



Eleventh Thing: Copyright

Why and how researchers need to take copyright and IP into consideration throughout the research process, written by Wil Villareal.

Copyright and your research

Research doesn't occur in a vacuum. We rely on pre-existing ideas in order to generate novel insights in our own field of study. Research outputs are protected by copyright and other intellectual property (IP) rights because they have inherent value to the academic community and the broader public. Copyright and IP can be complex but you can easily set yourself up for success by following these tips, regardless of what stage your research is in.

Starting off on the (copy)right foot

When starting off as an early career researcher or even as a higher degree research student, copyright might be the last thing on your mind. However, being aware of copyright issues at an early stage will definitely pay off in the long run. Arming yourself with the right tools to develop a systematic approach to your research, such as [referencing software](#), can help you organise your ideas and citations more effectively. It can also help you in later stages of your research to know whether there are any copyright issues that may affect the way you may wish to use these materials

Value your work as you would those created by others

Copyright protects the expression of your ideas and information produced by your research, and they need to be reduced to material form for copyright to apply. These can take the form of conventional research outputs, such as manuscripts, scholarly articles and book chapters, but also [non-traditional research outputs or NTROs](#), such as performances or creative works.

Establishing a link between you and the outputs you create is an important step in affording yourself copyright protection. Adding a copyright statement with details such as your name, your research group, contact information and the date the work was created informs those who wish to use it that the work is protected by copyright and restrictions on its use apply. You may also wish to insert these authorial details in the metadata of the works you create.

Just as important as protecting your work is making sure that you fully account for any third-party copyright that you use in your work. Third-party copyright materials are works which you did not create yourself. While some works allow for reuse (for example, [Creative Commons](#) licensed material), most materials will have all rights reserved, which means that if you wish to copy, publish, or make adaptations of them, you will need to make sure that you have the appropriate rights to do so.

Keeping it fair

In some cases, [fair dealing provisions](#) apply which means that you can use them without having to seek permission. However, it is important to keep in mind that these provisions are fairly narrow and relying on them should be done with careful consideration. For example, while you may be able to rely on the fair dealing provision for research and study to use copyright material for the purposes of [having your thesis assessed](#) without having to seek permission from the copyright owner, so long as your use is fair, if you wish to make your thesis available on open access, you may need to evaluate whether other fair dealing provisions (such as [fair dealing for criticism or review](#)) would apply or whether seeking permission or a licensing agreement would be more appropriate to ensure that you are using the material compliantly.

Bonus tip: we don't have fair use in Australia.

Quotes speak volumes

You may also be able to use insubstantial portions without having to seek permission. However, whether or not a portion is substantial may only be determined on a case-by-case basis. For example, a few sentences from an 800-page book may be quantitatively insubstantial, but a few lines from an 8-stanza poem may be quite substantial. In a similar vein, a few minutes from a 2-hour film may be quantitatively insubstantial, but if in that portion of the film there occurs some 'big reveal' that changes how the film is viewed, one could say that it is quantitatively substantial. Keep in mind that if what you are copying is key, distinct or essential to the overall work, it is unlikely to be considered insubstantial.

These are just a few tips that we can share with you to emphasise why you should understand copyright considerations during your research. Copyright and the protections that it affords incentivises researchers and artists to keep creating works and inventions that engage and entertain us, and improve our health and wellbeing.

Learn more

- [University of Melbourne Copyright Office's website](#)
- [Copyright and research: protecting your work](#)
- [Using copyright material](#)

If you are a University of Melbourne student or staff member and have any questions about copyright and research, please don't hesitate to [contact the Copyright Office](#) for advice and further information.

About the author

Wil Villareal is the manager of Copyright Services at the University. If you are a University of Melbourne student or staff member, you can [contact the Copyright Office](#) for advice on copyright-related matters to do with research, teaching or engagement.

Interview with Ben Hopper

What is your role/what is your research about?

I am a lecturer at Melbourne Law School. Previously, I was a senior associate in the intellectual property (IP) and communications group at the law firm, Ashurst, where I advised clients on, among other things, copyright issues. My research examines the "living IP law" (e.g., how are patent laws used in the real world?), IP laws' impact on things like the generation of new technology and access to that technology, and the interrelationship between IP laws and traditional knowledge.

How have you used/interacted with copyright in your research/role?

I have interacted with copyright in a number of ways in my research and role. This includes teaching copyright law in the Melbourne Law Masters program, and researching copyright law, including judicial decisions on things like fair dealings with a copyrighted work for the purpose of parody or satire.

How has your understanding of copyright helped you work 'smarter, not harder' when managing your research?

Using works out of copyright or under a [Creative Commons](#) licence means I do not need to spend time obtaining copyright permissions from copyright owners. For example, using images available through sites like [Pexels](#) and [Pixabay](#). My understanding of copyright law has also helped me understand my legal position in dealing with publishing contracts.

What is your number one (top) tip on copyright?

My top tip is to turn your mind to copyright at all stages of the research process, from starting to publishing to teaching your research. Copyright is pervasive. Using others' works (e.g., photos or blog posts) in your data collection or in your own research outputs may require a copyright licence. And, you may well have copyright in the works you make, like your scholarly works and blog posts. Think about how you might like others to be able to use your works, e.g., would you like them to be

able to use, adapt and share your works, giving you appropriate attribution, under a [Creative Commons](#) licence or would you prefer an “all rights reserved” approach? Note: the University owns copyright in works created in the course of your employment, but not in your scholarly works, under the [University of Melbourne Statute, s 13](#).

About the interviewee

[Ben Hopper](#) is a lecturer at Melbourne Law School. He teaches and researches in the areas of intellectual property, traditional knowledge, technology law, civil procedure, and legal ethics. He has a J.D., B.A. (Hons), and D-Lang (German) from the University of Melbourne, and an LL.M. from Harvard University.

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