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## Copyright: the basics

As a researcher, it is your responsibility to ensure that the materials you use in the course of your research do not infringe copyright. This guide will help you determine if you can include third party copyright materials in your published research and explain how to obtain copyright permission.

Copyright is an automatic right that protects the expression of ideas in whatever fixed formats those expressions may take whether published or unpublished.

Copyright protects:

<b>Work</b>	<b>Examples</b>	<b>Expiry of copyright</b>
Literary	Novel, poem, journal article, thesis	70 years after the death of the author
Dramatic	Play, dance, stage musical	70 years after the death of the playwright
Artistic	Painting, sculpture, photograph, figures, maps, diagrams, graphs	70 years after the death of the artist
Musical	Musical score (not lyrics, performance or recording)	70 years after the death of the composer
Films	Any sort of recorded moving picture	70 years after the death of the last director, producer, screen-writer or score-composer
Sound recordings	Recording of any sound (music, white noise, anything)	70 years after it was first released
Broadcasts	Any TV or radio programme	50 years after it was first broadcast
Typography	Layout, font and format of a text	25 years after publication

- Copyright owners have economic rights which may be sold, assigned etc.
- The author is the first owner of the copyright in a work, but they may not be the final owner as the right may have been transferred to a publisher or another party.
- The author has a moral right to have their work correctly attributed to them and to object to any derogatory treatment of the work.
- Only the copyright owner may:
  - Copy the work;
  - Issue the work to the public;
  - Broadcast or use other electronic means to communicate a work to the public;
  - Make adaptations of a work;
  - Rent or lend copies of the work to the public;
  - Perform, play or display the work in public.

## Do I always need permission to reuse third party works?

There are a number of instances when permission is not required.

### Public domain works

Public domain works are not protected by copyright and may be reproduced without permission. This includes materials where the copyright has expired or the copyright owner has licensed the work to be re-used by others, e.g. with a Creative Commons licence.

Be aware that although an underlying work may be out of copyright, any new treatment of the work, such as a new foreword to a novel or typographical arrangement, is subject to copyright protection.

### Fair dealing for the purposes of criticism or review

The Copyright Designs and Patents Act 1988 (CDPA) includes an exception for [fair dealing](#). This allows the reproduction of a **limited** amount of material without permission from the copyright owner of a **published** work providing it is for the purposes of criticism and review.

In practice, this means that you must ensure that:

- the purpose of quotation is objective and evidenced scholarly criticism or review (not merely illustration);
- you quote only as much as you need to make your point;
- a quotation is reproduced accurately, either within quotation (" ") marks or as displayed (indented) text;
- full attribution is given using an appropriate citation style.

However, the CDPA does not specify how much material constitutes a 'limited amount'. In the absence of a formula, publishers and professional societies may provide guidance on the amount of material you can use. It is important to remember that this is a subjective interpretation and the original copyright owner retains the right to challenge your 'fair dealing'. Obtaining permission from the copyright owner of **any** material you wish to use is the safest course of action.

### Obtaining permission

We recommend that you begin this process as soon as you have identified the materials you wish to use. It can be a lengthy process and you will want to allow yourself time to reconsider your approach if you are denied permission.

If you have already secured a publisher, familiarise yourself with their copyright practices as they will often provide clear guidance on how they require you to proceed. They may also have an agreement with other publishers, such as the Scientific, Technical and Medical Publishers Guidelines, which facilitates routine permission requests amongst publisher signatories.

You also need to be aware that you may be charged a fee to reuse material. Will your publisher help you meet the costs or do you need to factor this into your research budget?

Don't assume that you can reuse your own published research without permission. You must check your publishing agreement to see if this is allowed. If not, you will need written permission from your publisher.

## Who to contact: identifying and locating the copyright owner

### Begin with the publisher

In most instances, it is best to contact the original publisher of the material you wish to reuse. They will often be the copyright owner or own the exclusive right to grant permission for reuse. They will also own the typographical layout of any work published in the last 25 years. If they do not own the rights, they should be able to direct you to the appropriate person.

Images in a published work or on a website will often have a separate copyright owner to the work's publisher or author. This should be included with the image or in a separate listing at the front or back of the book.

### Help locating publishers and copyright owners

- Publisher no longer in business? Check to see if it's been re-issued or a new edition has been released by another publisher (use [COPAC](#) or the [British Library Catalogue](#)).
- [WATCH](#) (Writers, Artists and their Copyright Holders) lists copyright contacts for writers and artists and contains information on defunct publishers.
- Search for academic authors in [Scopus](#) or the [Web of Science](#); they may have included a current address.
- Contact the appropriate society: [DACS](#) (The Design and Artists Copyright Society) represents over 80,000 visual artists and licenses their work, and the [Society of Authors](#) manages literary estates.
- Crown copyright material is managed by [The National Archives](#).
- Internet – be aware that material may have been posted without the consent of the copyright owner.
- Social media sites (Twitter, Facebook) – read the site's terms and conditions.

### Asking for permission

In the first instance, consult your publisher as they may provide templates and require you to use specific wording when securing permissions.

In the absence of specific guidance, include the following details when writing a permissions letter.

- Your name and contact details.
- A full description of the work you wish to use:
  - Name of the author and title of the work
  - Unique identifier e.g. ISBN or ISSN or DOI
- Exact description of the content (include any illustrations, images, figures, chapter/section/page numbers, start and end points of the extract)
- How you intend use it:
  - Will it be adapted, performed or re-recorded?
  - Give specific details of any adaptations and an assurance that the work will not infringe the author's moral rights.
  - Include a copy of your adaptation for approval.
- Explain that their work will be fully and correctly referenced.
- Will it be included with other content, and explain the context and what proportion of the overall work the copied content will represent.

- How the work will be reproduced, e.g. published in print or online, released in book or article format, published in a specific journal.
- Ask the copyright owner to confirm they own the material and indicate the terms of their agreement in writing.
- Ask the owner how they wish to be acknowledged.

Be aware, that you must obtain separate permission for each instance of reuse so be clear if you intend to use material for more than purpose, e.g. using an image on a book jacket as well as within a text.

## **No response?**

A lack of response from the copyright owner does **not** imply consent. You must wait for permission or consider using an alternative material.

## **Unable to identify the copyright owner?**

Materials which are still in copyright but for which you have been unable to identify a copyright owner are known as 'orphan works'. Again, you should not assume that inability to identify the copyright owner implies consent and the safest course of action is to use an alternative.

If you do go ahead and use an orphan work, you must:

- Be able to show you have made every effort to identify the copyright owner (keep records of your enquiries);
- Have reasonable grounds to assume the copyright has expired;
- Acknowledge the original work, author, publisher, and copyright holder (where these details are known) in your work;
- Be prepared to pay a reasonable royalty and comply with the copyright owner's wishes if they are subsequently identified.

Your publisher will be able to advise you if they have a position on the use of orphan works. The Intellectual Property Office is another source of advice for [orphan works: diligent search guidance](#).

## **Finding free content available for reuse**

Remember, you are still obliged to provide full attribution and citation when using these materials.

- [OpenDOAR](#) – search open access repositories
- [Creative Commons](#) – search a number of websites with materials licensed by Creative Commons
- [Flickr Commons](#) – search the archives of cultural institutions for photographs in the public domain.
- [The Noun Project](#) – find free icons and images
- [Europeana](#) – copyright free images from Europe's cultural institutions.

Contact your [Research Support Librarian](#) for further advice on finding free content.

## **Remember to keep a record of your activities**

It is important to keep a record of your activities and copies of any written permissions you receive in case you are challenged by a copyright owner at a later date. You may wish to use the sample permissions log below.

## Your Copyright Toolkit

### Copyright Checklist

You should be able to answer yes to all these questions before publishing your research.

Question	Yes	No
Have you checked your publisher's guidance on the use of third party copyright materials?		
Do the copyright materials in your work meet one of the following criteria? <ul style="list-style-type: none"><li>• Permission received from the copyright owner</li><li>• Licence or contractual agreement</li><li>• Public domain work</li></ul>		
Have you obtained written permission from the copyright owner? If yes, have you complied with the conditions of use?		
Have you provided appropriate attribution and citation within your work?		
Have you preserved the integrity of the copyright material in accordance with the author's moral right?		
Have you kept a record of every permission obtained?		

The following materials may be useful when obtaining and recording permissions:

- [Sample permissions letter](#)
- [Permissions log template](#)

For further advice and support please contact the [Library Research Team](#).