

COPYRIGHT GUIDE – THESIS PREPARATION INFORMATION

Draft - Copied/Adapted for the University of Winnipeg from

“COPYRIGHT GUIDE - THESIS INFORMATION” University of Calgary, Calgary, Alberta

<http://lib.dev.tri.ucalgary.ca/sites/library.ucalgary.ca/files/ThesesCopyrightGuidelinesSept2012.pdf>

based on

“Copyright Guide for Thesis Preparation”, Concordia University, Montreal, Quebec

<http://library.concordia.ca/help/copyright/spectrumcopyright.php>

SCOPE

This Guide provides information for graduate students about copyright in the preparation of a thesis or dissertation. The guide discusses the use of copyrighted material in a thesis as well as copyright issues related to electronic deposit of theses at the University of Winnipeg.

THE UNIVERSITY OF WINNIPEG

Your thesis will be submitted not only to the Faculty of Graduate Studies, but will also be made available through the University of Winnipeg Institutional Repository (<http://winnspace.uwinnipeg.ca>). Therefore, it is important that you obtain permissions **when necessary** for copyright protected material used in your manuscript.

The University of Winnipeg is committed to compliance with the Canadian Copyright Act in all University publications. Small amounts of text or visual material, with proper citation are permitted. However, only the copyright holder of a work has the right to reproduce his/her work and to adapt that work so you must seek permission to use any substantial amount of a work – e.g. a newspaper article, an image or photograph, video or audio files.

The University of Winnipeg's Copyright Office is available to assist in determining the works for which permission should be requested and the best way to do this. However, the student is responsible for obtaining written permissions that then should be attached as a separate file with the manuscript. These requests should be started well in advance, preferably as soon as the thesis proposal is accepted and you start to incorporate material into the thesis. Copyright holders are often hard to track down and there are occasions when permission will be denied so time is of the essence. **You should also examine your own previously published work as it is possible that you no longer retain copyright to that material.**

General information on copyright can be found at <http://copyright.uwinnipeg.ca/> and specific questions regarding copyright can be directed to the Copyright Office's email: copyrightoffice@uwinnipeg.ca

CITATION REQUIREMENTS:

Whenever you use someone else's work, you must cite it according to the conventions or style guide of your discipline. If you are unsure which citation style to use, consult your supervisor early in the thesis writing process. The Library also maintains information on citation guides and can assist in your use of reference management tools. Citation or style guides will show you how to cite a variety of scholarly sources. Although proper citation provides acknowledgement for the sources you use, that in itself is not sufficient to meet copyright requirements.

COPYRIGHT REQUIREMENTS:

It is essential to become informed about copyright in the preparation of your thesis and it may later prove valuable to you as a copyright holder. The online environment that exists today, including the availability of electronic theses and dissertations (ETDs), make information

available to a wider audience that will benefit future research. However, you must ensure that all copyright protected materials that you use have the proper copyright permissions attached.

Copyright automatically applies to original works such as books, articles, videos, music, painting, photographs, digital works and performances of all of these works. For 50 years after the death of the creator, copyright protects works from being copied, performed or distributed without the permission of the copyright holder. After that period has passed, the work is then in the public domain and may be freely used.

There are three considerations to take into account before using a copyright work:

- Are you using a substantial or insubstantial portion of a work?
- Does what I want to do fall under “fair dealing”?
- Has the copyright holder already provided permission or granted a license to me?

THIRD PARTY WORKS:

Copyright protects a “work or any substantial portion thereof” (Section 3 of the Copyright Act) so it is generally accepted that one might use an insubstantial portion without gaining permission. It is understood that quotations fall under the “insubstantial use” doctrine, as long as they are reasonable in length. There is no “magic number” of words one is allowed to quote. Several lines from a short story would most likely be fine but several lines from a 10-line poem are probably not.

Using a substantial part or the whole of a copyright work means you are using the rights reserved for the author in the Copyright Act. In those circumstances you must examine the legal doctrine of FAIR DEALING to determine if you may use the work or if you should apply for permission to the rightsholder.

FAIR DEALING OR PERMISSION REQUIRED?

The information below can assist you when making a decision about including a copyright work in your thesis.

FAIR DEALING is an exception in the Copyright Act that allows you to use a work in the context of research, private study, criticism, review, education, satire, parody, and news reporting as long as you cite the source properly. For example, making a copy of a journal article for reference while you work on your thesis would qualify under fair dealing “research,” “private study,” or “education.” However, not all determinations of fair dealing are quite so simple.

There are 6 components to consider in making a decision as to whether you can rely upon fair dealing:

- Purpose (does it fit criteria of research, private study, education, etc.)
- Character (how were the works dealt with – single copies? wide distribution?)
- Amount (proportion of work uses)
- Nature (published? confidential?)
- Alternatives (was it necessary to use? would something else work as well?)
- Effect (economic impact)

These factors can guide you in determining whether you can include the work without rightsholder permission. For example, it is easier to claim fair dealing for criticism and review if the reproduction of an image is reduced in size and resolution and if you discuss this image at length within the thesis.

HOW TO SEEK PERMISSION TO INCLUDE COPYRIGHT WORKS

If you consider that elements of copyright protected work in your thesis are substantial and do not constitute fair dealing, then you must seek permission to reproduce them. **This applies to both materials from other creators and your own materials that have been previously published.**

1. First, you need to determine who holds the copyright for the materials you wish to use. In most cases, the publisher will hold the copyright. The Publisher's website may provide information on copyright policies and the correct contact to obtain permission. Journal websites are particularly useful and may include information on using non-commercial reproduction and whom to contact if permission is required. You can also check their policies for using your own work if published in their journal.
2. Then you need to contact the copyright holder and include the following information in your correspondence:
 - a. Purpose of request is to include in your thesis and that it will be added to the institutional repository at the University of Winnipeg. It is helpful to provide a link for them to access further information:

University of Winnipeg Theses Repository <http://winnspace.uwinnipeg.ca/>

- b. A detailed citation of what you want to use in your thesis. You should always include ISBN/ISSN number as well as page numbers, table or chart numbers, etc.
- c. Keep all correspondence exchanged with copyright holders as proof that you have obtained permission to use the materials you require.
- d. If permission is denied, a charge is levied that you do not want to pay or you receive no answer to your request, the **material must be removed from the thesis**. This should only be done as a last resort when your use is not considered fair dealing or when you have exhausted all avenues to obtain permission.