**Third party copyright material and publishing theses**

This information aims to assist you in identifying and documenting third party copyright material in preparation for submitting your thesis for publishing within ECU’s institutional Repository.

Most materials embodying some form of human expression will be protected by copyright. These materials may include images, diagrams, tables, graphs, video, poetry, books, journals, essays, presentations, photographs, paintings, drawings, maps, scripts, song lyrics, musical scores, sheet music, films, sound recordings and computer programs.

You are not permitted to use (by copying, performing, reproducing etc.) another person’s material without the copyright owners’ consent or without a statutory exemption in the Copyright Act. If you do, you will have infringed copyright and may be sued by the copyright owner.

Written permission from the copyright holder is required to make the third-party copyright material available online within your thesis unless:

* **Copyright has expired.**

See the Copyright Council’s [Duration of Copyright](https://s3-ap-southeast-2.amazonaws.com/dimoacc/factsheets/INFO023.pdf) Fact Sheet for details.

* **You are using an insubstantial part of the work.**

In some cases, a small amount of a copyright work (such as a few quotes from a book) may amount to an “insubstantial part” of the work, in which case it can be used without infringing copyright. Whether a part is substantial is a qualitative, not quantitative judgement. A part that is important, essential, recognisable or significant is unlikely to be considered insubstantial.

See the Australian Copyright Council’s fact sheet on Quotes and Extracts. <https://s3-ap-southeast-2.amazonaws.com/dimoacc/factsheets/INFO034.pdf>

* **The use falls under a fair dealing exception**.

Please note that the **fair dealing for research or study** exception does not apply when **publishing** material or making your thesis available online on ECU’s repository.

The fair dealing for purpose of **criticism or review** exception may only be used where the material included is analysed or judged, not just used as an example or to illustrate a point, provided the use is fair and sufficient acknowledgement is made.

See the Australian Copyright Council’s fact sheet on Quotes and Extracts. <https://s3-ap-southeast-2.amazonaws.com/dimoacc/factsheets/INFO034.pdf>

If none of the three exclusions above apply to the third-party copyright material in your thesis and you do not have written permission to make it available online within your thesis, it must be removed from the version provided.

Please note that the author or creator may no longer be the copyright holder as the rights may have been transferred to a publisher or others.

These guidelines have been compiled in consultation with ECU’s Legal and Integrity team. Further information can be found at [Copyright for students and researchers](https://intranet.ecu.edu.au/staff/centres/strategic-and-governance-services/our-services/legal-and-integrity/copyright/copyright-for-students).

The table below can be completed to help identify third party copyright material in your thesis and document which material can remain in the version provided for online publication in ECU’s repository:

**Template for Listing Third Party Copyright Material in Thesis**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Citation information for Third party copyright material** | **Copyright owner** | **Location of item in thesis** | **Permission received Y/N** | **Terms of use / restrictions / licence** |
| Eg: Figure 1: **Multidimensional structure of the training load construct** from Impellizzeri, F.M., et al., The ‘training load’ construct: Why it is appropriate and scientific. Journal of Science and Medicine in Sport, 2022. 25(5): p. 445-448. <https://doi.org/10.1016/j.jsams.2021.10.013> | Elsevier | p.6 | Y | Elsevier Permissions Granting Team - acknowledgement to the source must be made as follows:“This article was published in Publication title, Vol number, Author(s), Title of article, Page Nos, Copyright Elsevier (or appropriate Society name) (Year).” |
| Eg: Kensett, J.F. (1872). Eaton's Neck, Long Island [Oil on canvas] The Met Fifth Avenue, New York, NY, United States. <https://www.metmuseum.org/art/collection/search/11307> | Not applicable | p.234 | Y | Creative Commons Zero (CC0) licence<https://creativecommons.org/publicdomain/zero/1.0/> |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |