Copyright Guide for Thesis Preparation

Purpose of this Guide
This Copyright Guide for Thesis Preparation provides information for graduate students about copyright in the preparation of a thesis or dissertation. The Guide discusses the use of copyrighted material in a thesis as well as copyright issues related to electronic deposit of theses at Concordia University. Concordia regulations require that a thesis be deposited in electronic form in Spectrum, Concordia’s open access research repository, and this Guide reviews the copyright implications of this deposit.

Academic Integrity: Citation & Avoiding Plagiarism
An important part of engaging in research and scholarship is giving other authors proper attribution and recognition for their ideas, words, and contributions. This is especially important in preparing a thesis, since your thesis must be an original work in your own words. Naturally, you will cite other works, quote and paraphrase from them. You must do so in a consistent and transparent manner, using a citation or style guide.

Whenever you use someone else’s work, 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 your thesis writing process. The Thesis Preparation and Thesis Examination Regulations guide prepared by the Thesis Office lists some commonly used citation manuals. The Library maintains information on citation guides, and offers workshops on best practices and use of reference management tools.
Keep track of the sources you use and make proper citation a practice as you conduct your literature review and research. Citation or style guides will show how to cite a variety of scholarly sources, including journal articles, books, conference proceedings, news sources, archival documents, films, audio recordings, and more.

For more information on citing sources and how to avoid plagiarism, consult the following Concordia resources:

What is plagiarism? [http://provost.concordia.ca/academicintegrity/plagiarism/](http://provost.concordia.ca/academicintegrity/plagiarism/)

Information about different citation and style guides: [http://library.concordia.ca/help/howto/citations.html](http://library.concordia.ca/help/howto/citations.html)

Concordia’s [Academic Code of Conduct](http://provost.concordia.ca/academicintegrity/plagiarism/)

**What is copyright, and to what it applies**

It is your responsibility to follow copyright law. Both this Guide and [The Concordia University Libraries Copyright Guide](http://library.concordia.ca/help/howto/citations.html) provide general information about copyright to assist you. Neither is intended to be and cannot be construed as legal advice. You can also consult Concordia’s [Policy on Copyright Compliance](http://provost.concordia.ca/academicintegrity/plagiarism/) (VPIRSG-2).

Taking the time to become informed about copyright is essential in the preparation of your thesis, and will also be valuable to you as a copyright holder. Today’s online environment and the availability of electronic theses and dissertations (ETDs), through institutional repositories such as [Spectrum: Concordia University Research Repository](http://library.concordia.ca/help/howto/citations.html), make information available to a wider audience and benefit research everywhere. This new reality makes becoming knowledgeable about copyright very important for you as an author.

Obtaining copyright permissions from copyright holders can be a very time consuming endeavor. Therefore it is strongly recommended that you investigate copyright responsibilities early in the process of writing your thesis. Copyright should be reviewed even in cases where you are including your own previously published work as it is possible that, despite you having authored the work, you no longer retain copyright in it (see Section entitled Including Your Own Previously Published Work in Your Thesis).

Although proper citation provides acknowledgment for the sources you use, it is not sufficient in meeting copyright obligations.

Copyright protects works from being copied, performed or distributed without the permission of the copyright holder, usually the author or the creator of the work, and provides exceptions for special circumstances.

Copyright automatically applies to original works such as books, articles, videos, music, paintings, photographs, digital works, broadcasts and performances.

In Canada, the length of copyright is usually fifty (50) years after the death of the creator. After copyright expires, a work becomes part of the public domain and may be freely copied and distributed.
Before copying, adapting, distributing or performing a copyrighted work, you need to consider whether:

- You are using an insubstantial or substantial part of the work.
- What you want to do may fall under fair dealing.
- The copyright holder has granted permission or has issued a special license.

**Including Someone Else’s Work**

Copyright provides the context to determine the specific circumstances when using someone else’s work is forbidden and others when it is allowed. This section highlights certain parameters to abide by in order to respect the *Copyright Act* of Canada.

**Insubstantial inclusion**

Copyright protects specifically a “work or any substantial part thereof” (S. 3 of the *Copyright Act*), which implies that the use of insubstantial parts of copyright protected works are allowed by the *Copyright Act*. It is generally understood that quotations fall under the “insubstantial use” doctrine, so long as they are of a reasonable length. The maximum allowable length of a quotation will depend on many factors, such as the length of the original work or the nature of the work. For example, quoting half of a short poem is probably not an “insubstantial” use, while quoting a few paragraphs from a scholarly book may qualify.

Different disciplines have their own accepted practices. Academic integrity and authorship practices in your discipline may provide more important constraints to using insubstantial parts of copyright protected works (i.e. in determining the maximum length of a citation) than the *Copyright Act*. It is highly recommended that you discuss such norms with your thesis supervisor, thesis committee or with Olivier Charbonneau (o.charbonneau@concordia.ca) or Alex Guindon (alex.guindon@concordia.ca) in the library.

**Substantial Inclusion**

Using a substantial part or the whole of a copyrighted work in a thesis means you are using the reserved rights defined in the *Copyright Act*. In those circumstances, you must determine if this use constitutes “fair dealing” or if the use requires you to seek permission from the appropriate rights holder.

**Fair Dealing vs. Seeking Permission**

In general, employing a substantial part or the whole of a copyrighted work requires you to:

- Qualify for fair dealing, in which case you do not have to seek permission for using the copyrighted work OR
• Seek permission for your intended use OR
• Refrain from using the work.

The guidelines and information below can assist with your decision about including a copyright protected work in your thesis.

Fair dealing is a general exception to copyright which applies in the context of private study, research, criticism, review, news reporting and usually implies that the source of the work must be identified through proper citation. Fair dealing is defined by stating what it is not: "Fair dealing for the purpose of research or private study does not infringe copyright." (Copyright Act, R.S.C. 1985, c. C-42, art. 29). This makes it more difficult to define precisely when a use qualifies for fair dealing.

The critique or review of a copyright protected work that is quoted in your thesis may qualify for inclusion as criticism or review under fair dealing. The context or the purpose of how you include the work is the first important factor to consider. For example, including a copyrighted image would arguably not constitute fair dealing for criticism or review if you did not discuss the image. The more something is discussed in your thesis, the easier it becomes to qualify for fair dealing in the appropriate context.

Another factor to consider when assessing fair dealing is “proportionality”. This refers to the proportion or amount of the work that you use compared to the complete work. Reproducing a large section of a work that only constitutes a small proportion of the entire work may more easily be considered fair dealing than using a large proportion of the work. The latter may require that you seek a permission to use such work in your thesis.

These factors above are intended to guide you in determining whether you can include the copyrighted work in your thesis, or whether you need to consider alternatives to using the copyright protected work because your proposed use will have a detrimental impact on the work and its rights holder. For example, it is easier to qualify for fair dealing for criticism and review if the reproduction of an image is reduced in size or resolution, the image’s characteristics are thoroughly discussed in your thesis, its suppression would diminish the quality and relevance of the discussion and a full citation for its source is included.

For further information regarding other factors that should be taken into account, consult The Concordia Libraries Copyright Guide. Again, general or accepted uses in your field may be a guide towards what constitutes fair dealing.

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1 Please note that making copies of articles and other copyrighted works for your personal records easily fits within the context of fair dealing for the purposes of private study or research. In this Guide, we are discussing the use of copyrighted works within your thesis. For more information about copying for private study or research purposes, please read: http://library.concordia.ca/help/copyright/?guid=text

Types of Information Formats Protected by Copyright

If you incorporate any of these formats that are copyright protected in your thesis or dissertation, it is your responsibility to determine if you are using an insubstantial or substantial amount of the material. If you use a substantial amount, you are required to seek copyright permission to use unless the use of the material falls under fair dealing.

Text

Paper and digital books and articles, as well as web pages, all of which present textual information such as poems, plays, novels, research articles, papers, opinions or blogs, are covered by copyright. Substantial or insubstantial use depends in part on the proportion of the text you use. A few sentences from a novel or essay would probably be considered insubstantial but a single line from a poem can be considered substantial.

Translations of copyrighted works are also copyright protected. Please note that permission to translate substantial portions of a work must be obtained from the owner of the original work.

Images

Images, including artistic works, photographs, maps, charts, drawings, diagrams as well as tables and graphs, are covered by copyright. It is important to verify the copyright status of images taken from a copyrighted work (books, articles, web sites or other sources). Using low resolution images in your thesis or dissertation may be considered as insubstantial use since they do not compete with the commercial interest of copyright owners.

Video/Film

Video, film works and television programs in any format – online, Blu-ray, DVD, VHS, Beta and U-matic tape, as well as 16mm and 35mm films - are covered by copyright. Film or video clips may also be covered by copyright; depending on the proportion of a work used in a thesis or dissertation, it may be possible to claim insubstantial use or fair dealing. For film materials found on the Web, it is important to verify if they are copyright protected.

Music

Sound recordings of music are copyright protected. Using clips of a musical sound recording generally requires copyright clearance from the copyright holders. You will want to determine if your inclusion of such material may be considered substantial or insubstantial or if you can claim fair dealing.

Sheet music, scores, and song sheets are also covered by copyright. If you use excerpts of such materials, you may be able to claim insubstantial use or fair dealing.

Software and code

Copyright protects certain aspects of software including the underlying code. It also protects some of the external elements in a program, such as music, pictures or text as well as some of the elements of
the user interface. The concept of a program is not protected by copyright, although it may be protected by patents. It is possible to produce similar programs to those that exist as long as the source code is not used.

For further information about how copyright applies to these formats and materials, see the Concordia Libraries Copyright Guide.

### How to seek permission to include copyrighted works in your thesis

**When to Seek Permission**

If, after reading about copyright and consulting with your thesis committee, you consider that your thesis includes elements (text, graphs, tables, images, etc.) that are *substantial* and do not constitute *fair dealing*, then you must seek permission to reproduce them. This applies to both materials from other authors and your own materials that have been previously published.

As obtaining an official letter or signed form from the copyright holder can take time, you will want to seek permission early in the thesis process, especially if you need to contact multiple publishers.

**Publisher Copyright Policies**

The first step is to determine who holds the copyright for the materials that you are using. In most cases, for materials published as part of journals or books, the publisher will hold the copyright. The publisher’s website may provide information on copyright policies and people to contact. Journal websites are particularly useful and many will provide:

- Advance permission for specific uses including non-commercial reproduction and use in theses;
- Information on how to obtain permission and whom to contact;
- Types of uses that are specifically prohibited.

Journal websites are also useful to obtain information on how to reuse your own articles for which the publisher holds the copyright.

**Contacting the Copyright Holder**

If you determine that you need to ask permission, following are important elements to include in your correspondence:

- Clarification that you are a graduate student at Concordia University and that the purpose of the request is to ask permission for including copyrighted material in your thesis
- A detailed citation of the document (or part thereof) that you are using in your thesis. Include page numbers, table or chart number, or any other relevant information
• Notification that the thesis will be available online through Spectrum, Concordia University’s institutional repository, and via the Library and Archive Canada’s website and other websites. Include a copy of these license agreements or a link to their text:
  
  o The Spectrum license
    (http://spectrum.library.concordia.ca/SpectrumLicenseThesis.pdf)
  
  o The license with Library and Archive Canada

Ask the rights’ holder to respond to your request by a given date. You may also want to offer to send the copyright holder a copy of your thesis.

Permission Form
To facilitate the process of asking permission to use copyrighted work you may want to use this request form: http://library.concordia.ca/help/copyright/permission-to-use-copyrighted-material-in-a-thesis.pdf

If you do not use the form, try to obtain a signed letter, preferably with the publisher’s official letterhead, as signed documents may offer more legal protection than emails. Make sure that the copyright holder specifically agrees with the terms of the Spectrum license and the license with Library and Archives Canada.

Proof of permission
Keep all correspondence (emails, letters, forms) exchanged with copyright holders. Do not include these documents in your thesis but keep them in your files as they constitute proof that you have obtained permission to use the copyrighted materials.

In your thesis, each time you use material for which you have obtained reproduction rights, you should include a statement such as “reproduced with permission from XYZ.”

Permission denied
In the unusual case where the copyright holder denies permission to use the material, requests a charge for granting this right, or fails to respond to your request, the material must be removed from the thesis. This should only be done as a last resort when the reproduction is not considered fair dealing and you have made a reasonable effort to obtain permission from the right’s holder.

If you need to remove copyrighted material from your thesis, leave a space where the original document was located and, in its place, include:

• This statement: “this [text, photo, graph, image, etc.] was removed because of copyright restrictions.”
A description of the material (in case of an image, a table or a graph) or a summary of its content (in the case of an article or book).

- A precise citation for the source of the material, referring to a physical copy if possible. If there is an online copy of the document, provide its URL.

Try to describe the missing material as precisely as possible so that readers will be able to understand references to it in your thesis.

Example:

This table (fig. 31) was removed because of copyright restrictions.
It describes voting coincidence between Latin American countries and the United States at the U.N., showing identical votes, opposite votes, abstentions and absences.

Including Your Own Previously Published Work in Your Thesis

If you have published or are publishing a portion of your work (i.e., articles, poems, plays, music) and you wish also to include a substantial portion from that work in your thesis, please consider the copyright implications.

As early as possible in the publication process, inform the editor or publisher that you need to reproduce material from your work in your thesis. If you have co-authored the work, you should also inform the co-author(s) that you intend to use the results of your work in your thesis.

Authors usually sign a copyright transfer agreement when they publish. Quite often, this agreement transfers the copyright from the author(s) (i.e. you) to the publisher. If you want to use the content of the article in your thesis, you will need to maintain the right to re-use your own work. When signing an agreement with the publisher, read the terms of the publication agreement very carefully. Look for wording in the publishing agreement about the right to reproduce content from the article in a thesis that will be freely available on the web in an institutional repository (i.e. Spectrum). If you do not see such wording, ask to have it added.

Consider filling out and including a copy of the Scholarly Publishing and Academic Resources Coalition (SPARC) Author Addendum with your publishing agreement. The Author Addendum is a form you can submit to your publisher which states that you want to retain the copyright for your work.

Keep your publishing agreement/waiver and all correspondence with the publisher on file as they are proof that you have permission to use the material in your thesis.
Finally, familiarize yourself with the section on the Manuscript-Based Thesis in the Thesis Preparation and Thesis Examination Regulations guide (pp. 9-11).

The Licenses you will sign: Spectrum & Library and Archives Canada license agreements

As a graduate student at Concordia, you hold the copyright of your thesis. When submitting a thesis you will sign two licenses, one with Concordia and another with Library and Archives Canada. These licenses allow your thesis to be made available in various ways.

At Concordia, your thesis is submitted through Spectrum, Concordia’s institutional repository. The Spectrum website contains research and creative activity published by faculty in addition to submitted theses. The Spectrum license originates from the Concordia Policy on Intellectual Property:

“30. Upon submission of a thesis by a graduate student, the graduate student shall be deemed to have granted the University a non-exclusive, royalty free license to reproduce, archive, preserve, conserve, communicate to the public by telecommunication or on the internet, loan, distribute the thesis worldwide for non-commercial purposes, in any format including electronic. In the event of a deferment of a thesis for distribution or publication, it is understood that the University’s license to communicate, loan and/or distribute shall only take effect as of the expiry of the agreed upon deferment period.”

This Policy is also reflected in the Graduate Calendar³ and the Thesis Office⁴ at Concordia. Note that the Policy allows you to defer depositing your thesis in Spectrum for a specific time period, as determined by The School of Graduate Studies.

In addition, students are required to sign a license agreement with Library and Archives Canada⁵. This license is similar to the Concordia Spectrum license, except that it is transferable to third parties and allows for remunerated uses of which you are eligible to receive a portion. For more information, please consult the Library and Archives Canada website.

These licenses clearly stipulate that you own the copyright to your thesis but that Concordia and Library and Archives Canada will preserve and make your thesis available, usually via the Internet and other searchable databases. These “non-exclusive” licenses mean that you can enter into other agreements, such as publishing your thesis, but any subsequent license agreements must also respect the fact that Concordia and Library and Archives Canada have a non-exclusive right to make your thesis available. For

³ http://graduatesstudies.concordia.ca/publications/graduatecalendar/current/thesisregulations/

⁴ http://graduatesstudies.concordia.ca/currentstudents/thesis/

⁵ http://www.collectionscanada.gc.ca/thesescanada/027007-3000-e.html
example, it is not possible for you to assign an exclusive license for your thesis to a publisher as part of a
publishing contract, as you have already granted a non-exclusive license. Generally, you should inform
any publisher interested in your thesis that your thesis will be available on the Internet and in other
databases by Concordia and Library and Archives Canada.

The thesis submission process at Concordia is similar to that in other universities in Canada and the
world. The goal is to make all scholarly works easily available to students, researchers and the public at
large. Science and academic research advances by building on the work of others. Just as you may have
used other theses or works in your research, your thesis will be available to guide others in their
research.

Conclusion

This Guide has provided a summary of the copyright issues to be aware of while preparing your thesis.
The websites and documents that have been referenced in this Guide may be helpful in giving you more
information about particular topics.

Different disciplines have their own accepted practices. Academic integrity and authorship practices in
your discipline may provide more important constraints to using copyright protected works than the
Copyright Act <http://www.canlii.org/en/ca/laws/stat/rsc-1985-c-c-42/latest/rsc-1985-c-c-42.html>. Also,
understanding how copyright functions is fundamental when considering using protected works. It
is highly recommended that you consider such norms and issues, in consultation with your thesis
supervisor, as early as possible while you write your thesis.

Please contact Olivier Charbonneau (o.charbonneau@concordia.ca) or Alex Guindon
(alex.guindon@concordia.ca) in the library if you have questions or comments.