



## Quotes and Extracts

In this information sheet, we give a brief overview of copyright law as it relates to using quotations and extracts from other people's writing. The principles we discuss, including the special exceptions to copyright infringement which relate to "criticism or review" or "research or study", are also relevant to the use of other copyright material, such as extracts from music and films.

**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.**

A Copyright Council lawyer may be able to give you free preliminary legal advice about an issue 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, archives and libraries.

We have a range of information sheets on a number of topics and publish books that analyse specific areas of the law. We can provide this information sheet in an accessible format on request. Check our website for information about our publications [here](#) and details of our seminar program [here](#).

### Key points

- Whether or not you need permission to use quotes and extracts will generally depend on whether or not what you want to use is a "substantial part" of the original work.
- The concept of a "substantial part" is judged by whether or not what you want to use is important, essential or distinctive.
- There are some situations in which you can use a "substantial part" without permission.

### What does copyright protect?

The *Copyright Act 1968* (Cth) sets out several categories of material that are eligible for copyright protection. One of these categories is literary works. Materials protected by copyright as literary works include novels, poems, song lyrics, reports, articles in newspapers and magazines and compilations (such as tables of statistics, catalogues and directories). Plays and screenplays are protected as dramatic works.

For more information, see our information sheet [An Introduction to Copyright in Australia](#).

### When is copyright infringed?

Copyright owners have the exclusive right to deal with their material in certain ways, including to reproduce it by photocopying, typing, copying by hand and scanning. Copyright owners also have the exclusive right to communicate their work to the public, for example, by posting material to a website.

Reproducing or communicating copyright material without the copyright owner's permission may infringe copyright. Reproducing or communicating part of a work may also infringe copyright.

### Using part of a work

An infringement of copyright will occur where a "substantial part" of a work is used in one of the ways exclusively reserved to the copyright owner and no exception applies. A part may be considered substantial if it is an important, essential or distinctive part.

There are many court cases about whether using part of a work infringed copyright.

In the United Kingdom case of *Kipling v Genatosan Limited* [1917] the court held that reproduction of four lines from Kipling's 32 line poem "If" amounted to copyright infringement.

In *Larrikin Music Publishing Pty Ltd v EMI Songs Australia Pty Ltd* [20010] the court found that notes from "Kookaburra sits in the old gum tree" were an important and significant part of Men at Work's 1981 recording of "Down Under".

It will depend on the circumstances of each case whether a part is so important that permission is needed to reproduce it. The quality of the part is more important than the quantity or proportion. The part may be a "substantial part" even if it is a small proportion of the whole work, particularly if it has resulted from a high degree of skill and labour. The purpose of the use may also be relevant; if you are using the part for a commercial purpose or to include in a competing work, it is more likely you will need permission.

Copyright may be infringed by quoting directly from the work or by paraphrasing the work if either involves a reproduction or communication of a substantial (in the sense of important, essential or distinctive) part of the work.

### When is permission needed to use a quotation?

There are two ways in which the word "quote" is understood. It can either be an extract from a larger work (for example, a paragraph or couple of sentences or lines from a book, report or poem), or it can be an entire quote itself (for example, a bumper sticker quote or a T-shirt slogan).

You are likely to need permission to reproduce a quote if:

1. the quotation is a "work" for the purposes of copyright or the quotation is an important part of a "work"; and
2. the copyright has not expired, and
3. no special exception applies.

### Some quotations are too small to be a work

If the quote you propose to use is not an extract from a longer work, but stands alone as a short phrase, it may be too small or unoriginal to be a work, and thus not protected by copyright. For example, single words and short combinations of words such as names, titles, slogans and headlines are generally too short to be works. Similarly, a pithy off-the-cuff remark may not be a work.

### The Copyright Agency open licence for newspaper content

In August 2017, Copyright Agency, acting as agent for newspaper publishers, put in place an open licence for the use of certain newspaper content. Under this licence, some uses of Australian newspaper content do not require permission from the copyright owner, including:

- in a short quotation of a maximum of 20 words in length, excluding use for advertising, endorsement purposes or commercial gain, providing a media monitoring or media analysis service or publication in a commercially or publicly available publication;
- communicating the headline from up to 5 articles from an edition of an Australian Newspaper or Magazine on a personal blog along with a link back to the publisher's website, excluding blogs that receive a revenue stream from advertising or endorsements/paid posts; and
- reproducing up to 5 articles from any edition of an Australian Newspaper or Magazine for use in family history books (excluding use of those articles if that book becomes commercially available).

Full details of the Copyright Agency Open Licence may be found at [copyright.com.au/licences-permission/open-licence-newspaper-content/](http://copyright.com.au/licences-permission/open-licence-newspaper-content/). If you are using quotes or extracts from newspapers not covered by this open licence or using quotes and extracts in ways not covered by this open licence, you will either have to seek a direct permission from the copyright owner or rely on a copyright exception.

The licence means that in many instances users of Australian newspaper content will not need to rely on exceptions or grapple with orphan work issues when dealing with old material (see also our information sheet [Orphan Works](#)).

## Exceptions to copyright infringement

There are specific exceptions in the *Copyright Act* which allow use of copyright material for certain purposes without permission. These are known as the fair dealing exceptions, the most relevant to readers of this information sheet are:

- fair dealing for criticism or review;
- fair dealing for parody or satire;
- fair dealing for research or study; and
- fair dealing for news reporting.

### Criticism or review

You may use a work, or part of a work, for the purposes of criticism or review without the copyright owner's permission. In one case, the court referred to the following *Macquarie Dictionary* definitions:

#### "Criticism"

1. The act or art of analysing and judging the quality of a literary or artistic work, etc: *literary criticism*.
2. The act of passing judgment as to the merits of something ...
3. A critical comment, article or essay; a critique.

#### "Review"

1. A critical article or report, as in a periodical, on some literary work, commonly some work of recent appearance; a critique ...

This exception may allow you to reproduce an extract from a book, poem, compilation or other literary work in a newspaper review or critical biography or discussion paper, provided your use is fair, and genuinely for the purpose of criticism or review.

You must also identify the work and its author in order to rely on this exception.

## Parody or satire

You may use a work, or part of a work, for the purposes of parody or satire, provided that your use is fair and genuinely for the purpose of parody or satire.

The terms “parody” and “satire” are not defined in the *Copyright Act* and have yet to be fully considered by Australian courts, but it is likely that a court would look at dictionary definitions of the words to consider what they mean in the context of the Act.

A **parody** is an imitation of a work that may include parts of the original. In some cases, a parody may not be effective unless parts of the original are included. It seems that the purpose of a true parody is to make some comment on the imitated work or on its creator.

The purpose of **satire**, on the other hand, is to draw attention to characteristics or actions – such as vice or folly – by using certain forms of expression – such as irony, sarcasm and ridicule. It seems that both elements are required: the object to which attention is drawn (vice or folly etc) and the manner in which it is done (irony, ridicule etc).

More information on this exception is contained in our information sheet [Parodies, Satire and Jokes](#).

## Research or study

You may use a work, or part of a work, for the purposes of research or study without the copyright owner’s permission, provided your use is fair and genuinely for the purpose of research or study.

The *Copyright Act* provides that it is fair to copy up to 10% or one chapter of a literary, dramatic or musical work published in an edition of more than 10 pages, and up to one article from a periodical, or more than one if they relate to the same subject matter. When a literary or dramatic work is in electronic form (e.g. on the internet) 10% of the number of words may be copied. Copying more than this amount may be permissible in some circumstances.

This exception may allow you to reproduce a quote or extract in an essay or thesis written as part of a course of study. More information on this exception is contained in our information sheet [Research or Study](#).

## Reporting news

You may use a work or part of a work for the purpose of reporting the news in newspapers, magazines and similar periodicals, and in reporting news in “communications” (such as broadcasts and on websites) or in films, provided the dealing is fair. If your report is published in the print media, you must identify both the work and the author.

The *Macquarie Dictionary*’s definition of “news” has been used in a couple of Australian cases looking at whether a particular use of copyright material was for “reporting news”. That definition states in part:

1. A report of any recent event, situation etc.
2. The report of events published in a newspaper, journal, radio, television or any other medium.
3. Information, events, etc. considered as suitable for reporting.

The cases make it clear that “news” is not necessarily restricted to current events and could relate to long term reviews or commentary. However, in the case of online news it is unclear whether the exception would apply to archived copies of news or current event articles.

## Moral rights

Creators of works have moral rights in what they create. These rights are the right to:

- be attributed as the creator of their work;
- take action if their work is falsely attributed as the work of someone else; and
- take action if their work is treated in a way that is prejudicial to their honour or reputation.

These rights apply when a work, or a substantial part of a work, is used. Accordingly, if a quote or extract is a substantial part, the user will be required to acknowledge the author of the work and has an obligation to respect other moral rights owed to the creator. For more information, see our information sheet [Moral Rights](#).

## Frequently Asked Questions (FAQs)

### ***Can I use quotes in the greeting cards I am designing?***

Some quotes do not require copyright permission because they are not protected by copyright. This can be because they did not result from sufficient skill and effort or the copyright has expired. A quote is more likely to require copyright permission if:

- it is taken from a longer work (e.g. a poem or song or novel); and
- it resulted from skill and effort.

### ***If I use only 10% of a work, do I infringe copyright?***

Reproducing or communicating 10% of a work may be permissible for the purposes of research or study. Generally, though, there is no standard percentage or proportion of a work or number of words that can be used without infringing copyright. In every case it is a question of whether an important, rather than a large, part of the work has been reproduced. Clearly, the number of words or proportion of a work that constitutes an important part will differ in every case.

### ***If I reference where the quote came from, can I use it without permission?***

Acknowledging the source of the work is not a substitute for permission. Even if you get permission to use a work or a substantial part of a work, you will still be obliged to respect the moral rights of the author by providing sufficient attribution of their authorship.

The Copyright Agency open licence will allow you to quote up to 20 words from certain Australian news and magazine articles, without having to get permission, provided that you are not doing so in the context of advertising, endorsement, or commercial gain (including commercial media monitoring services). However, you will still need to identify the author, publisher, title of the work and its date of publication, and include an acknowledgment that the quote has been made under the Copyright Agency's open licence.

### ***If a work is anonymous, or has no copyright notice, can I use it without permission?***

A work does not need to have the copyright notice or the author's name on it to be protected. The absence of a copyright notice or the author's name may of course make it more difficult to obtain permission.

### ***If I use another person's work for a non-profit purpose, do I need permission?***

There is no special exception that allows you to use a work without permission just because it is used for a non-profit purpose. The copyright owner may give permission for a low fee, or no fee, if the use is non-profit, but you still need to get permission where you are using a substantial part of

the work and none of the exceptions to infringement set out in the *Copyright Act* apply to your situation.

***Can I reproduce a quote or extract if I make a few changes to it?***

Generally, you do not avoid infringement by making changes. If the altered version includes an important part of the work, then you should get permission.

***Can I avoid infringement by paraphrasing?***

You do not infringe copyright if you write something new based on information or ideas you have learned from the works of others, provided the expression of the information and ideas is yours.

In some cases, however, you may infringe copyright if you paraphrase another person's work, closely following the structure of the other person's work or the detailed order in which the information or ideas were expressed. This is because the structure and order in which the information or ideas are set out are part of the other person's expression of that information or those ideas, as well as the words used.

***Is plagiarism the same as copyright infringement?***

Plagiarism generally means taking and using another person's ideas, writing or inventions as your own. Plagiarism is not a legal term, and not all acts of plagiarism are necessarily infringements of copyright. A student or academic may breach the ethical standards expected of them by presenting another person's ideas as his or her own, but not infringe copyright because the other person's ideas are expressed in a new way.

Generally, academic practice requires that acknowledgment be made of other people's research and ideas. If you are in an educational institution, further information on proper practice should be available from your institution.

***Do I need permission to copy abstracts provided with journal articles?***

An abstract or summary of an article that a publisher or author provides with an article or paper (usually in academic, technical or scientific journals) is generally likely to be a literary work in its own right. This means that if you want to copy it (e.g. to circulate to staff or to put into a catalogue), you will generally need permission.

If you are working in an educational institution or within a State or Federal government department or agency, you may be able to rely on provisions in the *Copyright Act* to copy and use the abstract. If you are studying or researching, or you are a library copying the item for a researcher or student, you may also be able to copy the item (subject, in the case of libraries, to the various procedures you will need to follow).

In other cases, organisations with licences from Copyright Agency, a collecting society whose members are authors and publishers, may be able to copy abstracts for certain purposes. Alternatively, permission might be obtained from the publisher, either on a case-by-case basis or, for example, before renewing a subscription.

***Does an organisation need permission to make its own abstracts or summaries of articles or books?***

You do not need permission to make an abstract or summary of a book or article unless the abstract or summary reproduces a substantial part of the way the information is expressed in the source work.

An example of an abridgment which infringed copyright is found in an early Australian case where the publishers of the *Gippsland Mercury* summarised news items from the Reuter's news telegrams published in the Argus newspaper. The court held that the *Mercury* had made a "copy, colourable alteration or adaptation" that should be prevented.

The uncertainty in this area lies in predicting whether the amount of the source work taken amounts to an important, distinctive or essential part. This will be a question of fact and degree in each case. As a rule of thumb, you are unlikely to need permission if you just briefly outline the main points and arguments in a book or article.

### ***Where do I get permission to reproduce a quote or extract?***

If you want to use published material, the first point of contact is usually the publisher, who may be able to give you permission or give you some information about whom to contact. For unpublished material, the first point of contact is usually the author.

Copyright Agency licenses its members' works and the works of overseas authors and publishers it represents on a pay per use basis. Copyright Agency also has available a range of other licences for associations, businesses and professionals, which are available on an annual basis. They have also put in place an open licence under which users can freely reproduce and communicate Australian newspaper content in specific circumstances. Copyright Agency can be contacted by visiting its website ([copyright.com.au](http://copyright.com.au)).

For more information see our information sheet [Permission: How to Get It](#).

### **Further information and advice**

A Copyright Council lawyer may be able to give you free preliminary legal advice about an issue 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 and libraries. For further information about the service, see the Legal Advice section of our website [copyright.org.au](http://copyright.org.au).

### **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 Copyright Council respectfully acknowledges the Gadigal people, the owners and custodians of the land on which our office is located. We pay our respects to the elders and to all First Nations elders: past, present and emerging. This always was and always will be Aboriginal land.



**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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