



INNOVUS

# COPYRIGHT CRITERIA TO CONSIDER WHEN WRITING YOUR THESIS

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# What is Copyright?

- It is an intellectual property (IP) right with **economic** and **moral** function
- It grants authors a number of **exclusive rights** - allowing or preventing others from using their work
- Copyright exists on all original literary, dramatic, musical and artistic works of authorship
- In SA, the **Copyright Act 98 of 1978** (amended) regulates all copyright matters – currently under review – 2017 draft of Copyright Amendment Bill made available for public comment - parliamentary public hearings now in progress



# Is copyright important when researching & writing a thesis? Why?

- Copyright **infringement** – using someone else's work
- Copyright protection of your own work = automatic = work is **original** and in **material or tangible form**
- **No registration** formalities = no registration or fee payable to obtain copyright protection
- SU - Students **assign** copyright in all works (including all research conducted as part of their studies and papers, dissertations & theses) to SU during their registration process
- **Publishing**- publishers want ownership of your copyright (including electronic rights) – SU **cautions** against granting of **exclusivity** to a single publisher



# Ownership of copyright

- Owner of a copyrighted work = **original creator** of the work
- **Exceptions:** employment; commissions; state-controlled; assignment
- SU = sole **owner** of all work of authorship created by staff or students in normal course of their studies or scope of employment
- Outside organisations providing scholarships or bursaries to SU students **≠** coverage of the Full Cost of such studies or research = Students may not grant IP rights directly to any outside organisation
- In SA, copyright lasts for the duration of the life of an author **+ 50 years** after the author's death – **public domain**



# USE OF THIRD PARTY CONTENT



# Copyright perspectives on the use of 3<sup>rd</sup> party content in your thesis

Basic copyright principles apply

Permission is required if you:

- reproduce, publish or communicate thesis in material form - **print or electronic**
- use or summarise **whole/complete text** - from an article; paper or internet material
- use a 'substantial part' of the copyright material - no fixed percentage indicated. Quality of the part to be used / Quantity = a relevant part or crux of original = **essence** of original work = **substantial part**
- Use photographs/diagrams/maps/graphs = **artistic work = complete work**



## Permission is not required if you:



**paraphrase** (rewrite) **small** part of the original source in their own words – reference the original source correctly



use an **insubstantial** part of copyright material – referencing to the original author and source



**quote** a 'small' part of copyright material – use quotation marks and correct referencing of the source and author



**Cite** a source in your text



Use an **individual** random piece of data (a fact)



# “Fair dealing” – does it apply to your thesis?

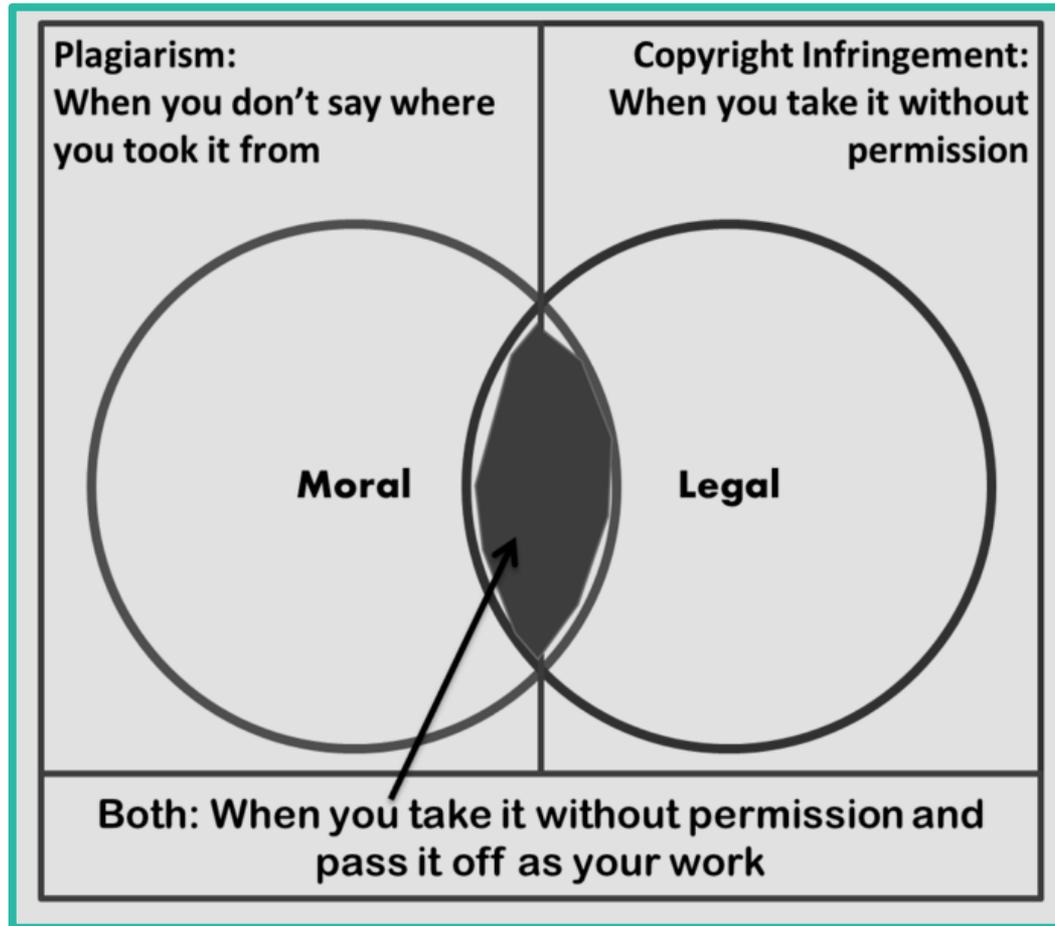
- For purposes of research or private study, or for personal or private use - Section 12 (1) of the Copyright Act allows a single **copy** of a reasonable portion of a work, consistent with fair use
- Generally accepted - copying of the whole or major portion of work **≠** reasonable or compatible with fair dealing

## PLEASE NOTE:

- this provision not clearly defined in Act
- you may be allowed to copy reasonable amounts of material for **researching** your thesis - highly unlikely to extend to **distribution and communication** of this material in your thesis without permission from the copyright owner



# Plagiarism vs Copyright Infringement



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# Cont'd

Plagiarism	Copyright Infringement
Violation of moral right and of academic standards	Legal violation
Involves verbal or written copying of the original	Involves physical reproduction of the original (print and/or electronic)
Failure to correctly attribute the authorship of copied material	Failure to obtain permission <b>and</b> in certain instances pay for use of the copied material
Infringes author's work and reputation (moral right)	Infringes author's work and reputation (moral right) and potential income (economic right)

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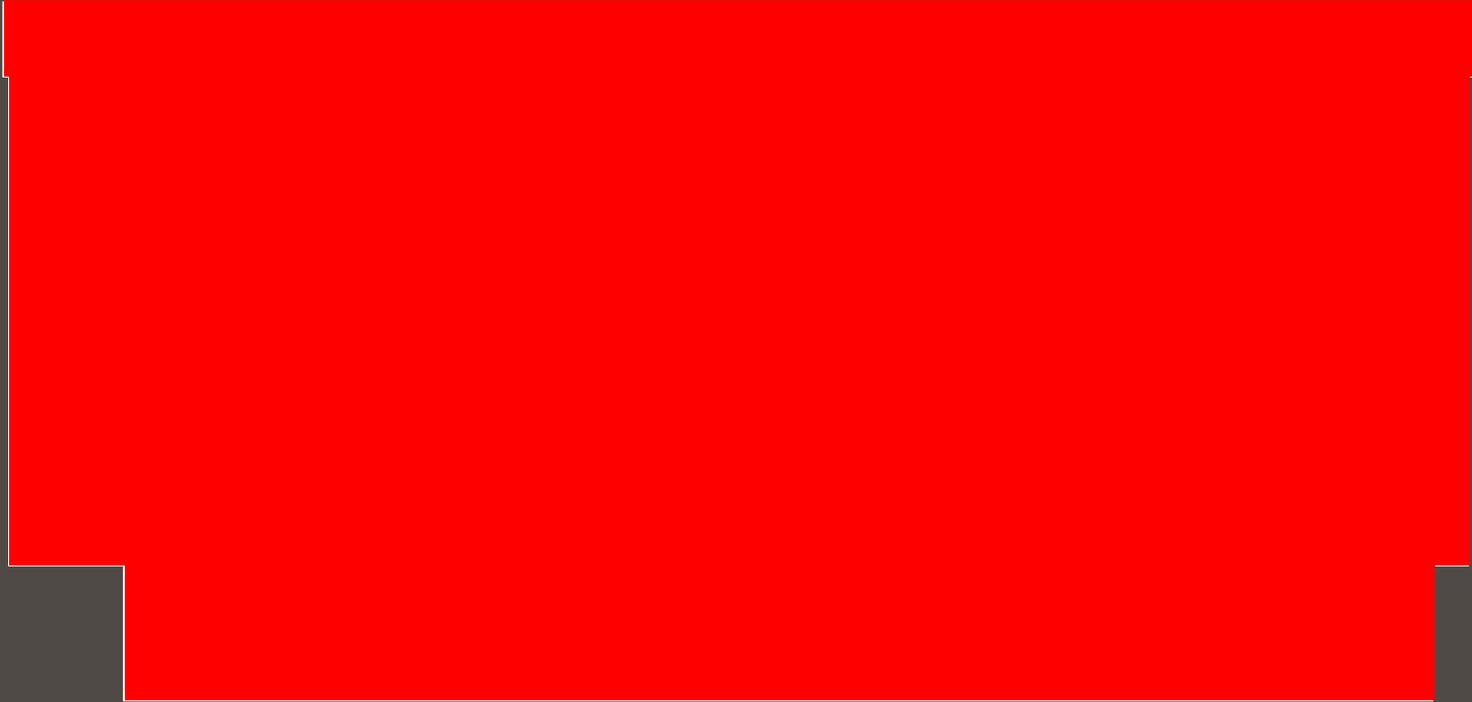


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# OBTAINING PERMISSION TO USE CONTENT



# How to obtain permission from the rights holder of 3<sup>rd</sup> party content?

- **Check** the terms of use of material
- Open source = type of **CC licence** or public domain
- Determine **ownership** of material
- Request **permission** in writing from the copyright owner
- Indicate that is it for **non-commercial/academic** use
- Indicate **format** – print & electronic as thesis may appear on a academic repository (*ie* SUNScholar)
- **Follow up** continually until you receive a reply



# Cont'd

## PLEASE NOTE:



Did not receive a response to your attempts



Publishers may ask for payment of copyright fee

## CONSIDER TO:



remove the material



paraphrase it in your own words – credit original source and author



reduce extent of the material to be used = an insubstantial part – credit the original source and author



# Permission has been given, what you may and may not do with the material?

## You must:



**Credit the original source**



**State if you have altered or modified the material from original format**



**Use the material in manner for which permission has been granted**

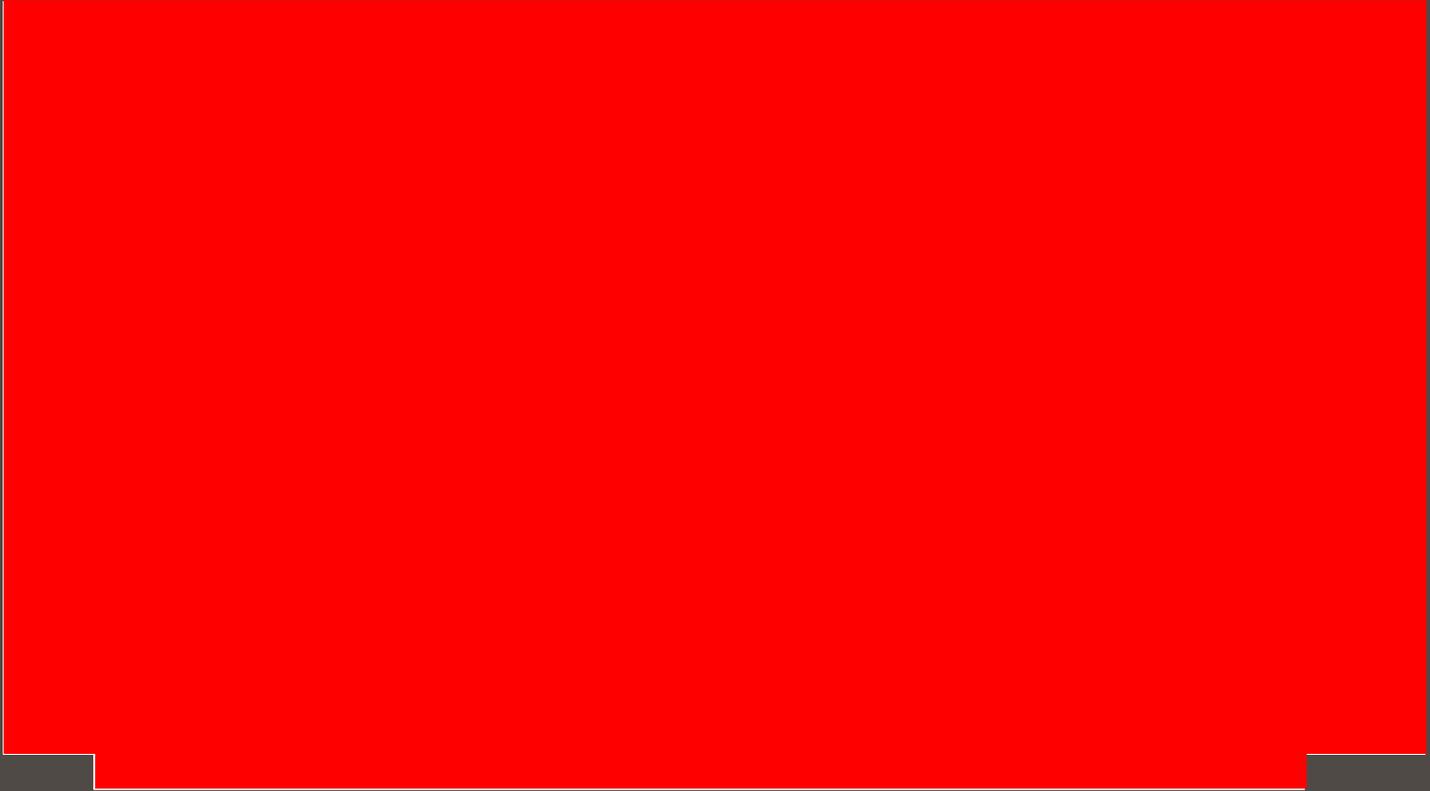
## You may NOT:



**Alter or distort the original material in any way which could damage the author's **moral rights****



# COPYRIGHT AND PUBLISHING YOUR THESIS



# Publishing your thesis

- Students **assign** to SU copyright in all works (Assignment on registration)
- SU's Calendar (Yearbook) – Part 1 (General) = provisions re format, submission, duplication and publication
- Students may not publish assignments/theses/dissertations in any form (other than an article in an accredited academic journal) without prior written approval of Dean of relevant faculty
- Income from artistic, literary or musical works usually not claimed by SU - even if work created is pursuant to student's studies
- Contact **Innovus** regarding intended publications before proceeding - If it is legally capable thereto, students may be granted copyright ownership or usage rights and be entitled to the income from these types of works



# Word of advice

- **Choose a specialised academic publisher with a high quality end-product**
- **Avoid mass vanity publishers – no peer reviews or editorial processes conducted & demand exclusive distribution rights -print and electronic**
- **Try & achieve a workable compromise between the publisher and yourself/SU.**
- **SU = public research institution = wide dissemination of its research - also through its website (**SunScholar**) = do not grant exclusive rights to a publisher which could be restrictive on further research**



# Quick links:

- SU's IP Policy:

<http://www.innovus.co.za/working-with-innovus/intellectual-property-2/ip-policy.html>

- SU's Yearbook (RE: Publication):

<http://www.sun.ac.za/english/Documents/Yearbooks/Current/General.pdf>

- SA Copyright Act:

[www.wipo.int/wipolex/en/text.jsp?file\\_id=130429](http://www.wipo.int/wipolex/en/text.jsp?file_id=130429)

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**THANK YOU**



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