Students and Copyright

How much is ‘fair’?

The Copyright Act states that students are permitted to copy a reasonable portion of a literary, dramatic or musical work in both print and electronic form for the purpose of research or study. Reasonable portion is defined to be 10% of the number of pages or one chapter if the work divided into chapters.

In all other cases, the Copyright Act is silent on how much a student can copy for their use to be ‘fair’. This means that no guidance is provided on how much of:

- A sound recording, film/moving image or broadcast can be used by a student under fair dealing for the purpose of research or study.
- Any work can be copied under fair dealing for criticism or review, parody or satire or reporting of the news.

As a general rule, students should only copy what is necessary for the fair dealing purpose to ensure that their use is ‘fair’. In most cases, this will only be an extract of the work and not the whole work. For example, in preparing an essay, a student is likely to copy several pages from a book or an article from a journal. This is permitted provided the extracts copied are necessary for the student’s research or study. Further, if the student is making a parody of a song or film, it is unlikely that the student will need to copy the whole work for the fair dealing purpose. In such a case, copying an extract of the song or film as necessary will be ‘fair’.

In limited circumstances, a student may be permitted to copy a whole work provided the whole work is necessary for the fair dealing purpose. For example, a student may need to copy an entire short poem when preparing a critique on the poem.

Overall, when relying on fair dealing, students must:

- Use extracts and not whole works. In rare cases, a whole work can be copied provided it is necessary for the fair dealing purpose.
- Always attribute the author and publisher where the source is known. See Attribution below.

TIP: Where possible, students should link to material and use Creative Commons licensed material. See Smartcopying Tips for some smart ways of managing copyright.

Creative Commons

Creative Commons is a set of licences which creators attach to their work. All Creative Commons licences allow the material to be used for free for educational purposes.

Using Creative Commons in your homework and class exercises is a good alternative to relying on the fair dealing exceptions. This is particularly because the fair dealing exceptions are complex, making it difficult for a student to:

- Copy an entire work or large portions of a work
- Modify and remix a work.

Using CC material removes these barriers as:

- Students can copy an entire work without limitation
- Students can modify and remix the material.
There are six standard CC licences. The table below lists these licences and the different conditions which attach to each.

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<tr>
<th>Licence</th>
<th>Symbols</th>
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<tr>
<td>Attribution (BY)</td>
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<td>Commercial and non-commercial</td>
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For more information, see the ‘Creative Commons Information Pack’.

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