COPYRIGHT CRITERIA TO CONSIDER WHEN WRITING YOUR THESIS
Presented by:

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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 3rd 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) a 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

Plagiarism:
When you don’t say where you took it from

Copyright Infringement:
When you take it without permission

Moral

Legal

Both: When you take it without permission and pass it off as your work

https://en.wikipedia.org/wiki/File:Plagiarism_vs_Copyright_Infringement.png

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Author: MLauba
### Cont’d

<table>
<thead>
<tr>
<th>Plagiarism</th>
<th>Copyright Infringement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violation of moral right and of academic standards</td>
<td>Legal violation</td>
</tr>
<tr>
<td>Involves verbal or written copying of the original</td>
<td>Involves physical reproduction of the original (print and/or electronic)</td>
</tr>
<tr>
<td>Failure to correctly attribute the authorship of copied material</td>
<td>Failure to obtain permission and in certain instances pay for use of the copied material</td>
</tr>
<tr>
<td>Infringes author's work and reputation (moral right)</td>
<td>Infringes author's work and reputation (moral right) and potential income (economic right)</td>
</tr>
</tbody>
</table>
OBTAINING PERMISSION TO USE CONTENT
How to obtain permission from the rights holder of 3rd 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 it is for **non-commercial/academic** use
- Indicate **format** – print & electronic as thesis may appear on an 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:

• SU’s Yearbook (RE: Publication):

• SA Copyright Act:
  OR

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