

Questions?

More information:

Copyright Office, Hawthorn
Library

Email:
copyright@swinburne.edu.au

Website:
www.swinburne.edu.au/copyright

All information here is also available to download in A4 format from the Copyright website.

Getting permission to include someone else's material in your research outputs is adapted from the Copyright Guide for Research Students prepared by the Oak Law team. Fitzgerald, B., Fitzgerald, A., Perry, M., Kiel-Chisholm, S., Driscoll, E., Thampapillai, D., et al. (2006). *OAK Law Project Report No 1: Creating a legal framework for copyright management of open access within the Australian academic and research sector*. Retrieved 2 Sep 2010, from http://www.oaklaw.qut.edu.au/files/LawReport/OAK_Law_Report_v1.pdf

Sample Permission Letter is adapted from the Copyright Guide for Research Students prepared by the Oak Law team. Fitzgerald, B., Fitzgerald, A., Perry, M., Kiel-Chisholm, S., Driscoll, E., Thampapillai, D., et al. (2006). *OAK Law Project Report No 1: Creating a legal framework for copyright management of open access within the Australian academic and research sector*. Retrieved 2 Sep 2010, from http://www.oaklaw.qut.edu.au/files/LawReport/OAK_Law_Report_v1.pdf

Copyright Material Log is adapted from the Copyright Guide for Research Students prepared by the Oak Law team. Fitzgerald, B., Fitzgerald, A., Perry, M., Kiel-Chisholm, S., Driscoll, E., Thampapillai, D., et al. (2006). *OAK Law Project Report No 1: Creating a legal framework for copyright management of open access within the Australian academic and research sector*. Retrieved 2 Sep 2010, from http://www.oaklaw.qut.edu.au/files/LawReport/OAK_Law_Report_v1.pdf

Copyright Checklist for Researchers is adapted based on information from Fitzgerald, B., Fitzgerald, A., Perry, M., Kiel-Chisholm, S., Driscoll, E., Thampapillai, D., et al. (2006). *OAK Law Project Report No 1: Creating a legal framework for copyright management of open access within the Australian academic and research sector*. Retrieved 2 Sep 2010, from http://www.oaklaw.qut.edu.au/files/LawReport/OAK_Law_Report_v1.pdf



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Swinburne Copyright Office
Information Resources

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TECHNOLOGY

RESEARCHERS TOOLKIT

Getting permission to include someone else's material in your research outputs

Here are some useful steps to determine if you can include other people's material in research outputs that you plan to make publicly available.

What do I do first?

Check to see if there is a **permission or licence statement** on the source of the information. For example websites quite often have a link to a copyright statement in the footer of the web page. There may also be a licence statement on the material.

I can't find a licence or permission statement, now what?

If you can't find a permission statement you need to **determine who owns the copyright** in the material you wish to include in your research. If there is no apparent ownership statement on the material such as "© Joe Bloggs 2010", you can:

- **Check the publishers website or other available information** for details of copyright ownership or information covering authorisation to use the material; or if you can't find this information;
- **Write to the publisher** of the source of the material requesting the details of the copyright owner.

I have identified the copyright owner, what is the next step?

Write to the copyright owner to ask for permission, including details of the material you want to use and how you intend to use it (see sample permission letter in this toolkit). If the copyright owner does not reply, write a follow up letter or make a follow up phone call. Some publishers may ask for a payment for the use of their material. If you do not wish to pay for the use of the material you can:

- delete it from the release copy of your research; or
- rewrite to express the ideas using your own words and structure; or
- contact the Swinburne Copyright Office to discuss your options further.

I have contacted the copyright owner and they have given me permission to use their material in my research. Is there anything else I should do?

- **Acknowledge the permission** from the copyright owner in your research.
- **Keep a record** of all copyright material included in your research (see Copyright Material Log).

Including your research in Swinburne Research Bank

What is Swinburne Research Bank?

Swinburne Research Bank is an online open access collection of research authored by Swinburne researchers. It contains book chapters, conference papers, journal articles, reports and more.

How does it work?

As a Swinburne researcher you may elect to deposit a digital copy of your research with Swinburne Research Bank. The repository will manage and organise access to your research publications while they are stored within the repository.

Swinburne (through the repository) does not take ownership in your research publications through the process of deposit. Repository staff act as agents for Swinburne researchers and acquire the rights necessary to store and make the researchers publications publicly available.

Why should I do it?

- All your publications are indexed through Google and Google Scholar
- Records are harvested by the National Library of Australia as well as other international indexing services
- You can have a full list of your publications (including those from before you were employed at Swinburne) in the one place
- All your publications have a full citation, and a link to the published version (where available), which makes it easy for people to find your work from your Swinburne Research Bank publication list

For more information visit <http://researchbank.swinburne.edu.au/>

Copyright Checklist for Researchers

When you are ready to release your research you may like to consider the following points.

Description	Yes	No
<p>Have you ensured that you have used all copyright material included in your research in accordance with the terms of either:</p> <ul style="list-style-type: none"> ▪ an express permission as granted by the copyright holder; or ▪ a particular licence or contractual agreement; or ▪ other applicable exemptions within the Copyright Act? (Unsure? Contact the Swinburne Copyright Office) 	<input type="checkbox"/>	<input type="checkbox"/>
<p>Have you obtained a written agreement from the copyright owner with the details of the permission granted?</p> <p>If yes, make sure you have not done anything with the copyright material which goes beyond the scope of the permission you have obtained. (For example you have obtained a licence to include copyright material in a hardcopy release of your research but you also intend to release your research online)</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Have you acknowledged the copyright material appropriately in your research? (i.e provided suitable author attribution and publication or source citation details)</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Has the integrity of the copyright material been preserved?</p> <p>(Make sure you do not do anything which could damage the author's honour or reputation, for example altering, mutilating or distorting the work in a way that could have an adverse effect on the author's honour or reputation)</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Have you kept a record of any permissions licences used or obtained? (e.g. you can include permission details in your Copyright material log)</p>	<input type="checkbox"/>	<input type="checkbox"/>

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

Writing a permission letter

When you write a permission letter to a copyright owner you should describe the material you want to use, how you intend to use it, and ask for their permission to use the material. You can draft a letter including the elements listed below, or use the sample permission letter template overleaf.

- Copyright owner's details.
- Your name and contact details.
- Your research institutes name. e.g. Swinburne University of Technology.
- How you are going to use the material. i.e. for your thesis, journal article, book chapter, report.
- How the material will be made available e.g. freely available online via the institutional repository; available only on the intranet to staff and students of the University; via subscription to the Journal of XXXXX
- Details of the material to be used and its source, stating amount, page numbers, chapters. It may be helpful to include a copy of the material.
- Type of licence and duration of permission to use the material. i.e. permanent, irrevocable, non exclusive licence for worldwide use.
- Any changes you plan to make to their material.
- Explain their work will be fully and correctly referenced.
- Ask the copyright owner to confirm they own the material and indicate their agreement by return letter.

Your permission letter and its reply do not have to be in hard copy. However it is preferred that any reply to your request for permission is expressed in writing. Permissions can be received via email.

