

## COPYRIGHT AND UTS STUDENTS

### Copyright considerations when publishing your student work

Australian Copyright Law allows you as a student or researcher to copy and use limited amounts of other people's material (third party material protected by copyright) in your studies or research without the permission of the copyright owner and free of charge.

The law recognises that in most cases your study or research is contained within an educational context and serves a personal learning purpose and generally does not seek to damage the commercial prospects of a copyright owner.

However, when you are ready to make your student work or research available for a commercial or broader publication purpose, and your work includes other people's material, you will need the permission of the [copyright owner](#) to use that material.

For example, if you are undertaking an honours or masters or research degree or doctorate, it is likely that you will want to publish your thesis or seek broader dissemination of your work. In this case you will need permission to use the copyright material included in your work.

Some exceptions are

- Where you have genuinely used the limited amounts of copyright material for the purpose of criticism or review and you have properly referenced the material and attributed its author or creator. This use is covered under the 'criticism or review' exception in the Fair Dealing provisions of the [Copyright Act](#) (see sections 41 and 103A). Other [Fair Dealing](#) provisions which could be relied on include: 'parody or satire' (see sections 41A and 103AA) and 'reporting the news' (see sections 42 and 103B).
- Where the third party material is **out of copyright** (see below).
- Where you already have the permission of the copyright owner to use the third party material as part of your published or disseminated work.

### Seeking permission to use third party material

Unless the above exceptions apply, you will need permission from the copyright owner to use their material in the work that you intend to publish.

You should

- Contact the owner(s) of the material by email or in writing.
- Include your name, contact details, University name and program of study or research.
- Indicate the copyright material you wish to use.
- Explain how the copyright material will be used in your work and how you intend your work to be published.
- Ask if they are the current copyright owner of that material and request permission to use the copyright material (indicate that if they are not the current copyright owner you would appreciate information that may assist you to find the current copyright owner).
- Indicate that their copyright material will be referenced and their permission acknowledged.
- Keep copies of the requests you have made and permissions received.

You should also know that

- gaining permission sometimes requires time and patience.
- some apparent copyright owners (especially for older work) may have sold their copyright holding to others. You will need to make sure you are dealing with the current copyright owner.
- some copyright owners will charge a fee or refuse your request.
- online organisations often have information under 'terms and conditions' on their website which specifies conditions for using their work. (Take care in using material from the web, as there is much material online that is used without permission. Using such work, without permission of the current copyright owner, risks [infringing copyright](#) law.)

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**Copyright ownership - out of copyright?**

The copyright duration for the copyright material you wish to use may have expired, in which case you do not need permission to use the material in your work. See the following table for categories of copyright duration.

Copyright category	Copyright duration
All published works where the author died before 1 January 1955.	Copyright expired on 1 January 2005.
Artistic, literary, dramatic and musical works published, performed, broadcast or recorded and offered for sale in the author's lifetime.	Life of the author plus 70 years from the end of the year of the author's death.
Cinematographic films (made on or after 1 May 1969), Sound recordings	70 years from the end of the year of first publication.
Cinematographic films (made before 1 May 1969), Photographs.	Life of the author plus 70 years from the end of the year of the author's death.
Literary, dramatic and musical works not published, performed, broadcast, recorded or offered for sale during the author's lifetime.	70 years from the end of the year of first publication, performance or broadcast.
Works first published anonymously or under a pseudonym and where the author remains unknown.	70 years from the end of the year of first publication.
Television and sound broadcasts made on or after 1 May 1969 (copyright has expired for broadcasts made before 1 May 1969).	50 years from end of the year of broadcast.
Performances on or after 1 October 1989.	20 years after the date of the performance and 50 years for any unauthorised sound recording of the performance.
Typographical arrangement and layout of a work in a published edition (including those created for a government).	25 years from end of year of first publication.
Australian State or Federal Government related - works made for, or first published by, a government, or in which the government owns copyright: <ul style="list-style-type: none"> <li>- Artistic works (includes engravings and photographs made before 1 May 1969)</li> <li>- Engravings and photographs made on or after 1 May 1969, Cinematographic films, Sound recordings</li> <li>- Literary, dramatic and musical works</li> <li>- Television and sound broadcasts made on or after 1 May 1969 (copyright has expired for broadcasts made before 1 May 1969).</li> </ul>	50 years from end of the year of making.  50 years from end of the year of first publication.  50 years from the end of the year of first publication, performance or broadcast.  50 years from end of the year of making.
<i>For further information on categories and duration see the Australian Copyright Council fact sheet <a href="#">Duration (G023)</a></i>	

**Further useful information**

See [Publishing and Promotion](#) and [IPR, Commercialisation and Copyright](#) on the UTS Library website.

See the [QUT Oak Law Project](#) for useful information for research students.

See the [Australian Copyright Council](#) information sheets covering a range of copyright considerations for creators.

Contact the UTS Copyright Advisor at [copyrightcontactofficer@uts.edu.au](mailto:copyrightcontactofficer@uts.edu.au)