

## Copyright Guide - When can I include images in my Creative Arts thesis for publication by Griffith?

### Can I include any image in my thesis for marking?

If you openly source images from the internet or books, you may include these in your thesis for marking. However, there are different copyright rules that apply to including these images in your thesis for publication.

### What are my copyright responsibilities around including images in my thesis for publication?

You are responsible for ensuring that you have the legal rights to include every image whose copyright belongs to another in your thesis for publication by the University on [Griffith Research Online](#). Simply referencing an image does not give you the legal right to publish that image in your thesis.

If you do not have the copyright rights then you must [redact these images from your thesis for publication](#).

Note: you should also [redact your signature and all other signatures](#) from your thesis before publication to prevent identity theft.

### Can I include photos that I took of my own artwork?

Yes. As you own the copyright in both your photos and your own artwork, you may include these photos.

### Can I include photos I took of other people or their artwork?

1. If you took photos of other people, you will own the copyright, but you will need [written consent](#) from any person that is identifiable in the photos before including these in your thesis for publication.
2. If you took photos of artwork whose copyright belongs to another, then you will only partially own copyright in the photos, as there is also copyright in the artwork images contained in the photos – so you will need [permission](#) from the copyright owner of this artwork before including in your thesis for publication.

### Can I include images sourced from the internet in my thesis for publication?

It is best to presume that all images on the internet have copyright protection. Check the website's "Terms of Use" or the licence (attached to the image) to see if you are permitted to include these images in your thesis for publication on [Griffith Research Online](#). Otherwise get [permission](#) to include the images.

### Can I include a still image from a film in my thesis for publication?

A still from a film is an image and considered a complete copyright work. Therefore you need [permission](#) from the copyright owner to include this in your thesis for publication (unless you are criticising or reviewing the image – see below).

## Can I include images with a Creative Commons licence?

Yes. Even images with a NON-COMMERCIAL Creative Commons licence as Griffith is a non-commercial publisher. However, you may not adapt and publish images with a NO DERIVATIVES licence.

## What if an artwork is out of Copyright?

If an artwork is out of Copyright, then you may include an image of this in your thesis for publication. An artwork is out of Copyright when:

- The painter or sculptor of the artwork died before 1 January 1956.
- It is an artistic photograph and the photo was taken before 1 January 1955.

Check out the [Copyright Duration guide](#) or contact the [Information Policy Officer](#) for advice.

Note that some galleries that provide photos of artworks that are out of copyright, claim copyright in their reproduction. In these instances, you may need permission or to pay a fee to the gallery to include such photos in your thesis for publication.

## Can I include images under “Fair Use”?

No. “Fair Use” is permitted under American copyright law. Many artworks are published in America on sites such as Wikipedia under “Fair Use”. But as your thesis is being published in Australia on an Australian website, you may not include images under “Fair Use”.

## Can I include images I am criticising or reviewing or using for parody or satire in my thesis?

You may include images of artworks in your thesis for publication on [Griffith Research Online](#) without [permission](#) from the copyright owners if you are directly subjecting those images to “criticism or review” or “parody or satire” under “fair dealing”. “Criticism or review” applies if you actively critique or analyse each of these images in your thesis. It will not apply if you wish to include images merely as illustrative examples (such as of an artist’s or period’s general style) or for decorative purposes.

If you wish to include images under “criticism or review”, you can contact the [Information Policy Officer](#) for advice. There are a variety of factors that may affect the use of “criticism or review”.

## Can I change an image and include this in my thesis for publication?

When adapting an image and including a “substantial portion” of this image in your adaptation, you must get [permission](#) from the copyright owner. If you draw an image using another’s artwork and your work looks “substantially” similar to this original artwork, you will need [permission](#). Note: this is different from your work simply being “inspired” by another work. Contact the [Information Policy Officer](#) for advice.

In addition, you need [permission](#) if your adaptation could adversely affect the reputation of the creator of the image you are adapting (though Australian Copyright law permits a “fair dealing” for “parody” or “satire” as outlined above).

However, you don’t need permission to adapt if the image is out of copyright, has a [Creative Commons licence](#) or other open licence that permits adaptation.

**For more information or assistance**

Seek advice from the [Information Policy Officer](#).