

COPYRIGHT GUIDE – THESIS INFORMATION

(Adapted with permission, for the University of Calgary from “Copyright Guide for Thesis Preparation,” Concordia University, Montreal, Quebec.)

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

THE UNIVERSITY OF CALGARY

Your thesis will be submitted not only to the Faculty of Graduate Studies, but will also be made available through the University of Calgary Theses Repository – The Vault, as well as harvested by Libraries and Archives Canada for inclusion in their collection. Therefore, it is important that you obtain permissions when necessary for third party material used in your manuscript.

The University of Calgary is committed to compliance with the 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 their work and to adapt their work so you must seek permission to use any substantial amount of a work – e.g., an academic article or monograph, a newspaper article, an image or photograph, video or audio files.

The 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 is accepted. 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 <https://library.ucalgary.ca/services/copyright>.

Questions regarding copyright can also be directed to the Copyright Office: copyright@ucalgary.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 third-party materials that you use have the proper copyright permissions attached.

Copyright protects the form in which literary, artistic, musical and dramatic works are expressed. In Canada, copyright exists once a work is expressed in fixed form; no special registration needs to take place. Copyright usually resides with the creator of the work. Copyright exists in most work for 70 years after the death of the creator.

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 copyrighted work in your thesis.

The FAIR DEALING provision in the Copyright Act permits use of a copyright-protected work without permission from the copyright owner or the payment of copyright royalties if specific conditions apply. To qualify for fair dealing, two tests must be passed. First, the “dealing” must be for a purpose stated in the Copyright Act: research, private study, criticism, review, news reporting, education, satire or parody. The second test is that the dealing must be “fair”. In landmark decisions in 2004 and in 2012, the Supreme Court of Canada provided guidance as to what this test means and what needs to be considered in a fair dealing analysis.

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

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

You do not need every factor to be “fair” but the balance needs to be more fair than not.

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 third-party works 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 non-commercial reproduction and who 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. **The purpose of the request:** To include indicated third-party material in your thesis and that it will be added to the institutional repository at the University of Calgary and the Library and Archives Canada. It is helpful to provide a link for them to access further information:
 - i. University of Calgary Theses Repository – The Vault
<http://hdl.handle.net/1880/116113>.
 - ii. Library and Archives Canada <http://collectionscanada.gc.ca/obj/s4/f2/frm-nl59-2-e.pdf>.
 - b. **A detailed citation:** Details 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.
3. Keep all correspondence exchanged with copyright holders as proof that you have obtained permission to use the materials you require.
4. 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.