Copyright for Publication Quick Guide

Overview

When publishing your work you will be subject to a different copyright standard than you would have experienced when submitting writing for academic credit.

If you plan to publish a work, you need to be aware of:

- any permissions you may need to seek;
- any agreements you have made when accessing data and information (3rd party materials); and
- the copyright exception 'criticism and review' which you may be able to rely on in your work.

If you need specific help, give us a call.

We're ready to help

Contact us for a consultation

Publishing

Publishing is more comprehensive than just publishing in a journal or in a book. Restrictions around publication of 3rd party materials still apply to other platforms.

Publishing means 'making available to the public' and can include:

- hardcopy journal or book;
- e-journal; or
- the web e.g. social media platforms such as ResearchGate.

Publishing does not include:

- a university intranet;
- circulation amongst a closed group of researchers; or
- unpublished conference proceedings.

Copyright

Copyright applies in various ways:

- If you engage a publisher, you will likely be required to transfer or licence your copyright to the publisher.
- You have copyright in your work unless you give it away, sell it or transfer it.
• You should be aware of any agreement you have made with another person or institution when obtaining data and information.

Publisher agreements

Publisher agreements vary, but have common elements:

• Most will require a transfer of your copyright;
• They will require you to guarantee that your content does not infringe another's copyright;
• They will permit you to circulate your published article to research colleagues and use it for teaching at your institution;
• They will, sometimes allow you to post a copy of a pre-print to an institutional repository;
• Some will allow a time-delayed (embargoed) posting of the published article to your institutional repository.

You should always check the publishers' website or printed materials for further details.

3rd party materials

To use materials that come from another person or institution (3rd party materials), either:

• you must seek permission; or
• you must rely on a copyright exception.

Copyright exceptions: 'fair dealing for criticism and review'

When publishing a work, you will no longer be protected by ‘fair dealing for research and study’ (as you are if you are writing for academic credit).

If you do not have permission to use a 3rd party material the only appropriate use is in the context of ‘fair dealing for criticism and review’. This means that the 3rd party material is subject to active criticism and analysis in the text.

“Criticism and review” requires that:

• the copied material not simply be quoted in an illustrative way, but must itself be subject to some form of critique or analysis; and
• use of the copied material must go beyond mere example.

Important Note:
If you have either licenced or transferred your copyright to someone else (a publisher for example), you will also need to rely on this exception to use your own work in any subsequent publications if you do not have permission from the publisher (for example) to do so.