



INFORMATION SHEET

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Research or study

July 2007

This information sheet is for students and other people who want to know what they can copy for research or study without permission from the copyright owner. For more detail, see our book *Fair Dealing in the Digital Age*.

We update our information sheets from time to time. Check our website at <http://www.copyright.org.au/libraries> to make sure this is the most recent version, and for other information such as our training program.

The purpose of this information sheet is to give general introductory information about copyright. If you need to know how the law applies in a particular situation, please get advice from a lawyer.

Key points

- You will not infringe copyright if you use material for the purposes of research or study, provided that your use is fair.
- You do not need to be enrolled in a course – you could be researching or studying something for yourself.
- In some cases, specific provisions in the Copyright Act allow people working in libraries to copy material for you if you need it for research or study.

Using copyright material for research or study

As a result of special provisions in the Copyright Act, if you use copyright material for the purpose of research or study, you do not infringe copyright, provided your use is “fair”. Whether or not your use is fair will depend on all the circumstances.

Working out what is “fair”

The Act sets out two situations deemed fair when dealing with copyright material for research or study and sets out guidelines which should be applied in other cases.

A “reasonable portion” of text or notated music

If you are reproducing text or printed music from a hard copy edition of 10 or more pages, the Act deems that it is fair to copy:

- 10% of the number of **pages**; or
- one chapter, if the work is divided into chapters.

For text material published in electronic form, it is deemed to be fair to copy:

- 10% of the number of **words**; or
- one chapter, if the work is divided into chapters.

If the material is available in hardcopy and separately in electronic form, you can choose which form to use, and apply the relevant test to work out what is deemed to be fair.)

An article from a periodical publication

The Act deems that it is fair to reproduce an article from a periodical publication (such as a newspaper, magazine or journal) or more than one article if each article is for the same research or course of study.

Copying more than the amounts deemed fair

You will have to consider all the circumstances to work out if it is fair to reproduce **more** than the above amounts of textual material, or if you want to do something with textual material other than reproduce it. For other material, such as drawings, photographs, unpublished material and so on, the Act does not state how much you may use without permission. Rather, you will need to consider whether, in all the circumstances, it is fair to use the material.

The Act does set out some factors for working out whether, in all the circumstances, your use is fair in relation to **reproductions** of copyright material for the purpose of research or study. These are:

- **the purpose and character of the dealing** (for example, copying in connection with a course is more likely to be fair than copying for research which may be used commercially);
- **the nature of the work** (for example, it may be less fair to copy a work resulting from a high degree of skill than a mundane work);
- **the possibility of obtaining the work within a reasonable time at an ordinary commercial price** (generally, it is unlikely to be fair to photocopy all or most of a work that you can buy);
- **the effect of the dealing on the potential market for, or value of, the work** (making a copy is unlikely to be fair if the publisher sells or licenses copies, for example from its website); and
- **in a case where part only of the work is copied, the amount and substantiality of the part copied in relation to the whole work** (it is less fair to copy a large or important part of the work than to copy a small or unimportant part).

It is likely that a court would also refer to these types of factors for other dealings with copyright material which are not reproductions.

Meaning of “research” and “study”

In one case, the Court said that “research” and “study” in the Copyright Act have the same meaning as in the Macquarie dictionary. Thus “research” means:

“diligent and systematic enquiry or investigation into a subject in order to discover facts or principles...”

and “study” includes:

“(1.) The application of the mind to the acquisition of knowledge, as by reading, investigation, or reflection; (2.) the cultivation of a particular branch of learning, science, or art...(3.) a particular course of effort to acquire knowledge...(5.) a thorough examination and analysis of a particular subject...”

You do not need to be enrolled in a course – you could be researching or studying something for yourself.

Some common questions

How much can I copy from a newspaper?

Provided you are copying for research or study, you can copy a whole article from a newspaper or magazine, and you can copy other articles from the same edition of the newspaper or magazine if you need them for the same research or course of study. You may also be able to copy a photograph from a newspaper or magazine if it is not separately available for purchase. Copying all or most of the newspaper or magazine is unlikely to be fair if it is available for purchase.

Can I copy graphics for a school, TAFE or university project?

Generally, yes, provided your copying is fair having regard to the five factors set out above.

If a book is no longer published, can I copy the whole book for my research?

Generally, yes. However, if you are aware that it is about to be republished within a reasonable time, it is unlikely you can copy the whole book.

Do I have to acknowledge the source of something I quote in my essay?

The Government introduced “moral rights” into the Copyright Act in December 2000, and as a result you need to attribute the author of material you copy, unless it is reasonable not to do so.

In addition, note that many educational institutions expect their students to acknowledge sources in particular ways, and that in many professions and contexts it is expected, as a matter of professional or academic standards, that material will be properly cited.

Can I copy material from the internet for research?

You should first check the website for any statements about copyright which apply to the material you want to copy – the copyright owner may expressly allow you to print and/or download material, possibly under stated conditions. Otherwise, you may print and/or save material to disk if:

- it is for your research or study; and
- the copying is fair, having regard to the five factors set out above.

It is unlikely to be either for research or study, or fair, to provide copies of the material you have downloaded to other people (eg as an email attachment).

Can I copy material onto my own disk from a CD-ROM?

You should first check the CD-ROM licence to see what it allows people using the CD-ROM to do, and what it expressly prohibits. If there is nothing in the licence agreement which limits what you can copy, you may copy or print material from a CD-ROM, if:

- it is for your research or study; and
- the use is fair.

Can I copy a video or tape a television program?

Yes, provided:

- it is for your research or study; and
- the use is fair having regard to the five factors listed earlier in this information sheet.

For more information, see our information sheets *Videos & DVDs: copying and downloading* and *TV and radio: home-taping*.

I would like to submit my thesis to an academic journal for publication. Do I need copyright clearances?

Whether or not you need a clearance will depend on all the circumstances.

You will not be able to rely on the exception for fair dealing for research or study, as your purpose of publishing in an academic journal is not research or study. However, you will not need a clearance for:

- anything copied for the purpose of criticism or review, provided there is acknowledgment of the work and its author (for further information, see our information sheets *Quotes and extracts: copyright obligations* and *Owners of copyright: how to find*, and our practical guide *A User's Guide to Copyright*);
- anything in which the copyright has expired (generally 70 years after the author's death, see our information sheet *Duration of copyright*); or
- anything which is not an important part of the work it was copied from (remembering that a small part may be an important part – see our information sheet *Quotes and extracts: copyright obligations*).

Can I copy material from the internet for a school, TAFE or university project?

Generally, material can be copied from the internet into an assignment or essay in the same way (and subject to the same “fairness” requirement) as you could copy material from a book.

Note however that, while under copyright law you might be able to copy something into your project, this does **not** mean that you can pretend that what you have copied is your own work. You must always attribute it as being another person’s work and you must credit the author. Plagiarism (copying other people’s work and pretending it’s yours) is a serious matter that is usually dealt with very severely by educational institutions.

Can I get someone else to copy material for me, for my research or study?

A person working in a library may copy certain types of material for you (such as print material or artistic works) for your research or study, under special provisions for libraries in the Copyright Act. You will need to sign a written request stating that you need the material for your research or study and will not use it for any other purpose. If the work you want to copy is commercially available, the librarian can only copy a “reasonable portion” of it. For more information, see our book *Libraries & Copyright*.

It is unlikely that someone working in another type of organisation, such as a print shop, could rely on the research or study provisions to copy for you. In one case, the Court held that a commercial press clipping service was not able to copy for “research” or “study”, even if the recipients of the press clippings wanted clippings for research or study: the press clipping company’s purpose in copying was to make money.

However, another person may be able to make a copy for you, if the organisation for which the person works has a copyright licence that allows it to copy the material you want. For example, many organisations (including clipping services) have agreements with Copyright Agency Limited (CAL) whereby, in return for a fee, the organisation’s staff can make photocopies.

Further information

For further information about copyright, and about our other publications and training program, see our website – <http://www.copyright.org.au>.

If you meet our eligibility guidelines, a Copyright Council lawyer may be able to give you free preliminary legal advice about an issue that is not addressed in an information sheet. This service is primarily for professional creators and arts organisations but is also available to staff of educational institutions, libraries and governments. For information about the service, see <http://www.copyright.org.au/advice> or our information sheet *Australian Copyright Council: who we are, what we do*.

Information from the Arts Law Centre of Australia may also be of interest to you: see <http://www.artslaw.com.au> or telephone (02) 9356 2566.

Reproducing this information sheet

You may download and print one copy of this information sheet from our website for your reference, or you may purchase a printed copy from our online shop – <http://shop.copyright.org.au> – or direct from us.

Australian Copyright Council

The Australian Copyright Council is a non-profit organisation whose objectives are to:

- assist creators and other copyright owners to exercise their rights effectively;
- raise awareness in the community about the importance of copyright;
- identify and research areas of copyright law which are inadequate or unfair;
- seek changes to law and practice to enhance the effectiveness and fairness of copyright;
- foster co-operation amongst bodies representing creators and owners of copyright.



The Australian Copyright Council has been assisted by the Commonwealth Government through the Australia Council, its arts funding and advisory body.

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