

University of Gloucestershire



Keeping Your Thesis Legal

FEBRUARY 2026

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Glossary of key terms

Copyright

Legal protection for an author or creator which restricts the copying and reuse of an original work they've created. This is often referred to more simply as *rights*. These are **economic rights** (the rights relating to making money from a work), and **moral rights** (the rights relating to the link between the author and the work).

Copyright transfer agreement

Also known as a **CTA** – an agreement an author signs to transfers the commercial or economic rights over a work from them to a publisher or other body (the author will retain the moral rights to the work).

Creative Commons

A form of open licensing that allows the rights holder to choose to permit certain types of reuse.

Embargo

A restriction on access to the full text of a thesis. It can be permanent or temporary. Indicate on your Author Consent Form whether you need an embargo or not.

Fair dealing

A loosely defined right to reuse portions of a copyrighted work without seeking formal permission.

GDPR

The **General Data Protection Regulation** – a data privacy law that states how data are collected, used and kept, and that gives individuals control over which organisations hold their information.

Open access

Making a publication freely available online to anybody with an internet connection and with no restrictions based on location or ability to pay for access.

Glossary of key terms

Orphan work

A work protected by copyright but with no clear rights holder, either because the rights holder's identity is unknown or because the rights holder cannot be contacted.

Public domain

Works that are not protected by copyright, either because copyright has expired, or because the creator waived their rights.

Research Repository

The University of Gloucestershire's online platform for archiving and disseminating its research outputs, including theses and dissertations.

Rights holders

Individuals or corporate entities who own the rights over the reuse of original works.

Third-party copyright

The rights over the reuse of an item which belong to someone else, or another rights holder.

Executive summary

It's vital that you know how you may and may not use other people's material in your thesis, or incorporate work that you've done before into your thesis.

If you don't, you can leave yourself open to possible legal action.

This guide is designed to give you an overview of the common issues people meet when writing their theses, and to help you to navigate them without problems.



The things you need to remember most are:



If in doubt: ask the rights holder

If you're not sure about the copyright situation of an item or its reuse status, contact the rights holder and ask for permission.



Give yourself time

Don't leave requesting permissions until the last minute - it can take a long time to negotiate.



Keep records

Keep copies of any correspondence you send and receive about permissions for at least five years after you graduate. Submit the correspondence with your thesis.



Cite everything

Provide citations, references and acknowledgements for **anything** that you use, even where you haven't had to ask for permissions. This is just good academic practice.



Use embargos if needed

If you still have outstanding permissions by the point of submission, you can request an embargo on your thesis.



Ask for help

The Senior Librarian (Research & Resources) can offer support with copyright-related issues, and also manages the Research Repository, which is where your thesis will ultimately be deposited.



This work is licensed under a [Creative Commons Attribution-NonCommercial-ShareAlike License](https://creativecommons.org/licenses/by-nc-sa/4.0/).

Original text by Gareth Johnson, Tania Rowlett and Rob Meloche, University of Leicester Library (Nov 2014). Adapted by Susan Turner, University of Gloucestershire (2018).

Updated by Rhiannon Goodland, University of Gloucestershire (February 2026).

Introduction

This guide is designed to help you learn about the implications of making your thesis available online – something required by the University – and focuses on theses and risk management around intellectual property rights.

The focus of the guide is **digital** theses, as the University no longer requires that you submit a print copy. Previously, digital theses have been referred to as **eTheses**, to differentiate them from print theses, but this distinction is no longer necessary as submission is only made in one format.

We expect your thesis to be deposited with the Gloucestershire Research Office (GRO) as PDF files. We will try to accommodate other formats where necessary. Please make sure that there is no security or password protection on your thesis PDF. If you have any questions about submitting your thesis, please see the PGR Moodle site or email the Research Office for assistance. Contact details are given at the end of this guide.

Once your thesis has been finalised, and you have submitted your final version, the University's administrative workflows will ensure that the Libraries are notified – you do not need to make a separate submission to us, or upload a copy of your thesis to the Research Repository yourself.

Many universities around the world, like the University of Gloucestershire, mandate that you deposit your thesis to be made available online. As well as being deposited into the University's Research Repository, your thesis will be disseminated via the British Library's EThOS (Electronic Thesis Online Service) site, as long as it is available as an open access publication.

Please note that the British Library is still recovering from a serious cyber attack in 2023, and, as such, full-text theses are not currently available from its EThOS site. Theses' metadata may still be found using the (temporary) main library catalogue.

Benefits of making your thesis available online

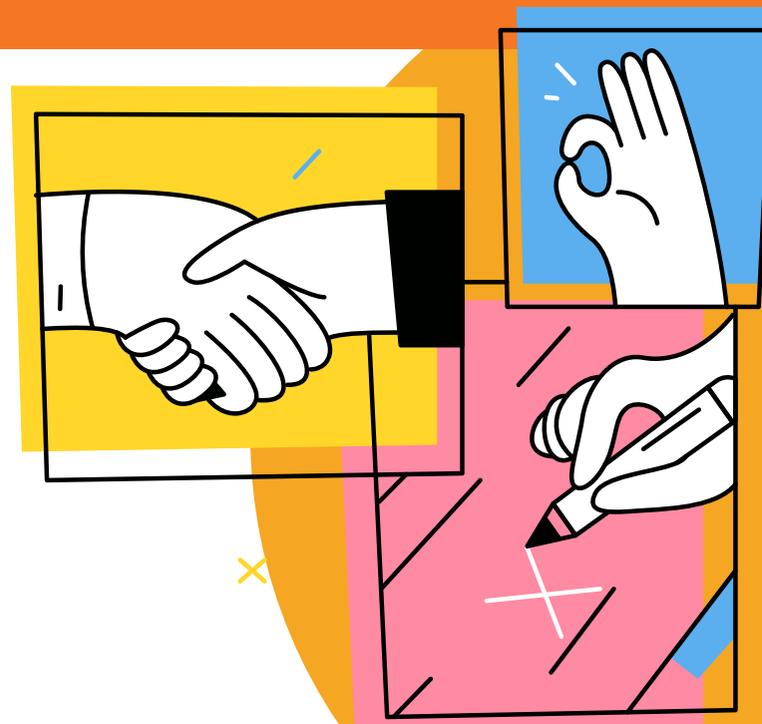
Theses are an excellent source of unique research and information. Print copies are often unavailable in library storage and are rarely viewed, yet people worldwide want to be able to read them. Digital theses made available online are an important step forward in getting your research read and respected. They are easily found through search engines like Google as well as library catalogues, and, because they are open access, can be read anywhere, by anybody.

For you, the benefits include increasing your readership, developing your professional reputation, and increasing your visibility as a researcher. Both the Research Repository and EThOS can provide statistical information on how many times your thesis has been accessed, and from where. This may prove useful when approaching an academic publisher to convince them that your work is worth publishing as a book.

The UK is not alone in ensuring that many theses are online. Countries such as the USA, Australia, and many European countries have a long history of it, and have their own platforms and collections for this, such as the *Australian Digital Theses Program* and the USA's *Networked Digital Library of Theses and Dissertations*. By allowing your thesis to be made openly available on the Research Repository and EThOS, you are helping UK-based research to remain visible and accessible in a vibrant global market.



There are currently 582 University of Gloucestershire theses on the British Library's provisional catalogue, dating from 2002 to 2023.



What is copyrighted material?



Your thesis will almost certainly include material by other authors, and this material will almost certainly be copyrighted.

Authors create copyright automatically in anything they write or create – under UK law, they don't have to mark their work with the © symbol or register their work for copyright to apply. Ideas and facts aren't copyrighted; however, the presentation of ideas and facts may be. Formats and typographical layouts can also have rights associated with them, and images within books often have copyright over and above that asserted by the book's author (so, the illustrator may hold copyright of the images, and the author copyright of the text). Different types of 'work' may have different durations of copyright.

UK law considers copyright law to be composed of two parts:

Economic rights

The right of a creator to benefit economically from their work, through reproduction, performance, rental or lending, adaptation or licensing. These rights can be transferred to another holder.

Moral rights

The right of a creator to be recognised as the originator of that work, to object to false attribution of it, and to object to derogatory treatment of it. Moral rights can be waived – a creator can decline to enforce them – but they cannot be given away or reassigned.

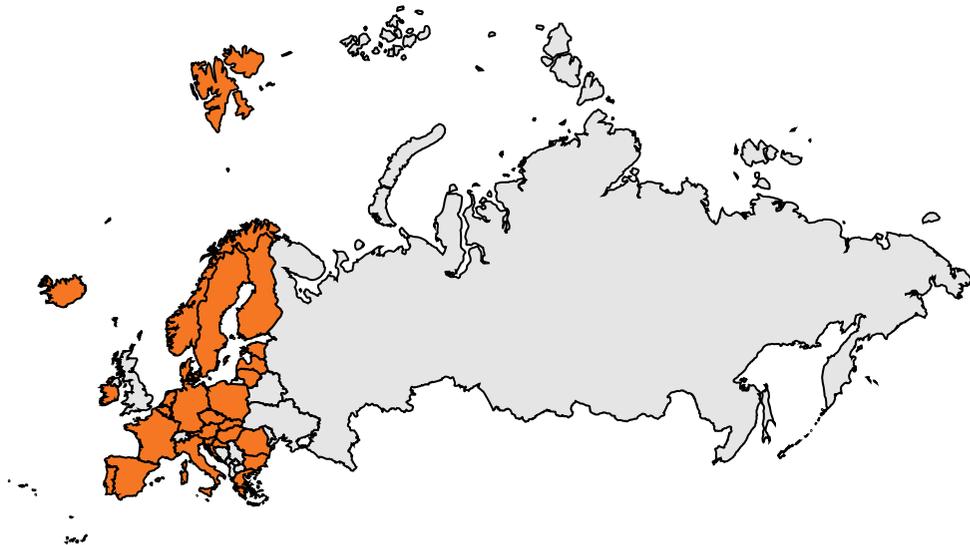
It may be possible, then, for a single work to have multiple **rights holders** – people, corporations, or other entities who have rights over it – who must be considered if you want to include their material. You will be the copyright holder of the original text of your thesis unless you choose to transfer your rights.



Third-party copyright relates to any material that is not your own creation, or even to your own material if you previously agreed to transfer some or all of your rights to your publisher (or other body).

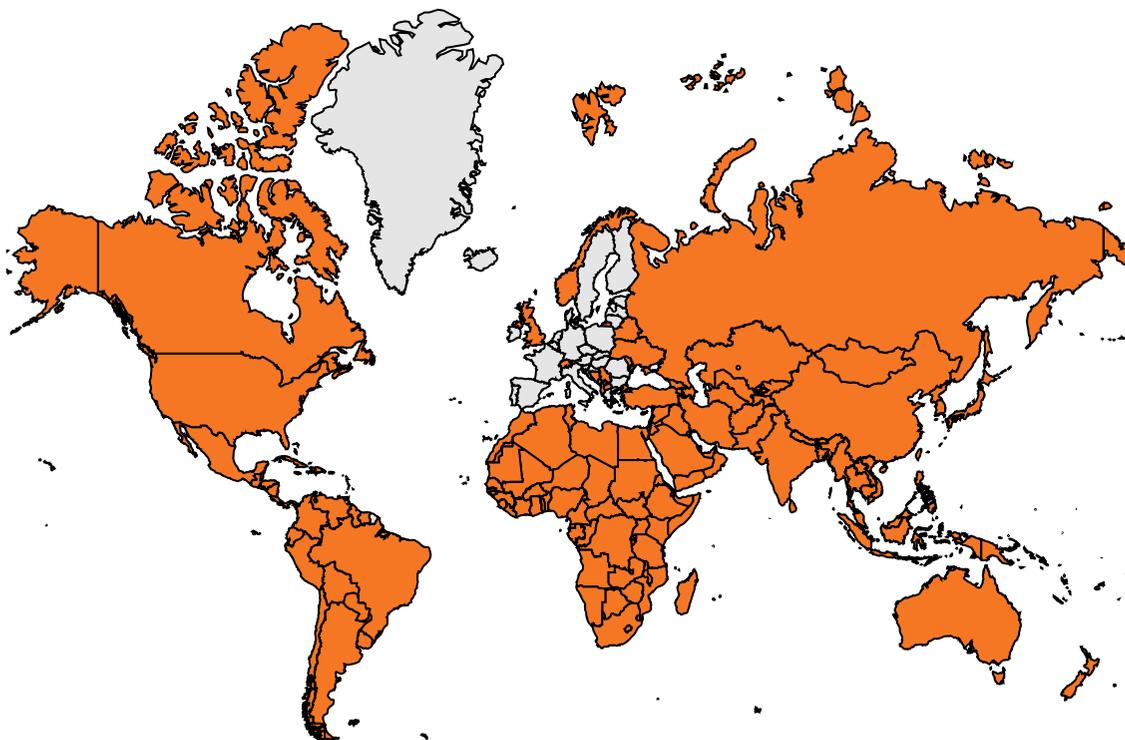
Items come out of copyright depending on where they were published:

EEA* countries: copyright lasts until 70 years after the end of the calendar year in which the last surviving author dies.



* EEA countries: Austria; Belgium; Bulgaria; Croatia; Cyprus; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Iceland; Ireland; Italy; Latvia; Liechtenstein; Lithuania; Luxembourg; Malta; Netherlands; Poland; Portugal; Romania; Slovakia; Slovenia; Spain; Sweden

Countries outside the EEA: copyright lasts as long as its home country's laws make provision for.



Many academic articles and books will have the publisher as their rights holder; however, increasing numbers of articles in particular are being published with a Creative Commons licence which allows the authors to retain copyright.

If you aren't sure whether an item is in copyright, ask for advice. Contact details are available at the end of this guide.

What happens if I breach copyright?

If you are accused of infringing someone's copyright, you will almost certainly have to remove the material. Depending on the scale of your infringement, you may also be sued by the rightsholder for damages (money) relating to lost revenue or reputational impact (in cases where you have misrepresented the material).

Ways copyright can be breached

Using a 'substantial' amount of a work



Failing to attribute work to its creator

Recolouring an image



Attributing work to the wrong creator

Adding to, taking away from, or adapting a work in a way that distorts the original



Using AI-generated artwork without attribution

AND MORE!

Is there overlap with plagiarism?

Plagiarism is using another person's work without attributing it to them – so while there is certainly an overlap between plagiarism and copyright infringement, it is possible to plagiarise someone's work without breaching their copyright. It is also possible to infringe someone's copyright without plagiarising from them. Plagiarism is treated as serious academic misconduct and can lead to the University terminating your studies and, in severe cases, not awarding you with your qualification.



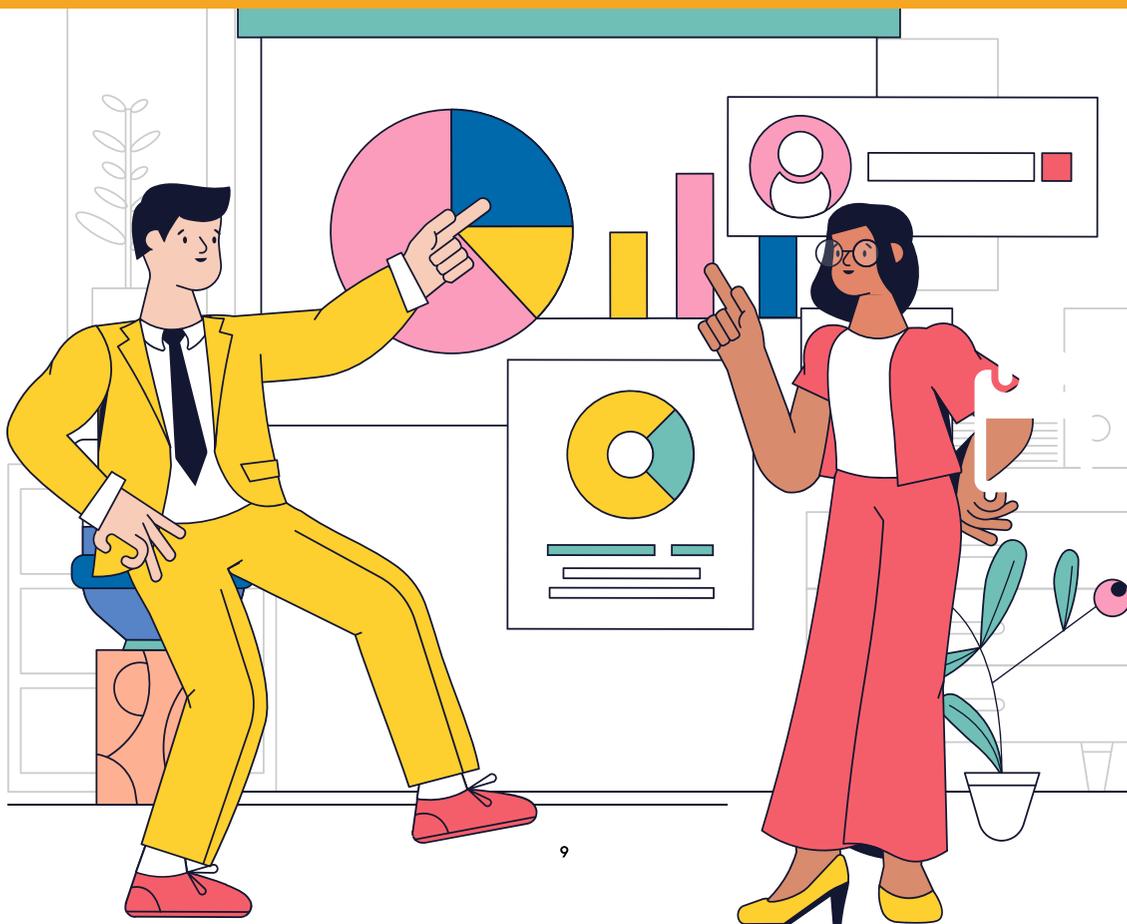
For more information about plagiarism, including what it is and how to avoid it, visit [Cite Them Right](#).

Using third-party copyrighted material



This is a complex and subjective area of UK law. There is no simple rule – a certain number of words or paragraphs, for example – that will allow you to know whether or not you are infringing copyright of a work.

Instead, the law refers to a **substantial** part of a work, and **substantial** here refers to the importance of the copied section to the work as a whole. Graham Cornish (2015, p.20) cites the copying of three paragraphs – which form the recommendations and conclusions – from a 70 page report – as potentially a substantial use of material.



Third-party materials you may want to include in your thesis



Long text extracts from works by other people



Maps and charts, even where you've redrawn them yourself



Material of your own that has been published previously



Illustrations or images



Figures or tables

If you include any of these items in your thesis, then you may need permission from the rights holder if you can't claim the criticism or review defence, or if its inclusion may harm the commercial interests of the rights holder.

However you want to use third-party copyrighted material, and whether you need to apply for permissions or not, you must always **attribute** other people's work to them.

Exceptions to copyright law

If you think that you may need to use some amount of copyrighted material, there may be exceptions given by the law that are applicable to your thesis. These would mean that, while you must still **attribute** the other creator's work to them, you wouldn't have to seek permission to use it. However, you must be confident that your use wouldn't infringe their copyright, **even for these purposes:**



Criticism and review

You may be able to use a long piece of text or a figure or illustration if it's key to your argument – if you need to provide it to show what you're arguing against, for example, or if you need to pass extensive comment on it.

Be aware, however, that **'a court considers what proportion of the user's work consists of quotation, and what proportion consists of comment and analysis'** (Padfield 2015, p.150). The amount of comment and analysis must significantly outweigh the amount of quoted work for this exception to apply.



Quotation

You may quote from any type of work (for example, an extract of text, or an excerpt from a performance or a recording) to illustrate a point as long as you don't quote more than you need to in order to achieve your purpose.

Even where you're sure that your use falls under one of the exceptions above, you also need to be sure that it can be described as **fair dealing**.

What is fair dealing?

“Fair dealing’ is a legal term used to establish whether a use of copyright material is lawful or whether it infringes copyright. There is no statutory definition of fair dealing - it will always be a matter of fact, degree and impression in each case. The question to be asked is: how would a fair-minded and honest person have dealt with the work?’

(HM Government, 2021)

In previous cases, the courts have examined factors such as whether the reuse affects the commercial demand for the original work (if it may cause the owner to lose revenue, then it's probably not fair dealing), and whether the amount of the work used was necessary, reasonable and appropriate (HM Government, 2021).

You also need to be sure that the work has been made available to the public, that the extract you're using is no longer than it needs to be, and that you acknowledge the source of the extract.

If you're not sure whether you're using a substantial amount of a third-party work in your thesis – which is key to whether or not use under an exception counts as 'fair dealing' – it's better to seek permission from the rights holder.



'Fair use' is not the same as fair dealing! 'Fair use' is a US term with no meaning in UK law. Things allowed under 'fair use' may be illegal under fair dealing.

Licences

Some items will tell you through their licences whether you need to approach the rights holder for permission to reuse the material or not. Some of the most common licences are explained below:



All rights reserved

If a copyright notice says 'All rights reserved', then the rights holder retains ALL rights under copyright - you may not, therefore, copy, adapt or distribute the item or parts of it without permission from them.



Publishers' licences

Some publishers prefer to specify their own terms for reuse of their copyrighted works. Often, the terms are similar to those of other licences, like some of the Creative Commons licences. Read publishers' licences carefully to ensure that you understand exactly what you may and may not do with the material, and don't assume that one publisher's licence will be the same as another, or even that one publisher's licence will retain the same terms from item to item.



Open Government licences

The Open Government Licence (or OGL) is designed to allow people to reuse public sector information easily. You must acknowledge your source, but you're free otherwise to use material made available under the OGL as you want to. It's analogous to a CC BY licence.

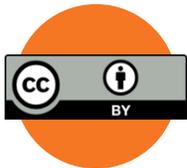


Crown Copyright

Since 2001, the UK government has mostly licensed works made available on its websites under the Open Government Licence. However, some (particularly older) material may be under Crown Copyright - much of this will be available under the Open Government Licence, but some may need special permissions (for example, if the material belongs to the Ministry of Defence). Read the terms and conditions carefully. If you are in doubt, seek permission to reuse the material.

Creative Commons licences

Creative Commons licences allow creators to apply standardised terms to their work. They are combinable, to a degree - here are the most commonly used Creative Commons licences:



BY (Attribution)

A Creative Commons BY (or **CC BY**) licence allows any reuse of the work, as long as its original creator is acknowledged. Many funders mandate that open access publications are made available under a CC BY licence because it allows for maximum engagement with the content and the work. It's the most basic form of Creative Commons licence - any restrictions are always added on to a CC BY licence.



SA (ShareAlike)

CC BY SA licences mandate that work may be reused, but only under the same licence terms. The original creator must also be credited.



NC (NonCommercial)

CC BY NC licences mean that works may be reused, but only for non-commercial purposes. The original creator must also be credited.



ND (NoDerivatives)

CC BY ND licences mean that people may not adapt or create derivative items from the work. The original creator must be credited.



NC-ND (NonCommercial-NoDerivatives)

CC BY NC ND licences mean that works may be reused, but only for non-commercial purposes, and the works can't be adapted or have derivative versions created from it. The original creator must also be credited.



NC-SA (Non-Commercial-ShareAlike)

CC BY NC SA licences mean that people may derive new works from the item, but only for non-commercial purposes. The original creator must also be credited.

Be sure, if you see one of these licences, that you know what these terms mean for what you may or may not do with the work in question. To see all of the available Creative Commons licences, [click here](#). Any items licensed under a Creative Commons licence should provide a link to the licence itself, so that the terms can be read.

You can apply a Creative Commons licence to your own work, if you wish to do so, simply by stating that your work is available under, for example, a CC BY NC ND 4.0 licence. You will need to link to the licence, so that people can see what you mean by it. Be aware that Creative Commons licences, once applied, are irrevocable, so if you are in any doubt as to whether you want your work to be reusable by others, it may be better to apply a more restrictive licence.

You may have noticed that this work is licensed under a CC BY NC SA 4.0 licence, meaning that people can share it and build upon it, as long as they allow others to do the same, and that any derivative works may not be used for commercial purposes.

Other licences covering different material types might include software licences or Open Data Commons licences (which cover data and datasets). It's also possible that no licence is given at all - if this is the case, it's your responsibility not to assume that a work is either not copyrighted or is out of copyright (or in the public domain), and to try as far as possible to track the rights holder down and seek their permission to reuse the work.



Using specific item types

Illustrations, figures and tables

If you want to use an image purely for decorative purposes, you'll almost certainly need permission to do so (unless you've found one with reuse rights). However, if you're using the image or figure as part of your argument, or to illustrate a point, then this may be covered by either of the exceptions listed previously, especially if you only use one image from a given source. Using multiple images from the same source may be seen to be harming the commercial interests of the rights holder, and you would almost certainly need to obtain permission. For more information on using images, see p.18.

Maps and charts

If you have used a map from an organisation such as the Ordnance Survey or Digimap, check the licence to see if the use is permitted. If the map is from a book or other publication, check to see who owns the copyright to the map. This should be indicated either with the map or at the beginning or end of the book.

Some older maps or charts may be out of copyright (for example, copyright on Ordnance Survey maps lasts for fifty years), but you can't assume that this is the case for all items and you must fully acknowledge the source of all material. If the rights are unclear, take steps towards seeking permission - it's better to do this than to risk breaching copyright. If you have exercised due diligence in seeking permission, then you may take the low-risk option of including it in your thesis (provided that you also submit documentation of your efforts).

Where a map's copyright owner is no longer in existence or cannot be traced, you may wish to include it as an **orphan work** (see p.28).

Photographs and images

This can be a particularly tricky area of copyright as it's possible for you to own the copyright to an image of another copyrighted image (for example, if you take a photograph of a painting in a gallery) - you would need permission from the rights holder of the captured image to use your own photograph of it, in this case. It's also important to remember that photographs online are likely to be copyrighted, even if this isn't explicitly stated anywhere.



Material from the internet

Although material from the internet is freely accessible, it's not necessarily freely reusable – you may still need to get permission. Check the top or bottom of the main site page for statements of copyright or links to copyright information or terms of access to see what's permitted. In some cases – for example, databases or catalogues, the rights to reuse the material may be held by rights holders who aren't the site owners.

Adaptations

Adaptation, in this context, means taking an original object – like a drawing, or a map – and then adding significant information to it or reworking it in some way to create a 'new' object.

You may not adapt portions or the entirety of any published literary, dramatic, musical (including scores, films, and soundtracks) or artistic work without the permission of the rights holder.

An adaptation of a work may qualify for copyright protection in its own right if it's sufficiently different and distinct from the original work – however, it's still advisable to ask for formal permission to use the original work.

If you want to include such adapted works in your thesis, we strongly recommend that you discuss this matter with the Senior Librarian (Research & Resources) – it is a delicate and complex area.

Other types of material

Contact the Senior Librarian (Research & Resources) to ask for advice if you want to use musical scores, audio-visual materials, multimedia, or any other format or type of material that hasn't been mentioned above. These items may have multiple rights holders and sources of copyright involved (eg., music in a video), and you may need to take a methodical and meticulous permissions approach to ensure that you identify every rights holder for each item. This may take a number of weeks or months – make sure that you factor this into your plans for preparing your thesis.



How to deal with...

An image or photo created by someone else

You need to seek permission from the photographer or rights holder.

An image or photo that you created

You are the rightsholder, unless:

- You've assigned your rights to someone else (and you need to seek permission from them)
- You've photographed something with rights owned by somebody else, like a page in a published book or an advertising poster

An image of another image (eg. a picture in a museum)

You would need to seek permission from the gallery or painter, whoever owns the rights to that image. There are often terms and conditions associated with reproducing works, which may be what they believe you are doing in taking that photograph.

An image from a photosharing site like Flickr or a blog

- Reuse may depend on the specific licence attached to the image. If no licence is given, assume that reuse in your thesis will require formal permission.
- Be aware that images shared on blogs and other sites may not belong to the person who put them there - if you reuse this, even with their permission, you do **not** have the permission of the rights holder to that image, making this a high-risk approach.

A photo of people

- You may need those people's permission to use the photo in your thesis, unless they are incidental to the photo (eg., people passing by the building whose architecture you were capturing) – personal images can fall under the **GDPR**. If the image is a stock image, you will need either to find and follow its licence for reuse or ask its rights holder for permissions.
- If the people are deceased, you do not need their permission to use the picture, but the copyright of the image may still belong to another rights holder. Bear in mind also that some pictures may be of a sensitive nature or that some uses of images may cause distress or upset to friends or relatives of the person in the photograph.
- If the photographs are of children (under 18s) or are of an otherwise sensitive nature, you may also need to discuss the ethics of including them in your thesis, as well as seeking permission to do so.

If you're hoping to use a significant number of pictures for which there are third-party copyright considerations in your thesis, please contact the Senior Librarian (Research & Resources) to discuss it.

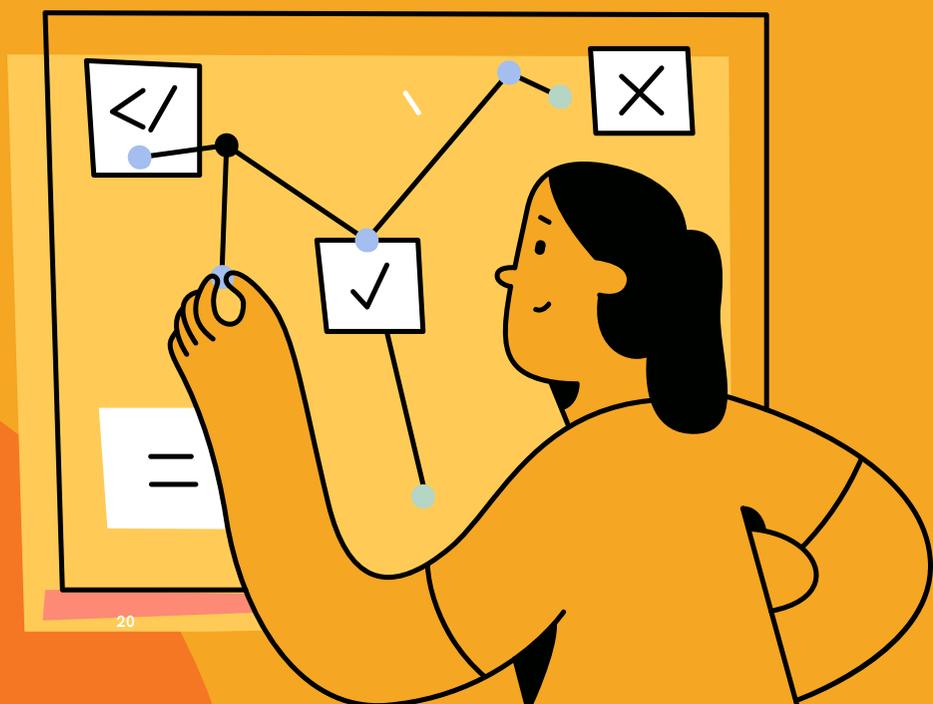


Practical steps



Checking copyright statuses

Contact the Senior Librarian (Research & Resources) to ask for advice if you want to use musical scores, audio-visual materials, multimedia, or any other format or type of material that hasn't been mentioned above. These items may have multiple rights holders and sources of copyright involved (eg., music in a video), and you may need to take a methodical and meticulous permissions approach to ensure that you identify every rights holder for each item. This may take a number of weeks or months – make sure that you factor this into your plans for preparing your thesis.



Where to check for copyright statements, owners and permissions

WEB ITEMS



Check the page for a copyright notice at the top or bottom, or near the organisation or author's name
If the page has no information, check the Ts and Cs for the website
If there's no clear information, find the contact details for the website owner and ask them

PRINT ITEMS



If the item's a standalone piece like a picture or figure, look at the caption or figures list to see who owns it
Look at the copyright page in books
If you're using a book or journal online, check the licence to see if it includes reuse permissions

ITEMS ON DISPLAY



Check the gallery or museum's conditions of access - were you allowed to take a photo yourself, for example? This should be on your ticket, booking confirmation message or show programme. If not, contact the organisation and ask them

Remember that copyright does not have to be claimed - it exists from the moment of creation and belongs automatically to the creator or, if they choose to assign their rights elsewhere, to the stated rights holder.



An item without a copyright notice is not necessarily a copyright-free item!

What to do if you need permissions

If you *do* need any permissions, you'll have to contact the rights holder to ask for it. This may be the author; depending on the publication type, it's more likely to be the publisher. Be **specific** about the material that you want to use, and where it's going to go (not just into your thesis, for example, but also onto the Research Repository, or any other platform you might want to make it available on). It is vital that you **keep copies** of any and all correspondence that you send OR receive relating to permissions.

It's also important to ask permission **as soon as you realise that you need to**. It can take some time for permissions to be granted – months, in some cases – and, while an examination exception can apply to the version of your thesis that is examined (as long as you can still claim fair dealing for any extracts used), it will *not* apply to the final version which is put on the Research Repository. This may mean that you need to redact or remove elements from the final version of your thesis unless you can claim the criticism and review or quotation exceptions, or you have the permissions you need to reuse the content.

When you submit your thesis, you'll sign a declaration agreeing that you have sought and obtained all appropriate permissions. The responsibility for seeking permission is, therefore, **yours**. You'll also have to submit evidence of all relevant third part copyright permissions that you have obtained.

Locating rights holders

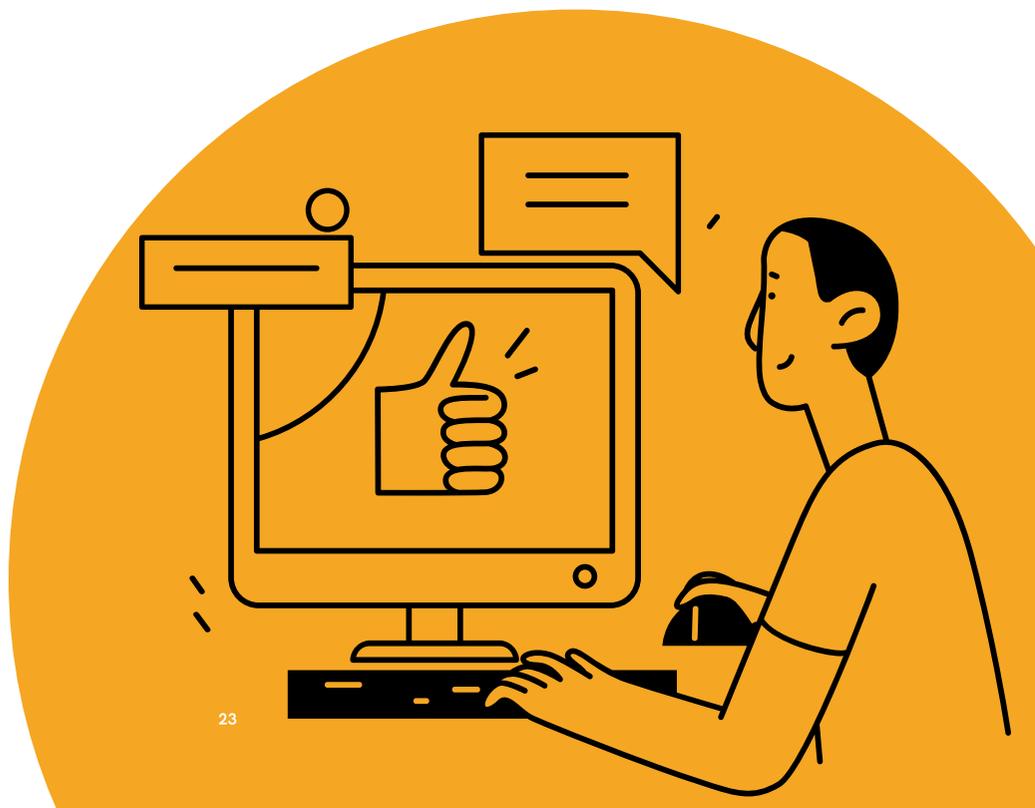
In many cases, the rights holders you'll be approaching will be academic or mainstream publishing houses for whom contact details will be easily available online. However, you may wish to include materials for which you need to find a specific individual or entity, and they may be less easy to find. Your options here are to track them down yourself, use a database such as WATCH (Writers, Artists and Their Copyright Holders), or the Society of Authors website, or, if you can't find the details of the copyright holder, to treat the materials as **orphan works**.

Asking for formal permissions

This may sound daunting, but it's actually nothing more than ensuring that you have some documentary evidence to prove that you have a rights holder's permission to include a work in your thesis. You may find it easier to seek permission as you go – once you know you'll want to include a third party item, find out who owns the rights and contact them at that point, rather than leaving all of your permissions seeking until later. If you decide, after gaining permission, that you don't want to use an item after all, you can simply remove it from the thesis – you don't need to inform the rights holder that you have changed your mind.

Verbal agreements from rights holders are **not** sufficient – they would be very difficult to prove legally at a later date. If you do get verbal agreement from a rights holder, it's good practice to follow the conversation up with a written formal request as soon as possible.

Written permission doesn't need to be in print – a dated email is likely to be enough for your purposes. However, some rights holders' email addresses aren't easy to find, and it's likely that you will have to send – and certainly receive – a letter or two relating to permissions as well. Remember that postal replies will take longer than email – you'll need to factor this into your permissions-seeking timescale. Set aside a file or folder in a safe place to keep any print correspondence or permissions statements secure. Consider creating a folder in your emails to keep anything relating to permissions, or save your emails as PDF or Outlook files to a desktop, portable hard drive or cloud storage location.



Sample request for permission

There is no absolute format for permissions requests, but there are some basic details that it's crucial to include:

- The item that you want to reuse
- Where you want to reuse it (ie., your thesis)
- A short overview of your situation (eg., the University's regulations and the necessity of it for your research)

Be specific, polite, and, where you can, be concise – a rights holder may not have time to read a lengthy communication, and may simply feel unable to respond to a very long request. You can always go into more detail about your requirements in subsequent correspondence.

Email subject: Copyright permission request

Dear [name if known; Sir or Madam if to an unknown person; name of department if to a corporate entity],

I am writing to request permission to make a copy of an extract from the item referred to below. I would like to include this extract in my doctoral thesis, which is being submitted to the University of Gloucestershire for examination.

University of Gloucestershire theses are made available as open access publications, and can be downloaded from the University's Research Repository at <https://eprints.glos.ac.uk>.

[State here the bibliographic information of the source of the extract, the extent of the extract that you want to include or the title of the image or graph, and the page number(s) of the parts that you need.]

Yours ['sincerely', if to a named individual / 'faithfully', if to a department or unknown recipient],

[Your name]
PhD Student
University of Gloucestershire



If you're unable to contact a rights holder

Submit an edited thesis

This approach involves **no legal risk**.

- ✓ Remove any items or sections of third-party works whose rights holders you were unable to contact or for which you couldn't obtain permissions
- ✓ Notify the Senior Librarian (Research & Resources) that this version of your thesis is incomplete, so that they can add the information to the thesis record
- ✓ If removing the material makes the thesis unusable (by destroying the structure of the narrative or by making critical pieces of information unavailable to readers), speak to the Senior Librarian (Research & Resources) about the options available to you

Submit your thesis as-is

This approach involves **some legal risk**.

- ⚠ Where you have repeatedly tried to contact a rights holder, and have documentary evidence of this, and have received no response, you could choose to include the item
- ⚠ You **must** be able to show the lengths you went to in order to contact the rights holder for some years afterwards on request – this evidence must be supplied with your thesis, and will be retained by the University.

The second approach incurs some risk. The rights holder may, at some point, object to the use of the items – they may then ask the University to take the thesis down from the Research Repository, and may even threaten legal action against you. At this point, you'll need to demonstrate that you exercised all **due diligence** in trying to obtain permission. If the University is unable to contact you, this evidence allows the University to respond to claimants.



The only 100% risk-free approach to dealing with third-party copyright items is to have clear permission granted for each item or to remove any item with uncertain permissions status from the final copy of your thesis.

Dealing with rights holders' responses



Yes - permission is granted: At the relevant place in the thesis, make sure that you fully cite the item, provide a reference for it, and acknowledge that permission has been granted – eg., *Picture reproduced by permission of Ms. C. Jones.*



Yes - permission is granted (with conditions): These may vary between rights holders. Conditions often include linking to the published material, or more formally worded acknowledgements within your text. They may also require that your thesis be embargoed (ie., not made available immediately) – you can request an embargo when you submit your final thesis to address this.

Additionally, they may also require that you pay a fee to use their item. You and your supervisor will need to discuss the feasibility of this. If you decline to pay the fee, permission is **not** granted and you will need to remove the item from your final thesis version.



No - permission is not granted: If the rights holder declines to give permission, then you can remove the material from the final thesis version. You will be able to leave it in the examination version under the examination exception.



Unclear – there is no response, or you are still in discussions: If the rights holder has neither granted or refused permission at the point of thesis submission, you can either 1) if it looks likely that they will give permission, embargo your thesis, requesting that the embargo be lifted once permission is granted, or 2) if you think that the rights holder will refuse you permission, deposit an edited version of your thesis with the material removed (if, at a later point, your rights holder *does* give permission, the Research Repository team will update your thesis version for you if you supply the document).



Keep copies of any correspondence between you and any rights holders for some years after you graduate. You may need to refer to them again in the unlikely event of a challenge to your inclusion of the material.



Orphan works

'Orphan works' is the term used to describe items for which rights holders can't be identified or contacted. This can happen if the publisher has gone out of business (the Firms Out of Business [website](#) may help to determine this), or if repeated (and documented!) attempts to contact the rights holders have failed. Where rights remain with people, it may also be the case that the rights have been passed to somebody else – for example, if the rights holder dies and somebody inherits those rights, or where the rights have been given away or reassigned – and that this, and the identity of the new rights holder, has not been made clear.

The UK government has introduced an [orphan work licensing scheme](#) to cover these works – you'll still need to provide evidence that you have done a 'diligent search' for the rights holder before they will designate it as an orphan work and grant you a licence to use it, however, so if you follow this route, make sure that you keep records of your attempts to identify and find any rights holders involved (they also provide guidance on performing diligent searches, which is available [here](#)). This route also involves paying at least one fee, depending on the outcome of your application to the scheme, so you'll need to factor this into your overall thesis-writing process plan.

If you choose not to apply for a licence to use an orphan work, you can remove the potentially risky item from your thesis. However, removing it may cause structural or scholarly problems in your research narrative. If this happens, you'll need to decide whether the risk you expose yourself to in using the item without a licence is greater than the benefit of retaining the integrity of your thesis as a whole. We would always advise that you seek permission to use an item rather than putting yourself at risk of action from a rights holder at a later date.

If you need advice about seeking permission or interpreting the response of a rights holder, contact the Senior Librarian (Research & Resources).

Using your own, previously published material

It isn't unusual to publish a portion of your thesis before you submit it. However, you may need to consider your rights to reuse your own published work within your thesis carefully if you have given or assigned any rights to a publisher.

If any portion of your thesis has been published already – for instance, as a journal article – you need to check the agreement you signed with the publisher (usually called a **copyright transfer agreement**, or **CTA**). Even if you have assigned copyright to the publisher you may still be allowed to use the material in your thesis under your agreement, so check it for any educational exemption clauses. If it doesn't expressly note this, or you can't find the agreement, you must approach the publisher directly for permissions.

If you want to include a complete, published version of an article written by you in the thesis, you'll need to seek permission from the publisher unless the article has been published under a Creative Commons or other open access licence, or your agreement with the publisher allows you to reproduce this version. Often, articles are included in thesis appendices for examination and are removed from the final, submitted version; if your thesis is a PhD by publication, however, this may not be practical. You may be able to request that you use the AAM (Author's Accepted Manuscript) instead, as you might for green open access – if you need help or advice on this, please contact the Senior Librarian (Research & Resources).



*Remember that you must clearly attribute any portion of your work that has appeared elsewhere prior to your thesis submission (for example, in assignments or in published works) to avoid charges of **self-plagiarism** by your examiners*

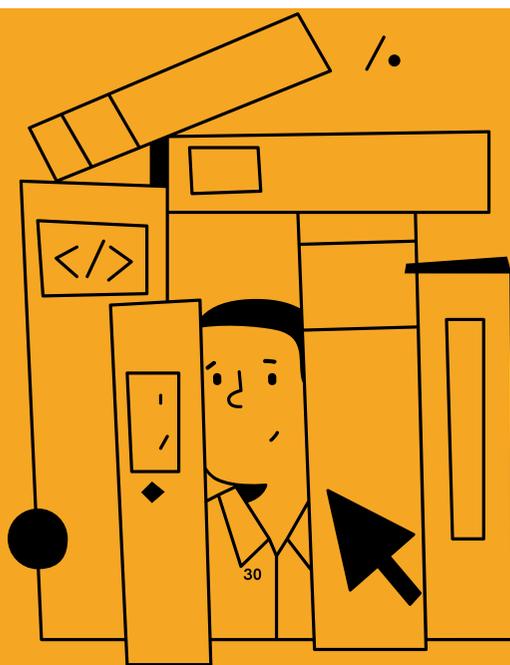
If you can't get permission to reuse a full article in your final thesis, please let the Senior Librarian (Research & Resources) know so that they can make a note of it and the difference between your examination version and the version made available on the Research Repository.

Publishing from your thesis



It isn't uncommon to publish from a PhD thesis. Many people have concerns about whether they will be able to do it because of a belief that an open-access thesis may constitute a 'previously published work' – however, there is little evidence to support this (Gilliam & Daoutis, 2019; Ramirez et al., 2013), and some publishers have explicit statements to the contrary (see the Useful Links section for more details). Most publishers require significant changes to be made to theses' content and structure before they will publish either articles or monographs (scholarly books) derived from them – they may also ask you to change details such as the title, to avoid confusion between your original thesis and the subsequent publication.

If you're concerned that making your thesis available online may harm your ability to publish articles or a monograph from it, you can request a thesis embargo.



Embargoes

Putting your thesis under embargo means restricting its availability to the public for a defined amount of time.

Although your thesis would be 'discoverable' – meaning that information about it would be visible to anybody online – the document itself couldn't be viewed or downloaded. You don't normally need to apply for embargoes of two years or less – you can request it via your thesis deposit form.

An embargo would cover the **final submitted version** of your thesis that is then made available via the Research Repository.

Embargo end dates are managed automatically by the Research Repository software – if you need to extend your embargo, please contact the Senior Librarian (Research & Resources). Failing to do so will mean that the full text of your thesis is released.

In rare cases, a permanent embargo may be granted.

Why might I need an embargo?

Sometimes, open access isn't appropriate for a thesis, either temporarily or permanently. This may be because it contains commercially sensitive material, or you want time to bring a concept to market or even apply for a patent. There may also be ethical considerations that mean that immediate open access is inappropriate – these may relate to identifiable individuals. Situations like this should be



avoided as much as possible, however, and issues like this should have formed part of the original ethical approval process for your research.

You may also wish to embargo your work if you're waiting for permissions from a copyright holder for a third-party copyright item included in your thesis.

If you have an external funder, check the conditions of your funding agreement. It may be that your funder owns the copyright to the research outputs that you produce, for example, and applies certain conditions to its reuse (including mandating immediate open access, and requiring that you use a particular licence type when you do this). If they are a commercial company, they may require that your work is embargoed, to protect their interests.



Even where theses are under embargo, their metadata – the information about the theses – are available online and visible to anybody with an internet connection. Only the thesis document itself is restricted. This means that people are still able to see that you've done this research, even if they can't yet see what you've written, and they'll also be able to see when the embargo expires, so that they can revisit the thesis when it's available.

References

Cornish, G. (2015) *Copyright: interpreting the law for libraries, archives and information services*. 6th ed. London: Facet.

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Useful links

Creative Commons licences: <https://creativecommons.org/share-your-work/ccllicenses/>

Palgrave MacMillan's information on publishing a thesis as a book: <https://www.palgrave.com/gp/book-authors/your-career/early-career-researcher-hub/revising-the-dissertation>

Sage's prior publications policy: <https://uk.sagepub.com/en-gb/eur/prior-publication>

Springer's information on publishing a thesis as a book: <https://springer.public.springernature.app/>

Taylor & Francis's information on publishing from a thesis: <https://authorservices.taylorandfrancis.com/blog/get-published/turning-your-phd-into-a-successful-book/>

UK Government orphan works licensing: <https://www.gov.uk/government/publications/orphan-works-overview-for-applicants/orphan-works-licensing-scheme-overview-for-applicants>

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