

Publishing student work

Copyright considerations when publishing your student work

Australian Copyright Law allows you as a student or researcher to copy and use limited amounts of other people's material (third party material protected by copyright) in your studies or research without the permission of the copyright owner and free of charge.

The law recognises that in most cases your study or research is contained within an educational context and serves a personal learning purpose and generally does not seek to damage the commercial prospects of a copyright owner.

However, when you are ready to make your student work or research available for a commercial or broader publication purpose, and your work includes other people's material, you will need the permission of the copyright owner to use that material.

For example, if you are undertaking an honours or masters or research degree or doctorate, it is likely that you will want to publish your thesis or seek broader dissemination of your work. In this case you will need permission to use certain copyright material included in your work, unless one of the following applies:

- Where you have genuinely used the limited amounts of copyright material for the purpose of criticism or review and you have properly referenced the material and attributed its author or creator. This use is covered under the 'criticism or review' exception in the Fair Dealing provisions of the Copyright Act (sections 41 and 103A). Other Fair Dealing provisions which could be relied on include: 'parody or satire' (sections 41A and 103AA), 'reporting the news' (sections 42 and 103B), 'for access by persons with a disability' (section 113E). See *Fair Dealing* in the UTS Library [Copyright Toolbox](#).
- Where the third party material is **out of copyright**. If the copyright duration for the copyright material you wish to use has expired, you will not need permission to use that material in your work. See [Australian Government Copyright Duration](#) for duration of copyright for different types of copyright content.
- Where the copyright material is covered by an agreement or licence or terms or conditions that allow your use. This could include reusing your previously published work, provided the publication agreement covering that work allows your use (such as for teaching or at a conference, or for inclusion in a thesis or a digital repository).
- Where you already have the permission of the copyright owner to use the third party material as part of your published or disseminated work.

For UTS doctoral students, the [GRS thesis preparation and submission procedures \(PDF\)](#) (section 18) requires that you have permission to use any copyright material contained in your thesis. You will need to indicate the status of the copyright material contained in your thesis when you [submit your digital thesis](#) to the UTS OPUS repository.

More detailed information on publishing and rights management can be seen in the UTS [Copyright Toolbox](#): see *Consider Rights Management* and *Publishing Considerations*.

Seeking permission to use third party material

Most publishers will expect you to have arranged permission or to have used a legal amount of copyright material in your work.

Where the above exceptions do not apply or are not accepted by your publisher, you will need permission from the copyright owner to use their material in the work that you intend to publish.

You should:

- Contact the owner(s) of the material by email or in writing.
- Include your name, contact details, University name and program of study or research.
- Indicate the copyright material you wish to use.
- Explain how the copyright material will be used in your work and how you intend your work to be published.
- Ask if they are the current copyright owner of that material and request permission to use the copyright material (indicate that if they are not the current copyright owner you would appreciate information that may assist you to find the current copyright owner).
- Indicate that their copyright material will be referenced and their permission acknowledged.
- Keep copies of the requests you have made and permissions received.

You should also know that:

- Gaining permission sometimes requires time and patience.
- Some apparent copyright owners (especially for older work) may have sold their copyright holding to others. You will need to make sure you are dealing with the current copyright owner.
- Some copyright owners will charge a fee or refuse your request.
- Online organisations often have information under 'terms and conditions' on their website which specifies conditions for using their work. (Take care in using material from the web, as there is much material online that is used without permission. Using such work, without permission of the current copyright owner, risks infringing copyright law.)

Further advice and information

On the UTS Library website, see the *Manage Your Content* [site](#): 'Create Content'

See the [Australian Copyright Council](#) information sheets covering a range of copyright considerations for creators.

Contact a UTS Copyright advisor at copyrightcontactofficer@uts.edu.au