

QUICK REFERENCE GUIDE ON COPYRIGHT AND PHD THESES

Do you want to publish your thesis or make it public in another way? This quick reference guide explains what you should pay attention to in terms of copyright.

WHO OWNS THE COPYRIGHT TO A THESIS?

The creator of the work automatically holds the copyright to that work in accordance with the Dutch Copyright Act. There is one important exception to this rule; namely if the work is produced by an employee. Article 7 of the Dutch Copyright Act (i.e. Employer's copyright) states: *"Where work performed in the service of another person consists in the production of certain literary, scientific or artistic works, the person in whose service they were produced shall be deemed to be the creator thereof, unless otherwise agreed between the parties"*.

In principle, in accordance with the law and the collective labour agreement, a university college holds the copyright to the work and creations of its staff. In principle, at the majority of universities the staff members are considered the copyright holders. It is always possible to make agreements by mutual consultation, preferably in writing, with your own institution concerning the copyright on your (research) publications.

Copyright on a publication with multiple authors

Academic publications with multiple authors usually have shared copyright. Permission is required from the co-authors for anything done with the publication. You do not have to take account of co-authors if your own work is a part of a collective work in which the works belong together and are adapted to each other but may be shared (e.g. an article in a textbook), or if the contributions of the various authors may still be distinguished from each other. Also see the [Quick reference guide on publication](#).

PUBLISHING YOUR THESIS IS USUALLY MANDATORY

At most research universities the publication of your thesis is mandatory via the university repository (digital repository). Publishing your thesis via the repository is no problem if you, as a PhD student, have full copyright to the thesis. You will then have the exclusive right to publish or copy this work.

However, there are situations where publication may cause copyright issues, namely:

Chapters from the thesis are still published as an article

Journals will not accept an article offered if the text has already been published. You can arrange an embargo period with the university for the publication of (a part of) your thesis. If the article/chapter is accepted for publication, ensure that your thesis is made publicly available at a later date via the university repository.

NB: if an article consists of an adaptation of a text from the thesis or is only based on data from the thesis the situation described above shall not apply.

Chapters from the thesis have already been published as an article

If a chapter from the thesis has already been published as an article, then the copyright has most likely been transferred to the publisher of the journal. The publisher will not allow the thesis to be published immediately after the doctoral graduation, because it is not the doctoral student but the publisher who will have the right to publish and copy (the chapter from) the publication. You can arrange an embargo period with the university for the publication of (a part of) your thesis.

NB: if an article consists of an adaptation of a text from the thesis or is only based on data from the thesis the situation described above shall not apply.

The thesis is published by a publisher

If the thesis is published by a publisher, the publisher will ask you to transfer the copyright to them. This gives the publisher the right to publish and reproduce the thesis. Almost all publishers are aware of the obligation to publish a digital version of the thesis in a repository. Consult with the publisher about an embargo period and inform the university thereof. Once the embargo expires, the university will make your thesis public.

You can avoid copyright issues with chapters by publishing them in open access journals thereby retaining the copyright. Also see the [Quick reference guide on publication](#).

PUBLICATION WITH FULL RETENTION OF COPYRIGHT

Own management

If you want to retain the copyright to your own publications, see whether you could publish the publication yourself.

Open access

Another option is to publish your work with [open access](#). Open access stands for free access and free use of the material. By publishing in this way, the creator retains his/her copyright, the creator implicitly gives permission for reuse and the article becomes available to a wider audience. Two important conditions are attached to (re)use: the correct acknowledgement of the source and respecting the author's personal rights. Also refer to the [Quick reference guide for basic knowledge of copyright](#).

Creative Commons licence

With a Creative Commons licence you give other people the opportunity to use your publication in the way you choose. You retain all your rights but give other people permission to distribute your work, to share it with others or - with some licences - to edit it. Also see the [Quick reference guide for finding terms of use](#).

PUBLICATION WITH PARTIAL RETENTION OF COPYRIGHT

If publication with full retention of copyright is not possible, then try to retain part of your copyright. You negotiate this with the publisher and use an addendum or licence.

An addendum is an annex to a contract. Some institutions have their own addendum to be included in a publication contract. For more information contact your own [Copyright Information Point - \(Auteursrechten informatiepunt - AIP\)](#).

A licence is formal permission to do something. There are two different types of licences you can give the publisher:

- An exclusive licence (right of use) to (a part of) the material. In this case, you do not transfer the copyright. The publisher may only use the material in the way agreed. Due to the exclusivity of the licence, you may not grant the right of use to anyone else.
- A non-exclusive licence. In this case also, you do not transfer the copyright. The publisher may only use your material as described in the agreement. The non-exclusivity leaves you the possibility to grant these rights of use to others as well.

PUBLICATION WITH FULL TRANSFER OF COPYRIGHT

Sometimes you cannot avoid publication with a publisher who requests the transfer of (a part of) your copyright. This gives the publisher the right to use your work, or to publish it and distribute it (reproduce it). Copyrights must always be transferred in writing; publishers usually use standard contracts for this. This contract usually states what you can do with your own publication, such as whether or not your publication can be included on your own website or in an institutional repository, whether it can be used for teaching purposes and adapted to make it into a new publication.

CAN I PUBLISH MY THESIS ON MY OWN WEBSITE?

Publishing a thesis on the author's personal website is no problem if the author holds full copyright to the thesis. If this is not the case, for instance because one or more chapters have been published or will be published as an article, problems may arise.

COPYRIGHT TO IMAGES, PHOTOGRAPHS AND GRAPHS

Did you include other people's images, photographs or graphs in your thesis? If this is the case, permission applies here in the same way as the permission needed to use other people's texts. Permission is not required if an image is used as a quotation. Just as with texts [acknowledgement of the source](#) is also always mandatory if you use other people's images. Also see the [Quick reference guide for the use of photographs and images](#).

If you request permission to use an image in your thesis also make sure to report that you intend to publish your thesis, for instance via a journal, repository or on your own website. The (digital) publication of the thesis will also entail the publication of the images used. The public disclosure of a work is a right reserved to the creator, unless you were granted permission to do so.

QUESTIONS? GET IN TOUCH WITH YOUR COPYRIGHT INFORMATION POINT (AIP)

Do you have further questions about this quick reference guide? Please contact one of the members of staff at the [Copyright Information Point \(AIP\)](#) of your institution.

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