

THE RIGHT TO CITE IN ACADEMIC PAPERS

WHEN AM I ALLOWED TO CITE "THIRD-PARTY MATERIAL" AND WHEN DO I HAVE TO OBTAIN THE COPYRIGHT HOLDER'S PERMISSION?

The following information is intended to provide you with guidance on copyright issues that may arise when using third-party text passages, tables and/or images in your own academic papers.

Please note that we are not able to provide legally binding information and that you will be responsible in particular for correct authorship attribution and correct use of copyrighted material of third parties.

- As a matter of principle, using text passages, tables or illustrations (including photos) in academic publications is permitted under the right to cite with no obligation to obtain a separate licence to use the work. By means of the "right to cite" (cf. Section 42f of the Austrian Copyright Act [Urheberrechtsgesetz/UrhG¹]) the law as it were provides a statutory licence to use the work in that specific case.
- There is no fundamental distinction between the admissibility of citing a text passage or tables or images (such as: graphics; photos; screenshots of e.g. a website or films; map sections).
- It is also irrelevant whether the citation is published in a priced or in a free publication. Under the right to cite, a citation may be used in a free e-book or in a book which is distributed in printed form, or in a priced journal, with no obligation to obtain a separate licence to use the work.
- It is also irrelevant whether the citation is from a work that the author has published himself/herself or from a work for the exploitation of which the author has assigned his/her rights to a publisher (which is often the case with publisher agreements). As a matter of principle, you may therefore also cite text or illustrations, e.g. from a Springer book or Elsevier journal in your own academic publication, provided, however, that the work cited has been published.²
- It is essential
 - ... that the citation is used in compliance with the right to cite. This means that a text passage or illustration is necessary "for explaining the content" (serving as support or evidence) of your own work. Under the right to cite you are not permitted to use illustrations for purely illustrative purposes (e.g. on the cover) without dealing with the work;
 - ... that the source (citation) is stated correctly;
 - ... that the cited work has not been edited, for example that an illustration is used one-to-one. The right to cite includes reproduction and dissemination, but no editing. Editing always

¹ Section 42f *UrhG* regulates the admissibility of academic citations: "Section 42f. (1) A published work may be reproduced, disseminated, broadcast, made available to the public and used for public lectures, performances and presentations for the purpose of citation, provided that the scope of its use is justified by the specific purpose. This is in particular permitted where 1. specific works are incorporated into an academic work which constitutes the main work; a work of the type defined in *Section 2 No. 3* or a work of fine arts may only be incorporated to explain the content; [...]"

² Pursuant to Section 9 *UrhG* a work has been published once it has been made accessible to the public upon the consent of the copyright holder offering a sufficient number of copies or putting them into the stream of commerce.

requires a separate licence from the copyright holder. For more details on editing see also below.

WHAT IS CONSIDERED EDITING OF A TABLE, AN ILLUSTRATION OR A PHOTO?

- Unfortunately, no general statements can be made in this respect. In case of doubt we would always recommend that you obtain a licence to use the work.
- "An essentially unaltered reproduction of the original" will not be considered editing.
- According to court rulings, changing the colours of a photo, for example, or replacing parts of an image are considered editing.
- A one-to-one drawn reproduction of an illustration (e.g. of a theory or mechanism of action) where the exact scale or choice of colour is not the essential point and where no other elements have been altered and where nothing has been omitted or added will presumably not be considered editing. In that case citing would presumably be admissible without obtaining a separate licence to use the work.
- In principle, no special provisions apply to academic use of photos under the right to cite. As mentioned above, it is always important that the citation is required for your academic paper (as support or evidence). Of course, especially with respect to photos (in particular images of persons) aspects such as data protection, the right to one's own image or copyright protection of depicted buildings or art must be observed. Please also read our information sheet "Use of images in academic papers" in this connection.
- When using screenshots or maps (Google), please read the detailed information on [Use of Google products](#) and, in particular, map sections from [Google Maps or Google Earth](#).
 - General guidelines: In principle, Google permits non-commercial use as long as the source is stated correctly and no editing has taken place. Map material from Google Maps or Google Earth may also be used in printed books up to a number of 5,000 copies (except for travel guides). Please note that separate terms apply to use of images from Street View.
 - For instructions on how to provide attribution to map material please see the pages linked above.

Does a CC licence for my work (SUCH AS CC BY) change anything as to whether I have to obtain a licence to use the work?

If your citation is correct and in compliance with copyright law: **no**. For you always grant a CC licence only for your *own* work, i.e. for your *complete* work. If you cite third-party works (e.g. a photo) in your academic publication for which you grant a CC licence as a whole, those cited works will still not be subject to the licence you have granted for your complete work. You would not be able to sublicense third-party works, as that right is reserved to the copyright holder himself/herself.

This must also be considered if someone else wants to use your academic work (in which third-party works are cited correctly) under a CC licence. The purpose of the citation (as defined in Section 42f *UrhG*) must be fulfilled in any case of further use. If there is no reason for a citation as defined in the said provision, your own complete work, for which you have granted, e.g., a CC BY licence, may be used, but not the third-party works cited therein.

For reasons of transparency, the following practice is recommended when granting a CC licence for your complete work (although this is not required by law): In addition to the licence information for your complete work (such as a CC licence information on your legal information page), you should include the information that certain illustrations (the cited third-party works for which the third party has granted no CC licence) are not covered by the licence.

All information contained in this information sheet is provided without liability.

CONTACT

Silvia Ziemkendorf
Service Group Publication Services

TU Wien Bibliothek
Resselgasse 4
1040 Wien

Telephone: +43 1 58801-44278

Email: academicpress@tuwien.ac.at

Website: <http://www.tuwien.at/academicpress/en/>



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