# Copyright and Thesis in Africa

By

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## Abstract

The paper gives the background to the development of electronic theses and dissertations (ETDs) in Africa and mentions the advantages of ETDs. To gain an overview of copyright information provided to students and staff, the websites of every one of the institutions that participated in the Database of African Theses and Dissertations (DATAD) pilot project were examined. The objective was to establish whether the institutional copyright policy was available online, and if so, whether there were policies on using materials in publications such as theses and dissertations. None of these institutions had any copyright information on their website.

Of the seven South African universities that have ETD websites, only one had copyright information on its websites. However, the site did not provide information on the copyright needs of postgraduate students.

The paper commends the efforts of the Association of African Universities (AAU) in producing the "DATAD Guide to Copyright and Intellectual Property Management." It suggests that the Guide should part of a comprehensive web site that should be developed to guide postgraduate students and supervisors on intellectual property rights (IPR) issues in particular as well as other issues. It also suggests that it is important for an institution to let its constituency fully understand the intricacies of the copyright law of the country, and that academic libraries should educate postgraduate students on basic copyright information such as ownership, rights, duration, protection, registration, fair use, permissions, etc. Online tutorials could be used in this regard.

**1.0 Introduction**

Most universities and similar bodies which award higher degrees traditionally require that students produce theses and dissertations (TDs) in partial fulfilment of the requirements for the award of higher degrees. Over the years universities in Africa have produced tens of thousands of theses and dissertations. These materials, which are mostly in print form, are in various fields of learning including medicine, anthropology, biology, physics, etc. and are held in the continent's more than 180 university libraries.

Theses and dissertations are valuable sources of primary information that needs to be widely disseminated. However, these resources are often highly under-utilized as many of them never get published, and remain in "relative seclusion of the campus".

The digital technologies have now changed the landscape for theses production and electronic theses and dissertations (ETDs) are now becoming the norm. The term, ETD, is said to apply to

> *Any thesis or dissertation that is submitted, archived and accessible solely or at least primarily in an electronic format. Such a dissertation might be written on any conceivable subject, and need avail itself of no presentational or organizational feature that could not be duplicated in paper* (Kirschenbaum 1996).

ETDs enable rapid dissemination of the results of the research through electronic networks, making such works readily available. For instance, within a few weeks of loading a landmark doctoral thesis on radio waves from the Milky Way onto an on-line collection a very important scientific collaboration developed between a South African university and a university in the US.

The focus of this paper is on digital theses and dissertations in the electronic environment, i.e. digital forms, rather than the paper format. Crews observes that when a dissertation moves from the relative seclusion of the campus to becoming readily available to researchers everywhere, the work has stepped from the realm of scholarship into the arena of publishing, and the responsibilities of the producer grows. The material is routinely accessed by scholars in different parts of the world, and possibly subjected to multitudes of legal regimes. There is now the obligation to strike a legal and ethical balance: protecting the rights of the producer under the law, and showing respect for the rights of others. He further noted that of the over 50,000 dissertations which UMI receives each year for publication, nearly fifteen percent of these lack all needed permissions.

In the copyright acts of many countries, a thesis is an unpublished work, and is protected under the act as such. For a short while in the 1990s there was a common misconception that copyright did not exist on the Internet and that with the enormous explosion in types and amounts of information being made freely available copyright would become a thing of the past. The thinking was that any material on the Internet was regarded as being in the public domain. That idea has quickly dissipated and digital rights management (DRM) is an issue many organisations are grappling with (Secker 2004).

To gain an overview of copyright information provided to students and staff, the websites of every one of the institutions that participated in the Database of African Theses and Dissertations (DATAD) pilot project were examined, Table 1. The objective was to establish whether the institutional copyright policy was available online, and if so, whether there were policies on using materials in publications such as theses and dissertations. None of these institutions had any copyright information on their website. It is however recognized that such information may be available in the various handbooks and rule books that institutions produce. Of the seven South African universities that have ETD websites, only one had copyright information on its websites. However, the sites did not provid information on the copyright needs of postgraduate students.

## 2.0 International trends

An increasing number of universities and similar tertiary institutions in Africa, Australia, Europe, and North America now require successful examination doctoral and masters candidates to submit digital files of their theses and dissertations as well as paper copies. Usually the abstracts or full text of the thesis or dissertation is made available on the Web. There is evidence that students are eager to submit digital versions of their theses and dissertations in order that such work or part of it can be available on the Web. This provides them with some visibility, and the work can be readily accessed within and outside the country. The technology for electronic publishing of theses and dissertations is in place and what is now required is the content. The advantages and attraction of electronic theses and dissertations (ETDs) are many and include the following (Ubogu 2001, Rensleigh and Veldsman 2000, Ubogu and Wilson 1997, Fox 1997a, McMillan 1995, Andrew and MacColl 2004):

- Students creating ETDs can use more expressive approaches than just ink on paper, including audio, video, hypertext, multimedia and hypermedia, and links to large data sets.
- Improved access to graduate research information by making it available to researchers on the Internet (ETDs are accessed ten to a hundred times more than the paper copy).
- Promote collaboration between research programmes at separate universities by making research work visible and accessible via a network archive.
- The library can reduce cost: there is nothing to bind, no staff is needed to circulate and no shelf space is required.
- The Library can offer a more timely service: the document is available 24 hours a day and it is never checked out or overdue.

Many universities and regional/national consortia are members of the Networked Digital Library of Theses and Dissertations (NDLTD), an international consortium aimed at improving graduate education and enhancing universities' information infrastructures (Fox et al 1997b). It focuses on universities facilitating their students' efforts in preparing electronic theses and dissertations. It also facilitates international collaboration and is becoming a valuable aid in enhancing the sharing of information.

In the NDLTD, each participating institution maintains its own digital library of theses and dissertations. In this way, the institutions have control of the intellectual products of their staff and students. The existing digital library technology affords simple solutions to intellectual property right concerns (e.g., by enforcing access restrictions) (Fox 1998).

## 3.0 Developments in the ETD arena in Africa

There is a general awareness among many universities in Africa of the need to create institutional repositories, especially digital repositories of theses and dissertations (TDs); and some universities are now requesting students to submit digital copies of their TDs. This is a welcome development that will lead to the addition of TDs produced in Africa to the global knowledge pool.

Presently, most of the TDs produced in Africa are not easily accessible to either students or researchers. The vast bulk of research conducted in Africa remains as grey literature and is thus effectively lost (Sturges and Neill, 1998).

As mentioned in the Unesco *Guide for Electronic Theses and Dissertations*,

> *access to ETDs may be the only recourse open to those in developing countries who cannot afford to make purchases from ProQuest, who cannot wait for expensive shipping of copies through interlibrary loan, who cannot attend the myriad conferences that demand the considerable expenses related to travel, or who cannot pay for expensive journals (that only may have short summaries of thesis or dissertation results)* (Fox, 2001).

Only South Africa and Egypt have computerised bibliographic information networks on which bibliographic information on theses and dissertations produced in each country can be found. In South Africa, a *Union Catalogue of Theses and Dissertations* (UCTD) is available online at http://www.sabinet.co.za/. The database contains bibliographic records of theses and dissertations at masters and doctorate levels submitted to universities in South Africa since 1918. Honorary doctorates are also included. The database is limited in its information content, lacking essential elements such as abstracts and specific subject headings. Unfortunately, on 20 February 2002, the Ferdinand Postma Library, Potchefstroom University for Christian Higher Education, informed academic libraries that the compilation of the UCTD for which it had been responsible, was to be discontinued.

The National Research Foundation < http://star.nrf.ac.za/> also has interest in ETDs as it sponsors many research projects. Its Nexus Database System contains information on over 120 000 current and completed research projects in South Africa, including abstracts of masters and doctoral degrees.

In Egypt, all theses and dissertations are available on the Ain Shams University Network (ASUNET), http://net.shams.edu.eg/thesis_website/. Theses and dissertations of Egyptians who graduate from any other international university are also recorded. The database entries contain bibliographical data as well as the abstract of each thesis. The University Information Network (UIN), whose headquarters are at Ain Shams University in Cairo, serves as a national clearinghouse for theses and dissertations completed in Egypt. UIN carries out a set of activities very similar to those of University Microfilms (UMI). As at April 2006, the database contains over 200,000 theses and dissertations.

In South Africa, of the 23 institutions of higher education only 7 have embarked on ETD projects. These include Rhodes University, Universities of the Free State, Johannesburg, Pretoria, South Africa, and the Witwatersrand.

Currently, the digitisation of the content of TDs in South Africa is uncoordinated with varied approaches taken by different projects. The National Research Foundation recently approved a grant for the Committee for Higher Education Librarians of South Africa (CHELSA) to appoint a consultant to conduct a feasibility study on the requirements for establishing institutional repositories that will provide electronic access to full-text theses and dissertations for the research community in South Africa.

### 3.1 The Database of African Theses and Dissertations (DATAD)

The lack of information on African research output, and the inaccessibility of theses and dissertations completed in the region has been a problem for many years. The absence of publications on these works in the international literature, has denied African scholars the recognition they deserve. The Project for Information Access and Connectivity (PIAC) convened a meeting in Nairobi in January 1998 and deliberated on these issues. An outcome of this meeting was a plan for a feasibility study for a project to index, abstract, and distribute theses and dissertations completed in African universities (Materu-Behitsa and Levey, 1998). The meeting recognised the urgent need to get research on Africa, by Africans, into the global knowledge pool. The Database of African Theses and Dissertations (DATAD) initiative was born out of these discussions and the Association of African Universities (AAU) has since then led the DATAD process. The DATAD objectives are to:

- Enhance the capacity of African universities to collect, manage, and access their theses collections;
- Provide visibility and improve accessibility to the work of African scholars both within and outside of the continent;
- Provide support to AAU member universities, and cooperation among them;
- Facilitate the development of relevant copyright procedures and regulations, which would promote the protection of the intellectual property rights of African university scholars and researchers; and
- Create capacity in African universities to use electronic media to collect, manage, and disseminate theses completed at their institutions.

A three-year pilot project started in February 2000 and involved eleven (11) institutions, namely: University of Zimbabwe; Addis Ababa University; Cheikh Anta Diop University; CODESRIA; University of Dar es Salaam; Eduardo Mondlane University; Ain Shams University; Yaounde1 University; University of Ghana; Makerere and Kenyatta Universities. The pilot project ended in August 2003 and it has had a significant impact on institutions. Noteworthy areas of impact on participating institutions include:

- **Institutional policies and practices**: The establishment of management teams, involving the management and decision makers, librarians and IT staff of institutions, has facilitated discussions about institutional policies and practices. Issues addressed include copyright, anomalies in thesis submission formats across faculties and departments, public access policies and practices for theses and dissertations, and the desirability of electronic submissions. In some cases, individual institutions have started using the database to identify/verify new research areas and research profiles for university staff;
- **Capacity building at the participating institutions:** Provision of hardware and software, multifaceted training for staff, record formats and data entry guides;.
- **Networking and Team Spirit:** Through workshops, Advisory Committee meetings and a DATAD Listserv, participants in the project are able to share experiences and pool resources to collectively overcome obstacles and challenges.
- **Capacity building at the AAU**: to provide intellectual input and leadership for the process, the development of working manuals, coordination, management, training and quality control, design and maintenance of the DATAD database and Home Page, and online access.

- **Tangible outputs:** In addition to the eleven active DATAD sites, the DATAD online database (DATAD OnLine) http://www.aau.org/datad/database/) is available for online searching over the Internet (Ubogu and Materu-Behitsa 2003).

The participation of eleven institutions in the DATAD initiative has prepared them to embark on more extensive ETD projects. These institutions are now better prepared to share their information resources through improved management and provision of access to their collections of theses and dissertations, and have established management teams comprising university decision-makers, officers responsible for the administration of postgraduate studies, information technologists and librarians.

The project was in a transitional phase until February 2005, after which it was expected to enter a new phase involving more educational institutions and possibly full-text electronic theses. It would also focus on expansion, sustainability, access, preservation, and copyright & intellectual property management. Unfortunately the DATAD Coordinator left the AAU in August 2005 and a successor has not yet been appointed.

DATAD was funded by the Partnership for Higher Education in Africa, an initiative of the Carnegie Corporation of New York, the Ford Foundation, and the Rockefeller Foundation.

### 3.2 Other initiatives

Some African countries participate in the CyberThèses (now called Cyberdocs) programme. In Algeria the Ministry of Higher Education and Scientific Research has decreed that an electronic copy of every Master's and PhD thesis defended in every academic institution must be deposited at CERIST Research Centre.

The Council for the Development of Social Science Research in Africa (CODESRIA), through its Small Grants Program for Theses Writing has accumulated close to a thousand theses. CODESRIA is now planning to digitize its collection and make it available on the web and CD-ROM.

### 4.0 Intellectual Property Rights

Intellectual property rights (IPR) is one of the key issues often raised in institutions which have embarked on ETD programme or are considering doing so. It is often a significant barrier to an ETD programme.

The World Intellectual Property Organisation (WIPO) website provides some insight into intellectual property rights. Intellectual property rights are the rights given to people over the creations of their minds. They usually give the creator an exclusive right over the use of his/her creations for a certain period of time.

The key forms of intellectual property are patents, copyrights, designs, trademarks and patterns, and trade secrets. Copyright can be bought, sold, licensed, transferred or even given away free of charge. IP laws enable owners, inventors, and creators to protect their property from unauthorized uses. Copyright, unlike other intellectual property rights such as patents and trade marks, does not have to be registered in order to apply.

Copyright and rights related to copyright protect literary and artistic works (such as books, theses and other writings, musical compositions, paintings, sculpture, computer programs and films), and the rights of performers, producers of phonograms and broadcasting organizations. The main purpose of protection of copyright and related rights is to encourage and reward creative work.

Any created work that is original, fixed in some way, is considered protected by copyright as soon as it exists – be it in digital or analogue form. A disclaimer on the WIPO web site states that "by virtue of the Berne Convention for the Protection of Literary and Artistic Works, works are protected without any formality in all the countries party to that Convention. This means that international copyright protection is automatic, it exists as soon as a work is created, and this principle applies in all the countries party to the Berne Convention.

In some countries, for a work to be subject to copyright, it needs to meet the following criteria:
- it must be original;
- it must be fixed in some way – printed, written, recorded in any form;
- it must be created by an author from a country which recognizes copyright (Cornish, 2001).

"Fixation" of the work is not required in Sweden and Brazil, for example.

Most countries throughout the world have copyright laws that protect the rights of their nationals. The Berne Convention for the Protection of Literary and Artistic Works, issued in 1886, and the Universal Copyright Convention issued by UNESCO in 1952, both provide for international recognition of copyright. Since 1967, the convention has been administerd by WIPO (the World Intellectual Property Organisation) which is a specialized agency of the United Nations.

The Berne Convention has been revised many times and there are numerous different texts in existence to date. South Africa and many other countries around the world are signatories to this Convention. The Universal Copyright Convention was rendered 'no longer important', when the United States finally acceded to the Berne Convention in March 1989. The United States strongly resisted joining the Berne Convention until it became a net exporter of intellectual property and derived economic benefits from it

Other laws relating to copyright include the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), both issued in 1996.  (Secker 2004, WIPO). Many developing countries, including South Africa, have signed both treaties.

### 4.1 Copyright
The basic structure of copyright law in more than 140 countries is shaped by the requirements of the Berne Convention, a multinational treaty that sets standards for the law of each member country and provides that each country will protect works that originate from any of the other member nations. The Berne Convention specifies: "Authors shall enjoy, in respect of works for which they are protected under this Convention, in countries of the Union other than the country of origin, the rights which their respective laws do now or may hereafter grant to their nationals, as well as the rights specially granted by this Convention" (Crews 2000).

Crews further observes that copyright laws of most countries have been roughly "harmonized," so that they have generally comparable fundamental provisions. Many basic principles are valid under the laws of many countries. While recognizing that copyright laws vary from country to country, the ownership of the copyright in a thesis or dissertation generally rests with the primary author of a work. However, because it is a property right, it can be bought, sold, licensed, transferred or even given away at no cost.

Copyright is the dominant IPR issue confronting academia. The copyright issues of importance to scholars include fair use or fair dealing, ownership, rights, duration, protection, registration, and permissions. As there are varying standards of copyrightability in different countries, it is important for an institution to let its constituency fully understand the intricacies of the copyright law of its country. Crews states that copyright is never simple; no one has quick and streamlined answers

### 4.2 The African Scenario
While the DATAD initiative was welcome among the African academic community, there was concern about intellectual property issues. The question of who owned the DATAD database and the bibliographic record was continually raised. It was also apparent that many universities in Africa had no appropriate mechanism in place to deal with intellectual property issues.

In February 2004, DATAD organized a workshop on Intellectual Property, Governance, Dissemination and Funding Strategies. The workshop represented the first step in developing a copyright guide for dissertations and other unpublished materials produced by African universities and made available through DATAD. It provided an opportunity for current and potential DATAD participants and other stakeholders (e.g., university librarians, faculty, and administrators) to become more familiar with the rights and intellectual property issues peculiar to dissertations, theses, and other forms of "gray literature (DATAD, 2004) (http://www.aau.org/datad/cip/).

Most of the participants present at the workshop attested to the lack of intellectual property policies in their institutions. Where they exist, they vary greatly in the manner in which they treat student's work. The practices with regard to the management of print theses and dissertations were fairly similar. Theses and dissertations were mostly restricted materials that were kept behind lock and key, and were generally only made available for use within the library.

In a presentation at the workshop, it was pointed out that in some universities; theses and dissertations are copyrighted by the following statement (Kiondo, 2004).

**Declaration and copyright: example from the University of Dar es Salam**

I, "name of candidate", declare that this thesis is my own original work and that it has not been presented and will not be presented to any other University for a similar or any other degree award.

Signature---------------------------------------------------------------------------

The thesis is copyrighted material protected under the Berne Convention, the Copyright Act 1999 and other international and national enactments, in that behalf, on intellectual property. It may not be reproduced by any means, in full or in part, except for short extracts in fair dealing, for research or private study, critical scholarly review or discourse with an acknowledgement, without the written permission of the Directorate of Postgraduate Studies, on behalf of the author and the University of Dar es Salaam

Source: University of Dar es Salaam: General Regulations and Guidelines for Postgraduate Study Programmes, 2001.

Kiondo observed that while other universities do not demand inclusion of copyright statements they have guidelines that are observed regarding fair use of theses and dissertations. There are differences in the declarations statements from institution to institution. In some instances, rights to permit copying and excerpting were reserved by the author alone, in others to the author and the university, in others to the author and the university library, director of Postgraduate Studies, etc. University libraries often managed the TD collection of institutions and copying and reproduction of TDs are generally limited. Users are generally not allowed to copy more than 10% of a TD.  The permission of authors is often required before a TD can be copied for use in another academic institution.

The workshop generally agreed that there was a need to come up with intellectual property guidelines that could be adapted by African universities wishing to do so.

In South Africa copyright policy varies among institutions. Some compel students to sign over the copyright to the institution. A Director of Research at one technikon justified the retention of copyright by institutions because the institution provided supervision as well as the infrastructure. She expressed the opinion that increasingly the international norm is for institutions to hold the copyright of TDs as well as own the intellectual property. The legality of this is yet to be challenged in a court of law (Ubogu 2002). Academic institutions are now beginning to develop intellectual property policies.

In October 2004, the Association of African Universities (AAU) sponsored a workshop on behalf of the Database of African Theses and Dissertations (DATAD) to review the draft "Business Plan" and "Guide to Intellectual Property Management" composed by the Center for Research Libraries (CRL) for the DATAD project. A draft "Guide to Intellectual Property Management" composed by the Center for Research Libraries (CRL) for the DATAD project was presented for the discussion. The guide delineates the intellectual property rights as well as responsibilities of students, participant universities and DATAD, (http://www.aau.org/datad/cip/addis04/octoberworkshop-crl.pdf )
By establishing appropriate intellectual property regimes, institutions will entrust to DATAD some of the management and protection of intellectual property in their university. The Guide was intensively discussed and a final reconfigured Guide to Intellectual Property Management has been presented to the AAU.

The guide specifies the rights management policies and regimes best suited to enable and ensure the sustainable dissemination of African theses and dissertations.  It is designed to support the business plan proposed for DATAD. It is intended that it will be made available on the Web and in hard copy by the AAU as a community-wide resource to strengthen scholarly practice at African universities.  Adoption of the guide and of the rights and responsibilities outlined for DATAD stakeholders therein is a condition of DATAD participation.

The Guide provides templates which may be incorporated in agreements executed by universities and their graduate students, thereby securing for university and DATAD certain uniform specific, limited rights with regard to the TDs and other knowledge products.

In general the guide will serve a secondary purpose of strengthening scholarly capabilities and creating uniformity of scholarly practice.

The production of this guide is timely as IPR has become increasingly important with the Internet. The Guide should be part of a comprehensive web site that should be developed to guide postgraduate students and supervisors on intellectual property rights (IPR) issues in particular as well as other issues. As shown in table 1, none of the institutions participating which participated in the DATAD project has any copyright information on their websites.

**4.3 Key issues regarding copyright and theses**
An ETD program is located at the institutional level where stakeholders should be involved in discussing issues and concerns. Ultimately it is the students who will be required to produce ETDs. The key stakeholders in the ETD programme are the students, academic staff, senior management, and librarians. The institution

- initiates the establishment of procedures for the submission of electronic theses and dissertations by students as part of the conditions of the award of the degree;
- provide infrastructure for institutional repository;
- oversees establishment of internal ETD management teams;
- takes responsibility for the management of their TDs and for the conversion of the theses and dissertations into appropriate archiving format;
- facilitates the development of relevant copyright procedures and regulations that will promote the protection of the intellectual property rights of the authors;
- oversees the development of intellectual property rights guidelines;
- oversees the compliance with the Freedom of Access to Information Act (South Africa);
- provides a working environment that is conducive for the project; and
- provides staff for the execution of project activities.

Students provide the content for the ETD repository, and they are also users of ETDs available worldwide. "Improved access to the work of others is helpful, but the key benefits for students relate to the promotion of their own work" (Copeland, Penman, Milne, 2005).

The "Guide to Intellectual Property Management" composed by the Center for Research Libraries (CRL) for the DATAD project and the works by Andrew and Crews between them elucidate rights, responsibilities and privileges of key stakeholders. It is the view of the author that students should be educated on the contents of this these works.
Some of the rights and responsibilities mentioned below are mostly adapted from the
"Guide to Intellectual Property Management".

### *Institution*
An institution needs to secure certain rights and licenses necessary to enable it manage and store TDs in electronic format. This includes existing TDs held by institutions in paper format and those presented by students electronically (born digital). The rights and licenses typically involve those which may need to be obtained from the author or some other third party. A comprehensive deposit and end user's license agreement should cover a number of core topics, including a depositor's declaration, the repository's rights and responsibilities and the end-user's terms and conditions.

In some instances certain of these rights are granted or assigned by the author to the sponsoring university by virtue of a "pedagogical compact" with the university.

*Rights*

- By virtue of the author's grant or assignment of rights to the university, the university has a non-exclusive, perpetual right to permit use, display, copying, and distribution of the full-texts of TDs for purposes of study and research on the premises of the university or online. The university also retains the right to reformat the document, i.e., to reproduce said document in paper, microformat, or electronic form, when such reformatting is necessary to preserve its integrity and longevity.

- The university also has the right, on behalf of the author, to distribute single-copy reproductions of the TDs on request to other parties according to the terms of the author's declaration.

- The university has the right to create "derivative works" in the form of abstracts for dissertations in which no such information exists.

- The university has a non-exclusive right to create, display, and distribute metadata and content originating from its own institution.

*Responsibilities*

- The university will provide proper and adequate review and authentication of theses and dissertations produced by authors, and will maintain appropriately high standards with regard to due crediting and acknowledgment of contents of TDs that are derived from the institution or some third-party works and sources.

- Certain listed TDs may be withheld from circulation for a specified reasonable period of time by agreement between the author and the university in order to protect the author's rights to exploitation or prior publication of same. At the discretion of the university and/or the author, certain listed TDs may also be withheld from circulation for a reasonable period of time in order to protect the privacy and/or reputations of human subjects of research.

- The university will preserve and make available for use on a continuous basis copies of all TDs produced by authors at the sponsor university. The university must maintain the integrity of the TDs document, making them available in complete and unabridged form without revisions, as it was produced by the author and approved by the university.

- The university is also responsible for taking reasonable measures to ensure that a statement of the author's copyright of the work, fully identifying the author, appears conspicuously in every republication, excerpting, and other use of the work. The university will make explicit to all approved users of the work the restrictions inherent in copyrights of unpublished works. The university is also responsible for securing from all users of the work agreements for observing limited and specific uses of the work's content.


***Students (Author)***

*Rights*

- Copyright subsists in the thesis and in the abstract of the thesis, or, in the case of a PhD for Musical Composition, in the portfolio of musical compositions and in the list of compositions.

- Copyright grants the author economic rights including distribution right and first sale doctrine (absent pre-existing assignments). The possession of economic rights enables the author to take revenue from the exploitation of his/her work through the exclusive rights to reproduce and communicate his/her work to the public, with or without any material embodiment. A third party attempting to do so requires prior consent from the author.

- The moral rights grant the author the right to be recognised and receive credit as the creator of the work, to prevent others from falsely being named author, and to prevent use of his or her name for works he or she did not create; the right of an author to prevent mutilation of a work; and the right of an author to withdraw a work from distribution if it no longer represents his or her views.

- Copies of a thesis cannot be issued to the public without the copyright owner's consent.

*Responsibilities*

- Observe norms and standards for acknowledging and crediting fully all texts, images, and other underlying content produced and/or published by others that are used or referenced in the TD.

- Secure the necessary permission for the use of the copyrighted content in the context of non-commercial scholarly research from the owners or authors of the work.


***Third party (Such as industrial sponsor)***

Third parties such as Research Councils may lay claim to the intellectual property arising from the research.

### *Repository*

*Responsibilities*

- Remove or obscure any item which has not received permission for inclusion in a thesis. The print version should remain unaffected by this decision.
- Collection of bibliographic data relating to the deposited theses is protected against unauthorized use by third parties of this information.
- Allow metadata harvesting by any mechanical metadata harvester.
- Need for the depositor to warrant that the content of the work does not breach any laws including defamation, libel, copyright, and to accept liability for any legal action arising from any such breaches.
- Need for the depositor to grant permission for online access to the thesis.
- Safeguard against third-party copyright material being inadvertently deposited by clearly indicating that reasonable care has been taken to prevent such occurrences and that any work will be removed if it is found to violate any copyright or other rights of any person.
- Obtain permission for copying for the purposes of preservation.
- Obtain permission for future migration of content to new formats for the purposes of preservation.
- Obtain permission for emulation for the purposes of preservation.

In most institutions, libraries are one of the key role players in the management of theses and dissertations. With the growing diversity of media and technologies for the production of TDs, there are a wide range of copyright and licensing issues that need to be taken into consideration. It is therefore necessary and important that libraries comprehend the IPR issues affecting theses and dissertations. The dissemination of dissertations and other research findings on the Internet makes such an understanding all the important.

At a recent Senate Library Committee meeting of the author's University, concern was raised that after the two-year embargo on the full PDF text, there might be a copyright issue if certain images were included and published on the web as prohibitive copyright clearance fees would be required. This could have cost implications for students.

Andrew suggests that "Authors should have the responsibility for obtaining required permission as they are in the best position to do so. However, placing the onus on authors can be a huge burden without support. Therefore it may be necessary to provide training during the writing process to inform authors of copyright responsibilities. Such training could be incorporated into existing Thesis Workshops that many institutions run as part of their transferable skills programmes for postgraduate students."

Indeed, the Internet has brought profound changes to the production of theses and dissertations. The postgraduate student needs to understand the line between "fair use" and unlawful infringement whenever information is downloaded, printed from a website, or photocopied. Downloading images from the Web and reusing them constitutes copying and is infringing copyright law, except where permission has been obtained form copyright holder.

Secker recommends that researchers should:
- Own the rights to all the resources they wish to use by, for example, scanning their own photographs or obtaining a digital camera and taking the photographs.
- Use the digital images collection available in the institution.
- Use websites that provide free images for non-commercial purposes, e.g. freeimages.co.uk. (http://www.freeimages.co.uk/ ).

**5. Suggestions**

Traditionally academic libraries have the responsibility for the management of theses and dissertations. Consequently many ETD programmes have been initiated and run from many university libraries. The agreements between the university and the author should authorise the university library to carry out some of the following acts including:

- Publishing the abstract of the thesis, and/or authorise others to do so, for scholarly purposes with proper acknowledgement of authorship.
- Providing personal data and thesis data to appear in catalogue records and other alerting media.
- Providing access *in situ* for consultation by registered users, either from the host institution or other academic establishments.
- Supplying copies on request to other libraries or individuals (Andrew 2004).

Where libraries have established centres or units for copyright clearance, such centres are often associated with paper course pack provision or short loan off-print collections. The roles of such units are expanding to include responsibility for both print and digital copyright clearance requests. Policies on using materials in producing TDs are rare. The copyright needs of postgraduate students need to be taken into consideration.

The following suggestions are put forward:

1. A comprehensive web site should be developed to guide postgraduate students and supervisors on IPR issues in particular as well as other issues. This could be a national initiative where feasible.
2. The AAU could develop a copyright website that could be adapted by other African countries.
3. The website should have information that would help researchers identify when they need copyright clearances and show how to obtain them.
4. Libraries should educate postgraduate students on basic copyright information such as ownership, rights, duration, protection, registration, fair use, permissions, etc. Online tutorials could be used in this regard.
5. Provide information on how to apply the fair use factors.
6. Help graduate students protect their own copyrights.

**6. Conclusion**

Academic libraries and librarians play critical roles in the management of one of the key intellectual output of the university. Knowledge of intellectual property rights has become crucial for librarians as the carry out this responsibility of advising students, academic and other support staff about the appropriate and legal use of information resources and the rights and privileges of various stakeholders. The internet makes it imperative to know an awful lot more than we know presently about intellectual property rights.

**Notes**

1. Rights in theses and dissertations: facts and fallacies. http://www.uah.edu/legal/pdf_files/rights_in_theses_and_dissertations.pdf Accessed  April 2006.
2. Focus on intellectual property rights. http://usinfo.state.gov/products/pubs/intelprp/index.htm

**ETD Websites with ETD related information on Intellectual Property**

Florida State University. http://etds.fsu.edu/ip.html

Kansas State University. http://www.k-state.edu/academicservices/intprop/thesis.htm  A good online tutorial on copyright basics available on site. Accessed on April 16, 2006.

University of Illinois at Urbana-Champaign. http://www.grad.uiuc.edu/thesis/thesishandbook/index.asp

West Virginia University. http://www.libraries.wvu.edu/theses/intel-prop.htm

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http://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm#WhatAre.
Accessed on 14 April

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**Table 1: Library Homepage of institutions in the DATAD pilot project.**

| Country | Institution | Comments |
|---|---|---|
| Cameroon | **Universite de Yaounde1 Bibliotheque**<br>http://www.uninet.cm/biblio.html | Sorry!! Could you please come later? |
| Egypt | Ain shams university<br>http://net.shams.edu.eg/thesis_website/ | |
| Ethiopia | Addis Ababa University<br>**http://www.aau.edu.et/libraries/Electronic%20Resources/theses_dissertation.htm** | Links to free electronic theses and dissertations |
| Ghana | University of Ghana<br>http://www.ug.edu.gh/library.php | No link to DATAD |
| Kenya | Kenyatta University<br>http://www.public.iastate.edu/~mmwangi/ku-2.htm | No library homepage |
| Mozambique | Eduardo Mondlane University<br>http://www.uem.mz/ | Could not make out library link |
| Senegal | Université Cheikh Anta Diop<br>http://www.ucad.sn/article.php3?id_article=17 | Homepage did not open |
| | CODESRIA,<br>http://www.codesria.org/Links/Training_and_Grants/list_of_theses.htm | A list of theses sponsored by CODESRIA |
| Tanzania | University of Dar es Salaam<br>www.udsm.ac.tz/ucb/library.html | Link to DATAD database |
| Uganda | Makerere University<br>http://www.makerere.ac.ug/mulib/ | Link to DATAD database |
| Zimbabwe | University of Zimbabwe<br>http://www.uz.ac.zw/library/# | Link to DATAD database |

**Table 2: Library Homepage of South African institutions with ETD Programmes**

| Institution | Comments |
|---|---|
| Rhodes University<br>http://www.ru.ac.za/library/theses/index.html | No copyright information on homepage |
| University of the Free State<br>http://etd.uovs.ac.za/cgi-bin/ETD-browse/browse | No copyright information on homepage |
| University of Johannesburg<br>http://etd.rau.ac.za/ | No copyright information on homepage |
| University of Pretoria<br> http://upetd.up.ac.za/ETD-db/ | No copyright information on homepage |
| University of South Africa<br>http://www.unisa.ac.za/Default.asp?Cmd=ViewContent&ContentID=15350 | No copyright information on homepage |

| University of the Western Cape<br>http://ww3.uwc.ac.za/index.asp | No copyright information on homepage |
|---|---|
| University of the Witwatersrand, Johannesburg<br>http://www.witsetd.wits.ac.za/ETD-db/ | Copyright information<br> available at:<br>http://www.wits.ac.za/library/services/copyright.html |