Thesis Copyright FAQs  
(Last Updated: 19 February 2016)

General

What if my thesis is found to have infringed someone’s copyright?  
• Despite best efforts to comply with copyright law, there will be times when the use of some third party material, thought to be within reasonable limits, is considered to violate copyright. If you violate the rights of a copyright holder then they are entitled to remedies for the violation. Civil remedies include injunctions (e.g., removing the content) and damages (monetary compensation). Statutory damages for non-commercial infringement are between $100 and $5,000. Criminal sanctions may be applied in more serious cases.

I’m not sure if something is in the public domain or not. What about photographs and sound recordings?  
• Some works are assigned a public domain licence, which should be identified by a CC0 or public domain mark (for more information, see https://creativecommons.org/publicdomain/)  
• For other works, see the Canadian Public Domain Flowchart prepared by Creative Commons Canada: http://www.lib.sfu.ca/system/files/26749/CanadianPublicDomainFlowchart.pdf

What is considered an insubstantial part of a work?  
• Since "substantial" and “insubstantial” are not defined in the Copyright Act, the quantity and importance of what is being copied must be evaluated. The relationship between the excerpt in question and the entire work should be considered. For example, a few sentences from a very long piece (e.g., an 80,000 word novel) would likely be considered insubstantial but a single line from a short poem might be essential to the work and be considered substantial.

Copyright Ownership

What if I wrote or co-wrote something that has already been published and want to include it in my thesis?  
• Review your publisher agreement carefully. If needed, contact the publisher for more information about your right to reproduce the work. Many publishers post their copyright and author re-use policies on their web site.  
• It’s always a good idea to notify your co-author about reproducing jointly authored works. Again, read related agreements carefully to determine what rights co-authors might have with regards to reproducing jointly authored works.

What if I’m not sure if someone (else) holds the copyright on a piece of text/graph/table/image/etc.?  
• When possible, attempt to contact the owner or publisher of the work in question. If this is not possible, contact the Copyright Office via copyright@ualberta.ca for more information.
Identifying Acceptable Terms of Use

How do I know if online content is infringing someone’s copyrights?

• Try to determine who uploaded the content and look for their contact information on the source page. Is the content part of a larger, reputable site? When in doubt, attempt to contact the rights holder. In some cases the more difficult it is to identify who uploaded the content, the more likely it is that the content is an infringing copy.

I read the CAUT Advisory and am still confused. Who can help me learn more about fair dealing?

• See the next question, below, and contact the Copyright Office via copyright@ualberta.ca

Can the Copyright Office give me a definitive answer about whether my use of something is fair dealing or not?

• While the Copyright Office can assist you with your fair dealing analysis, we cannot provide a "definitive" answer. The limits of what properly can be included under the fair dealing exception is a matter of interpretation and involves a number of factors. If there is a dispute with the copyright holder regarding such an interpretation of fair dealing, the ultimate decisionmaker would be the courts. However, in practice, for non-commercial uses (such as short excerpts included in your UofA thesis) with minimal economic impact on the copyright holder, such disputes are often resolved between the parties themselves.

Asking for Permissions

How long will it take to get permission to use someone else’s work in my thesis?

• This will depend on how easy it is to identify and contact the rights holder and how responsive they are to your request. Large publishers normally have staff to respond to permission requests and thus the turnaround time can be as quick as a few weeks (or even shorter). Private individuals, however, might choose to seek legal counsel before responding to your request, which could take much longer. To avoid delays in submitting your final thesis, seek rights holders’ permissions as early in the process as possible.

What if I want to use part or all of my thesis in a future publication?

• Identify future uses and possible publishers as early in the process as possible. Publisher policies about the re-use of thesis content can usually be found on their web site or by contacting them directly. The Sherpa/RoMEO database provides access to the copyright and archiving policies of many journals and publishers: http://www.sherpa.ac.uk/romeo/index.php

When do I need to consider an embargo for my thesis?

• See section 8.4.3 of the FGSR Graduate Program Manual, “Restricting Access to the Publication of a Thesis” https://uofa.ualberta.ca/graduate-studies/about/graduate-program-manual and contact FGSR for more information: https://uofa.ualberta.ca/graduate-studies/about/contact-us
I contacted the publisher but they don’t know who holds the rights for a work I want to reproduce in my thesis. What now?
- See the *Unlocatable Copyright Owners Brochure*, prepared by the Copyright Board of Canada: [http://www.cb-cda.gc.ca/unlocatable-introuvables/brochure1-e.html](http://www.cb-cda.gc.ca/unlocatable-introuvables/brochure1-e.html)

What happens if the rights holder won’t give me permission to use their work in my thesis?
- Consider using different content for inclusion in your thesis.
- Alternatively, the material can be submitted as part of your thesis to your Committee for internal review but must be removed from your thesis prior to final submission. In your final thesis submission, leave a space where the content was located and, in its place, provide the following statement followed by a description of the item or a summary of its content and a full citation (with stable URL if relevant):
  “This [describe item] was removed because of copyright restrictions.”

Example: This GRAPH was removed because of copyright restrictions. It depicted the results of an experiment related to TOPIC X. Original source: CREATOR/AUTHOR. (YEAR) TITLE. SOURCE / PUBLISHERS. PAGINATION. STABLE URL.

[Note that bibliographic elements and arrangement will vary depending on source and style guide.]

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