RHD theses and open access FAQ’s

What does open access mean?
Open access means content that is freely available for anyone to access via the internet.

What access options are available?
1. Open Access
   The thesis, thesis title and abstract will be freely available via the internet immediately following conferral. This option must be supported by your Principal Advisor.

2. Embargo
   An embargo to all or part of a thesis may be granted on the basis of academic, cultural, ethical, legal or commercial reasons. Applications are considered by the Dean of the Graduate School.

   Under this option you may select for the thesis title to be searchable, or not searchable, via the web.

What are the benefits of making my thesis open access?
- Raises the visibility and potential impact of your research, making it easier for other researchers to read and cite your work.
- Is consistent with UQ’s Open Access Policy which supports accountability for publicly funded research.
- Provides a permanent and citable web link for your thesis.
- Makes research more discoverable via search in UQ eSpace, Google Scholar, and other search engines

What are the Concerns about making my thesis open access?
- May limit ability to publish journal articles, book chapters or books.
- Inclusion of 3rd party copyright material that is not considered fair dealing or criticism or review requires permission from the copyright owner (Noting however, candidates must acknowledge in the thesis preliminary pages that they have obtained copyright permission from the copyright holder to reproduce material in the thesis).
- Intellectual property issues and commercial agreements may require confidentiality to exploit commercial opportunities and patents – any possibility of this issue arising in respect of your thesis should be carefully examined in advance with your Principal Advisor, Research Legal and the Graduate School.
- Confidential or culturally sensitive materials contained in thesis may be exposed – any possibility of this issue arising in respect of your thesis should be carefully examined in advance with your Principal Advisor and the Graduate School.
How do I choose which option is best for me?
You are required to discuss options with your Principal Advisor prior to thesis submission and the selected option should agreed by you and your Principal Advisor and indicated on the Thesis Submission form.

What happens if my principal advisor and I can’t agree on which option to select?
If agreement cannot be reached between yourself and your Principal Advisor, the matter can be referred to the Dean of the Graduate School for determination.

Who is the copyright owner of a thesis?
The author of a thesis is the copyright owner. There may be other intellectual property issues arising out of research funding agreements in relation to research that may underlie a thesis – e.g. patent rights - but the written expression of the thesis is the sole copyright property of the thesis author.

What happens if I have transferred the Intellectual Property associated with my thesis to the University?
In instances where a candidate has transferred IP to the university, the decision regarding access arrangements for a thesis are referred to the Principal Advisor to make a recommendation, both at the time of thesis submission as well as at the end of the three year embargo period.

I would like to publish one or more journal articles based on my thesis. Should I make my thesis open access?
It is recommended that you check the policies of intended publishers and discuss your publishing options with your Principal Advisor. The content of an article is usually different from the text within a thesis as it is rewritten to suit the intended audience of the journal and the content is often changed/edited following the peer review. Should you determine that making your thesis open will limit your ability to transform parts of your thesis into journal articles then you should consider selecting an Embargo on access in the first instance.

It is noted that some publishers have a standard position on obtaining permission from 3rd party copyright owners, and you should be encouraged to check websites before seeking approvals.

I would like to publish my thesis as a book. Should I make my thesis open access?
It is recommended that you check the policies of intended publishers and discuss your publishing options with your Principal Advisor. The content of a book or book chapter is usually different from the text within a thesis as it is rewritten to suit the intended audience of book and content is often changed/edited following peer review. Should you determine that making your thesis open access will limit your ability to transform your thesis into a book, then you should consider selecting an embargo on access in the first instance.
I am planning to submit a patent application. Should I make my thesis open access?
You should discuss this matter fully with your Principal Advisor with the intent of making application for an embargo.

I believe that my thesis contains culturally sensitive or classified materials. Should I make my thesis open access?
You should discuss this matter fully with your Principal Advisor with the intent of making application for an embargo.

What about other people’s images and words that I have included in the thesis?
You are the copyright owner of the overall thesis even though you may have incorporated third-party content either as a fair dealing for research and study, a fair dealing for criticism and review or with the express permission of the copyright owner.

In every case, you must properly acknowledge the work and its author(s). Further details about the types of fair dealing are explained below.

- **Research and Study**
  The [Copyright Act](https://www.copyrightaustralia.gov.au/copyright-acts/copyright-act-1968) permits the use of third-party content for research and study. To be fair, the quantity must be no more than is legitimately required for that purpose. In practice, this is not a problem, because the process of review that a thesis undergoes from a Principal Advisor and examiners is an adequate safeguard.

  The protection of this limb of fair dealing does not operate where a thesis or any part of it is “published” – e.g. making it publicly available on the Web – although publication in an institutional repository like UQ eSpace is very unlikely to raise any issues. Other types of publication – e.g. inclusion of thesis content in a journal article or book chapter – will not be protected by this limb of fair dealing.

  Unless another limb of fair dealing can be relied upon – e.g. criticism and review – permission to use the third-party material may be required.

- **Criticism and Review**
  This limb of fair dealing permits third-party content to be used in a thesis where that content is being subject to criticism and review. Importantly, third-party content used in this way may also be included in a published version of the thesis, or any publication arising out of the thesis, without the copyright owner’s permission. In other words, the operation of this limb of fair dealing survives publication, unlike research and study.

  To be considered criticism and review, the content must be used in a particular way:

  a. Its use must be more than by way of example or illustration;
  b. There must be a genuine attempt to critique or review the work by analysing its merit, its underlying structure of logic, or even comparing it with other works by the author or another author;
  c. The amount used must be no more than what is needed to achieve the criticism and review.
How do I obtain permission from a third party copyright owner?
Where permission from a third-party copyright owner is required, it should be obtained in writing. It is important to be aware that gaining copyright approval may be a lengthy process therefore permission should be sought well in advance of submitting your thesis for examination.

How is copyright assigned?
Copyright is a legal property that a copyright owner can assign – i.e. legally transfer – to another party. Typically, this occurs when publishers seek an assignment of copyright for a work that an author is seeking to have published with them.

If I publish my thesis findings in journal articles do I still need to add my thesis to UQ eSpace?
Yes, under the current procedures all UQ RHD theses are indexed in UQ eSpace. Permission must be sought from the journal publisher to include the articles in your thesis if they are not published as open access articles.

If I have publications in my thesis, do I have the same options?
Yes, a thesis that contains published works must have an introduction and conclusion drawing together the published papers (see http://www.uq.edu.au/grad-school/including-publications-in-the-thesis). Permission must be sought from the journal publisher to include the articles in your thesis if they are not published as open access articles.

Can I make part of my thesis open access and the rest embargo?
Yes, but you must provide the embargo component as a separate file in addition to the rest of your thesis.

Will I be able to access my thesis via UQ eSpace once my degree has been conferred if I select embargo?
No.

If I select embargo, what happens when the period of delay ends?
You will be contacted by the Graduate School via email when the period of embargo is nearing an end. Hence it is important that you keep your contact information up to date with UQ (http://www.alumni.uq.edu.au/update-your-details).

What formats are acceptable for open access?
All RHD theses uploaded to the UQ eSpace are required to be in PDF format – see details on the thesis submission page http://www.uq.edu.au/grad-school/thesis-submission

Ancillary files should be included in the format required by the Graduate School as part of meeting the degree requirements.