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## Research or Study

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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.

**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

The Copyright Act provides special provisions that allow people to use copyright material for the purpose of research or study without infringing copyright, provided the use is “fair”. Whether or not your use is fair will depend on all the circumstances.

### 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 at an educational institution to be able to use something under the research or study exception. You could be undertaking independent research or study, such as a family history or background for an article.

### 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 that 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 use 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*

If you want to copy more than the deemed amounts, you will have to consider all the circumstances to work out if it is fair. If you want to use material that is not textual (for example a drawing or photograph), as there are no deemed amounts, you will also need to consider if the use is fair. 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 copy 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, such as public performances or communications to the public.

## **Frequently Asked Questions (FAQs)**

### *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. You can also 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. However, if the newspaper or magazine is available for purchase, there will be restrictions on the amount you can copy under fair dealing for research or study.

### ***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?***

If you cannot purchase a copy within a reasonable time at an ordinary commercial price, then generally, yes. However, if you can purchase a copy or you are aware that it is about to be republished, it is unlikely you can copy the whole book under the research and study provisions.

### ***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, we note that in many professions and academic contexts it is expected that material will be properly cited to conform to professional and academic standards.

For further guidance on moral rights, see our information sheet *Moral Rights*.

### ***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 download material 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, posting to your website, or sharing on social media).

### ***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.

While you may be able to rely on the exception for fair dealing for research or study to include third party material in your thesis, you will not be able to rely on the exception to publish your thesis, as your purpose of publishing in an academic journal is no longer 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 *Fair Dealing: What Can I Use Without Permission? Quotes & Extracts* and *Permission: How to Get It*);
- anything in which is not protected by copyright because the term of protection has expired (generally 70 years after the author’s death, see our information sheet *Duration of Copyright*); or

- anything which is not a “substantial part” of the work it was copied from (remembering that a small part may be an important part – see our information sheet *Quotes & Extracts*).

### ***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. However, you should take care to attribute the author or creator when you copy the material. Further, there may be academic citation requirements determining how to attribute authors in an academic context.

There are special provisions in the Copyright Act that allow copying by educational institutions, including schools, TAFEs and universities. See our information sheet *Education: Copyright Basics*.

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

Fair dealing for research and study does not generally allow other people to copy for you, including print and copy shops. 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, some institutions are specially provided for in the Copyright Act, and people working in these institutions can copy for other people. 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. For more information, see our book *Libraries: A Copyright Guide* and our information sheet *Libraries: Introduction to Copyright*.

An other situation may be 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 whereby, in return for a fee, the organisation’s staff can make photocopies.

## **Further information**

For further information about copyright, visit our website, [www.copyright.org.au](http://www.copyright.org.au)

A Copyright Council lawyer may be able to give you free legal advice about an issue not addressed in an information sheet. This service is primarily for professional creators and arts organisations, but it is also available to staff of educational institutions and libraries. For further information about the service, see <http://www.copyright.org.au/legal-advice/>

## **Reproducing this information sheet**

Our information sheets are regularly updated - please check our website to ensure you are accessing the most current version. Should you wish to use this information sheet for any purpose other than your reference, please contact us for assistance.

## **About Us**

The Australian Copyright Council is an independent, non-profit organisation. Founded in 1968, we represent the peak bodies for professional artists and content creators working in Australia’s creative industries and Australia’s major copyright collecting societies.

We are advocates for the contribution of creators to Australia’s culture and economy; the importance of copyright for the common good. We work to promote understanding of copyright law

and its application, lobby for appropriate law reform and foster collaboration between content creators and consumers.

We provide easily accessible and affordable practical, user-friendly information, legal advice, education and forums on Australian copyright law for content creators and consumers.



**Australian Government**



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

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