpose, i.e., don’t copy pages of a book unnecessarily, if you all you need is two sentences to illustrate your point.
* Would your usage damage the interests of the creator, and impact them negatively financially?
* Always provide attribution (citation) for the creator and their work unless it is impossible or impractical to do so.

# 4. Text and datamining for non-commercial research purposes

The UK Copyright exception ([29A](https://www.legislation.gov.uk/ukpga/1988/48/section/29A)) allows researchers to copy a work in order to analyse it using automated techniques, for the purposes of non-commercial research. Data and text mining technologies can be utilised, without the risk of infringement. Journal subscriptions are still required (personal or institutional), as you must have lawful access to the copyright protected work.

When a work is copied, sufficient acknowledgement must be provided, unless it is impossible to do so.

**Additional notes about this UK copyright exception:**

* Providing you’re datamining in line with the Copyright Exception (s.29A), licences cannot remove the right to Data Mining under [articles](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019L0790&from=EN) within the European Digital Single Market Directive.
* Its worthwhile checking the licence agreement associated with the work, as some of the terms may afford more rights than the Data Mining exception. For example, some publishers of databases have clauses in their licences that stipulate, derived output (a database) from text and datamining activity, the Copyright/IP is owned by the researcher under normal institutional practice.
* **This exception cannot be overridden by contract terms**. To clarify, this means you can ignore what publisher contract/subscription or licences says. This is because the law changed in 2014, stating that the UK copyright exceptions that have “no contractual override” associated with them cannot be overridden by contracts or licence agreements. For further information, please visit the following CILIP webpage: “[Copyright law gets the upper hand - how contracts can no longer remove many rights users have in UK](https://www.cilip.org.uk/news/479875/Copyright-law-gets-the-upper-hand---how-contracts-can-no-longer-remove-many-rights-users-have-in-UK-.htm)”

**N.B., for guidance on using other people’s work, please refer to** [**this document**](https://edshare.gla.ac.uk/id/document/7137)**.**

# FAQ

## What are Creative Commons (CC), and should I make use of materials that have licences attached to them?

From the perspective of someone who is using materials that have a Creative Commons licence associated with them. They allow you to reuse the copyright material without having to contact the owner for permission. The licences tell you how to use, share and distribute the work. ​

To find out more about Creative Commons and the different types of licenses, click on the link below:

[Creative Commons licenses](https://creativecommons.org/licenses/)

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## How can I find out more information about Open Access?

Open access publications mean making the full text freely available on the web. This helps make your publication more discoverable, encouraging the sharing of work.

For information around Open Access, you should consider visiting the links below:

* [What is Open Access](https://www.openaccess.nl/en/what-is-open-access)
* [An introduction to Open Access (Jisc)](https://www.jisc.ac.uk/guides/an-introduction-to-open-access)

## I’m delivering a presentation at a conference, should I be concerned about copyright?

Yes, best practice should be adhered to when you’re incorporating other people’s work into your research. You should ensure you’ve obtained permission to use 3rd party copyright protected materials. Considering associated risks is advisable, i.e., is the conference going to be recorded and shared online? If this is the case, then the associated risk will be higher. However, you could consider making use of the UK copyright exceptions that fall under [Fair dealing](https://www.gov.uk/guidance/exceptions-to-copyright#fair-dealing), to defend the use excerpts of work.

## When using other people’s work should in my thesis, should I seek their permission?

Yes, it is generally advised to seek written permission when looking to use someone else’s work – especially as thesis can be made widely available online. You can examine [this document](https://edshare.gla.ac.uk/id/document/6905), to learn more about how to acquire permission.

## Do I own the copyright for the thesis I produce?

Usually you (the person who wrote the thesis), will be the copyright owner, unless you chose to assign any rights to your funder/sponsor.