

Research or Study

This fact sheet is for students and other people who want to know what they can copy for research or study without the copyright owner's permission.

Our [Copyright Essentials](#) book provides in-depth guidance on the provisions of the *Copyright Act 1968* (Cth) (**Copyright Act**) set out in this fact sheet. It is available for purchase from our [website](#). Information about our education programs is available [here](#).

This fact sheet gives general introductory information about copyright. If you need to know how the law applies in a particular situation, we recommend you seek legal advice.

Key points

- You will not infringe copyright if you use material for the purposes of research or study, provided that your use is also '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.

1. Using copyright material for research or study

The Copyright Act includes special provisions that allow the use of copyright material for the purpose of research or study (without the prior permission of the copyright owner), provided the use is also 'fair'. Whether or not your use is fair will depend on all the circumstances. A fair dealing for the purpose of research or study is deemed not to be an infringement of copyright.

Note however, that although you may seek to rely on a fair dealing exception, it does not make you immune to copyright infringement. That is, a copyright owner may disagree that your use is for the purpose of research or study and still bring an action for copyright infringement if they choose. For an overview of the fair dealing exceptions see our fact sheet [Fair Dealing: What Can I Use?](#)

2. Meaning of 'research' and 'study'

The Copyright Act does not define 'research' and 'study'. However, courts generally accept the dictionary definitions of those common words. In the Macquarie dictionary (9th edition), '**research**' means:

'diligent and systematic inquiry or investigation into a subject in order to discover facts or principles...'

and **'study'** includes:

1. '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...
4. something studied or to be studied.
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.

3. Working out what is 'fair'

The Copyright 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) 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 Copyright 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.

(b) An article from a periodical publication

The Copyright 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.

4. 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 text based (for example a drawing or photograph), as there are no deemed amounts, you will also need to consider if the use is fair.

The Copyright Act sets 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.

Further information and advice

We have a range of other fact sheets on specific topics and publish books that focus on particular interest groups. Check our website for information about our publications [here](#) and details of our seminar/webinar program [here](#).

An Australian Copyright Council lawyer may be able to give you free preliminary legal advice about an issue not addressed in a fact sheet. This service is primarily for professional creators and arts organisations but is also available to staff of educational institutions and libraries and members of our [affiliate organisations](#). For further information about the service, see [Legal Advice](#) on our website.

Reproducing this fact sheet

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

About us

The Australian Copyright Council is an independent, not-for-profit, non-government organisation. Founded in 1968, we represent the peak bodies for professional artists and content creators working in Australia's creative industries. Our objectives include:

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

- to foster co-operation amongst bodies representing creators and owners of copyright.

The Australian Copyright Council acknowledges the Traditional Owners and Custodians of the lands on which our office is located, the Gadigal people of the Eora nation, and all Traditional Owners of Country throughout Australia. We pay our respects to all Elders past and present, and recognise their continuing great, creative and cultural expressions.



The Australian Copyright Council is assisted by the Australian Government through Creative Australia, its principal arts funding and advisory body.

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