Copyright information from ANU Library:

Copyright for Higher Degree Students

**General principles:**

* cite all material that you use – reference accurately
* ensure that if you use a “substantial” part of a work you have the right to use it in your publications or thesis
* make copies of material, whether print of electronic copies, in accordance with the fair dealing provisions of Copyright Act or use other options such as permission from the creator
* material created by others can be used in your thesis (see Your thesis and copyright section) – review your thesis to make sure appropriate permissions have been obtained
* Library staff can assist with information on copyright
* material on the Internet is not necessarily able to be freely copied or reproduced without permission.

The Australian National University is committed to compliance with the *Copyright Act 1968* and upholding the rights of creators and users of copyright material.

This guide is prepared to assist **higher degree students** to understand the basics of copyright for their theses, publications and other work. Further general assistance can be found from other materials on the University’s copyright site ([http://copyright.anu.edu.au](http://copyright.anu.edu.au)) or from the University Library.

*If you need legal advice in relation to a University copyright matter and your question has not been resolved after reviewing the materials in this guide, you may refer your question to the University Legal Office for further assistance.*
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Prepared January 2013 by Roxanne Missingham, University Librarian
What is copyright?

The Attorney-General’s Department publication *Short guide to copyright*\(^1\) states:

Copyright is a type of property that is founded on a person’s creative skill and labour. Copyright protects the form or way an idea or information is expressed, not the idea or information itself.

Copyright is not a tangible thing. It is made up of a bundle of exclusive economic rights to do certain acts with an original work or other copyright subject-matter. These rights include the right to copy, publish, communicate (eg broadcast, make available online) and publicly perform the copyright material.

Copyright creators also have a number of non-economic rights. These are known as moral rights. This term derives from the French *droit moral*. Moral rights recognised in Australia are the right of integrity of authorship, the right of attribution of authorship and the right against false attribution of authorship.

What does copyright protect?

Australian copyright legislation (the *Copyright Act 1968*) protects works which are “original” (the product of a creator’s own intellectual effort, and not copied from another person’s work). Copyright subsists for works created by a resident or citizen of Australia, or made or first published in Australia, or for citizens from countries which are members of a relevant international copyright treaty.

*Works* are protected by copyright. The Act defines these as original literary, dramatic, musical and artistic works. Fiction and non-fiction are covered, as are hard copy and electronic materials.

*Literary works* covers works that are written or produced in another form by a creator. They must be non-trivial in order to be covered by copyright. Covered in the scope of literary works are letters, manuscripts, e-mails, articles, novels, poetry, song lyrics, timetables, databases and computer programs.

*Artistic works* are covered. This includes paintings, photographs, sculptures, engravings, sketches, blueprints, drawings, plans, maps and buildings or models of buildings, irrespective of the artistic quality of the work.

There are categories of material covered by copyright material collectively referred to as “subject-matter other than works” which includes:

- Films and sound recordings.
- Radio and television broadcasts.

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Compilations of works, such as conference proceedings and collections of essays are also covered (as works). If the compilation is not “original”, for example not created by “independent intellectual effort” nor the product of “sufficient effort of a literary nature” the compilations may not be covered by copyright.

Australian copyright legislation is different to that of the UK and US. For example the US legislation has provisions for “fair use” and Government publications are not covered by copyright and therefore are “public domain”. In Australia the legislation has specific provisions which are different.

How long does copyright last?
Under the Australian Copyright Act copyright last as follows:

<table>
<thead>
<tr>
<th>Category of work</th>
<th>Time covered</th>
<th>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Publications e.g. books, journal articles (literary, dramatic, musical or artistic work)</td>
<td>If published anonymously first published before 1 January 1955</td>
<td>Copyright has expired</td>
</tr>
<tr>
<td></td>
<td>If Creator died before 1 January 1955</td>
<td>Copyright has expired</td>
</tr>
<tr>
<td></td>
<td>If published after 1 January 1955</td>
<td>Copyright expires at the end of 70 years after the end of the calendar year in which the author of the work died</td>
</tr>
<tr>
<td>Music (and lyrics) published editions</td>
<td>If made after 1 January 1955</td>
<td>Copyright lasts for 25 years after the date of publication. It may still subsist even when the copyright in the music and lyrics have expired.</td>
</tr>
<tr>
<td>Photographs</td>
<td>If taken before 1 January 1955</td>
<td>Copyright has expired</td>
</tr>
<tr>
<td></td>
<td>If taken after 1 January 1955</td>
<td>Copyright expires at the end of 70 years after the end of the calendar year in which the creator of the work died</td>
</tr>
<tr>
<td>Photographs made before May 1969</td>
<td>If taken before 1 January 1955</td>
<td>Copyright has expired</td>
</tr>
<tr>
<td></td>
<td>If made after 1 January 1955</td>
<td>Copyright expires at the end of 50 years after the year made.</td>
</tr>
<tr>
<td>Government publications</td>
<td>Federal: From May 2010 on</td>
<td>Australian Government agencies are required,</td>
</tr>
</tbody>
</table>


3 Changes proposed to copyright in the UK in 2013 include:
- Education - to simplify copyright licensing for the education sector;
- Research and private study - to allow sound recordings, films and broadcasts to be copied for non-commercial research and private study purposes without permission from the copyright holder.
wherever possible, to release copyright public sector information under Creative Commons 4BY licence or other open content licences. (see Government response to the Gov2.0 report5)

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<th>Federal: Prior to May 2010</th>
<th>State and local</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Copyright expires at the end of 70 years of first publication.</td>
<td>State and local government agencies are increasingly seeking to use Creative Commons licences, unless the works are under this licence copyright exists for 70 years.</td>
</tr>
</tbody>
</table>

| Unpublished original material such as letters, manuscripts | Copyright does not expire. |

Note:
Film footage shot before May 1969 is defined as a series of photographs. Films may have complexities for music and other components that have different copyright or license conditions.
Works may be reissued in a revised form after the death of the creator or author. The revision may extend the period of copyright protection, with the creator being both the person/s responsible for the revision and the original creator.

**Fair dealing**
The Fair dealing provisions (see Attachment A) allow for use of literary, dramatic, musical or artistic work, or with an adaptation of a literary, dramatic or musical work, without payment of a fee or a license.

This covers uses such as:
- reproduction or communication (such as sending by email) of a reasonable portion of a work for research or study by a student enrolled at the University;
- use of a work for the purpose of criticism or review, with sufficient acknowledgement of the work (section 41); and

4 [http://creativecommons.org/licenses/by/3.0/au/](http://creativecommons.org/licenses/by/3.0/au/), Accessed 3 January 2013
• use of a work for the purpose of parody or satire, with sufficient acknowledgement of the work (section 41A).

The provision for copying for the purpose of criticism or review does not have a limit of the amount of material you may reproduce or use. The following criteria must be met:

• you must make a genuine attempt to critique or review the work by analysing its merit e.;
• the dealing with the work must be ‘fair’ – ‘fair’ for this provision is not defined in the Act; and
• you must acknowledge the creator and title of work

In practice, this exception is unlikely to give you protection beyond that of use for research and study if you use reasonable portions of the work.

It does not allow for unlimited copying for study, nor for unlimited reproduction of the work of others in your thesis or publications, such as journal articles.

Why is copyright important?
Copyright is a legal set of protections for creators. If copyright is infringed (breached) penalties can be sought by creators. While there have not been a large number of cases in the university sector in recent years, penalties can be significant.

The University is committed to compliance with the Copyright Act 1968. All staff and students are informed through guidance material and training as appropriate to ensure compliance.

Copyright and research data
Data can be protected by copyright in the literary works category, which includes ‘tables’ or ‘compilations’. The protection can apply if the data is in a literary work (does not mean a work of fiction) and is “original”.

The Australia National Data Service advises that

“As general rule, the person who produces the data will own copyright in it. If two or more people have collaborated in producing the data, such that their individual contributions cannot be separated out from the whole work, they will be joint authors and will jointly own copyright. In a situation where the data has been produced by an employee acting in the ordinary course of their employment duties, copyright will belong instead to that person’s employer.”

Where data is collected under a contract for example a research grant there may be joint ownership of the research data or obligations regarding its publication, use and citation.

Data can be made available to others under a range of licences and conditions the make it clear to others how it can be used. Options include:

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• Creative Commons
• Science Commons
• GNU Free Documentation License.

If you are creating or collecting data as part of your research consider how you might make that data available with accurate and comprehensive metadata. The metadata should include information about the creator of the data, restrictions on its use, descriptions of the data in the collection and other data such as date collected or gran the information is collected under.

The University has a data repository which is available at https://datacommons.anu.edu.au:8443/DataCommons/ and is a part of Research Data Australia. By listing your data in these services you identify that the data has been collected and that you are the creator of the data. This both protects your rights and enables the research community to identify the data that you have collected. Records contributed to Research Data Australia can include records of data that is not publically available and data that is publically available.

The Australian National University is committed to the highest standards of research integrity and has extensive advice on research practice and data collection and management. If you are undertaking data collection which includes Human or Animal Ethics approval you will need to have a data management plan which should include information on how the data is stored, made available and permissions for data collection such as consent forms. Further advice can be obtained from the Office of Research Integrity Research Services (see https://researchservices.anu.edu.au/ori/responsible/contact.php).

Remember that data collections you use or create may have a range of rights holders, particularly if you are recording performances or music. There may be a requirement of a number of permissions for any particular data recording.

If you wish to use data that has been collected or created by others you will need to ensure that you understand the conditions on which the data is made available and can be reused. If this is not clear you should contact the individual or organisation who created or is responsible for the data.

Whether you wish the use the data in a publication, such as a journal article, or your thesis, if you are using a substantial portion of data and it is not covered by the fair use provisions of the Copyright Act, nor a license such as Creative Commons, seeking permission from the copyright owner will enable you to use the material without infringing copyright.

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Your thesis and copyright

Your thesis, whether text or media, is likely to include quotations, tables, charts or multimedia material that has been created by others. These resources are an essential part of your original research.

Under the Copyright Act you can use material without permission or payment of fees if it falls into the following categories:

• you may be the copyright holder; OR
• the university may be the copyright holder; OR
• the university may have a license for use of the work/s that means that you can make a copy—the Library can check licenses for works; OR
• copyright may have expired in the works; OR
• the works may be published under a Creative Commons license that allows for reproduction without permission; OR
• reproduction falls within the fair dealing or other exceptions; OR
• reproduction occurs with permission of the creator; OR
• you are using an insubstantial portion of the work.

If you wish to use material that is not covered by the above cases you should consider:

• asking the creator for permission to use the material; or
• whether the fair use provisions of the Copyright Act will provide protection; or
• whether your use is for review or criticism (this enables use under the fair use provisions of the Copyright Act); or
• whether the Library has a license which covers this use.

Making copies of your thesis for submission and review is possible under the Copyright Act. You may do this for your own theses as copyright owner.

Always the material created by others that you quote or use in your thesis accurately. This requirement is not affected by whether you are using it under the Copyright Act or other. This falls within the moral rights provisions and also professional academic practice.

This applies whether you are using an insubstantial or substantial portion of a work.

Depositing your thesis in the University’s repository

Under the University’s Intellectual Property policy you need to deposit a copy of your thesis in the University’s repository. This applies whatever the form of the thesis is, whether print, digital or another format. A detailed guide can be found online.⁹

Theses deposited in the repository can be made open or closed access, or partially open access. You will need to provide reasons should you wish your thesis to be closed access. These reasons may include containing material that is being used to lodge a patent, cultural sensitive material or contains confidential material.

Depositing your thesis in the repository will increase use by the research community and thus recognition of your original work. Theses in the repository are viewed an average of 8 times a month per thesis.

A question often asked by students is whether dissemination of their thesis in an open access repository will reduce the willingness of journal or other publishers to publish the research. Increasingly publishers are indicating that open access publication of a thesis is not an impediment to publication of a journal article or book. When you write the article or book you will be rewriting and adding new material, therefore creating a new publication. Useful information and references to studies can be found at http://www.ndltd.org/resources/intellectual-property-issues-and-etds/?searchterm=Publishers%20and%20the%20NDLTD

A study to be published in 2013 has found that “manuscripts which are revisions of openly accessible ETDs are always welcome for submission or considered on a case by case basis by 82.8% of journal editors and 53.7% of university press directors polled”.

Some useful advice can be found in the Open Access to Knowledge (OAK) Law Project’s paper Copyright Guide for Research Students: What you need to know about copyright before depositing your electronic thesis in an online repository.

Keep records of any permissions you receive for use of the works of others. When you request permission bear in mind whether you would like the permission to cover your thesis and any journal articles or other works where you would wish to use the material.

Publishing your research (journal articles, conference papers, books, etc)
While you are working on your thesis, and after, you are likely to be writing and presenting your research and ideas in works such as journal articles, conference papers and books.

The conditions for using work created by others (often referred to as third party material) described in the section above apply to your publications.

When you are considering options for publishing you might want to consider options that will optimise the impact of your work. Options include:

- publishing in a journal or book where you sigh a copyright agreement – consider deleting any statement in the contract where the publisher is given full control of your copyright

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• publishing in an open access journal – the Directory of Open Access Journals can be found online at [http://www.doaj.org/](http://www.doaj.org/)
• publishing under a Creative Commons license. Many conferences and new journals are supportive of Creative Commons licensing

Research shows that publishing in an open access online channel or through Creative Commons increases your readership and impact. If you are on the organizing committee of a conference consider publishing the papers and proceedings in an open repository (such as the University’s Digital collection). Contact the Digital Collection Manager for information about making conference papers available through the repository.

**Australian Research Council (ARC) and National Health and Medical Research Council (NHMRC) funded research**

In 2012 the ARC and NHMRC announced mandates for open publication of research that they fund.

The National Health and Medical Research Council (NHMRC) revised policy on the dissemination of research findings came into effect on 1 July 2012. The policy relates to any publications after 1 July 2012 - regardless of the grant the publication is attached to. It states\(^\text{12}\):

> NHMRC therefore requires that any publications arising from an NHMRC supported research project must be deposited into an open access institutional repository within a twelve month period from the date of publication.

The Australian Research Council Open Access Policy states\(^\text{13}\):

> the ARC requires that any publications arising from an ARC supported research project must be deposited into an open access institutional repository within a twelve (12) month period from the date of publication.

The large majority of publishers will allow some version of publications to be made available open access in this way. In the majority of cases, the final reviewed and corrected version is the best one to submit to the repository. Submission to the repository is through a simple webform at [http://www.anu.edu.au/research/access/index.php](http://www.anu.edu.au/research/access/index.php). Repository staff will check the copyright status of the work, comply with publisher’s requirements and make it available if possible.

The ARC policy differs from the “NHMRC revised policy on the dissemination of research findings” in two important ways.

Unlike the NHMRC policy which only relates to journal articles resulting from funded research, the ARC policy will apply to all publication outputs resulting from funded research. This will include

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books and book chapters which currently have less developed mechanisms for open access copyright clearance than journal articles.

The ARC policy is not retrospective, and relates specifically to publications resulting from the Funding Rules and Agreements released after 1 January 2013. This means there will be a period of time between the funding allocation and publication of resulting work. This longer implementation period presents an opportunity to address some of the issues facing researchers who publish in outlets other than journal articles.

The ANU supports open access to research outputs and welcomes this development.

**Making copies for your research or study**

You will want to make photocopies and digital copies of material that is relevant to your research. There are a range of tools that you can use to record and/or store your references material including Mendeley, Zotero and Endnote. The Library offers training in these products (see [http://anulib.anu.edu.au/training/graduate/graduate_information_skills.html](http://anulib.anu.edu.au/training/graduate/graduate_information_skills.html)). The University has a license for Endnote – you can download it from Wattle.

You cannot make unlimited copies of all material for your research and study.

The options enabling you to copy material (works) include the following:

- you may be the copyright holder; OR
- the university may be the copyright holder; OR
- the university may have a license for use of the work/s that means that you can make a copy –the Library can check licenses for works; OR
- copyright may have expired in the works; OR
- the works may be published under a Creative Commons license that allows for reproduction without permission; OR
- reproduction falls within the fair dealing or other exceptions; OR
- reproduction occurs with permission of the creator; OR
- you are copying an insubstantial portion of the work.

**Licensed material purchased by the University**

The University Library purchases a wider range of material for the use of members of the university. Electronic resources, such as e-journals and e-books are purchased through agreements (licenses) with suppliers. The Library has a database of the licenses and can check to see if the material can be made available to your students within the conditions of the license.

**Material on the Internet**

Many valuable resources are available on the Internet. Unfortunately many resources do not contain information about whether they can be freely reproduced or communicated to students.
Where possible, use material that is identified as Creative Commons licensed – there are a range of Creative Commons licenses and you will need to check to see if a specific resource can be freely copied or should just be linked to in your course material. You can find Creative Commons and Open Access resources through a range of sources including Directories, Google and flickr. See the section Where can I find open access material to use in my course?

There are many “pirate” websites offering access to films, television programs and other material for which they do not have the right to provide access to the community. If the website has the word “pirate” on the home page, beware.

Use websites where you are reasonably sure that the copyright owner has given permission for the material to be included.

Remember moral rights apply to websites as well as printed/hardcopy resources.

Just because material is on the Internet does not mean you can copy or reuse it for your students.

General principles are:

- check if there is information regarding copyright and reuse on the website
- if no information is available investigate further – contact the creator or web manager if possible for permission or information
- preferably link to the resource
- If you are unsuccessful in getting a response from the creator or web manager in a reasonable time and it cannot be made accessible via a link (for example it the web site is frequently unavailable) you may wish to consider copying the material for your course

If your do put material in your thesis or publications and the creator objects and on investigation you find that you did not have permission to use the material apologise and remove the material. This approach is consistent with the “take down” provisions in other countries and good practice.

FAQs

I wish to make a copy/communicate material (works) to another student or colleague.

You can make a copy or communicate (such as sending as an attachment electronically) under the fair dealing for purpose of research or study provision of the Copyright Act.

I wish to make a copy for my research.

You can make a copy under the fair dealing exceptions of the Copyright Act. You can copy limited amounts of copyright material for research or study and criticism or review. The definition of reasonable portions are in Attachment A.
### Item 1
A literary, dramatic or musical work (except a computer program), or an adaptation of such a work, that is contained in a published edition of at least 10 pages

<table>
<thead>
<tr>
<th>Amount that is reasonable portion</th>
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<tbody>
<tr>
<td>(a) 10% of the number of pages in the edition; or</td>
</tr>
<tr>
<td>(b) if the work or adaptation is divided into chapters—a single chapter</td>
</tr>
</tbody>
</table>

### Item 2
A published literary work in electronic form (except a computer program or an electronic compilation, such as a database), a published dramatic work in electronic form or an adaptation published in electronic form of such a literary or dramatic work

<table>
<thead>
<tr>
<th>Amount that is reasonable portion</th>
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</thead>
<tbody>
<tr>
<td>(a) 10% of the number of words in the work or adaptation; or</td>
</tr>
<tr>
<td>(b) if the work or adaptation is divided into chapters—a single chapter</td>
</tr>
</tbody>
</table>

The Copyright Act does not specify the amount you can copy from films, dvds or other media.

You should consider the following factors if you need to copy more than a reasonable portion from a book, musical score or notated music:

- the purpose and character of the copying
- the nature of the material being copied
- the possibility of obtaining the material commercially
- the effect of the copying upon the potential market for the material
- the amount copied in relation to the whole of the source material.

For more information see the copyright page for researchers.

### I have a student with a disability.

The Copyright Act contains a number of provisions that allow material to be reproduced in accessible formats to assist people with disabilities. The Disability Services Centre and the Library work closely together to support students who are registered with the Centre.

Works can be copied and communicated to students with a print disability. The Copyright Act defines a print disability as:

- a person without sight;
- a person whose sight is severely impaired;
- a person unable to hold or manipulate books or to focus or move their eyes; or
- a person with a perceptual disability.

Only literary and dramatic works (or published editions) can be copied under this provision. Musical works such as sheet or notated music are not included. Literary or dramatic works and published

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editions can be copied in full in any required accessible format provided they are not commercial available in that format.

The print disability provisions can be used to reproduce material to assist a student for educational purposes, research & study, as well as recreational or private use.

If you wish to reproduce material other literary or dramatic works or for other disabilities, you will need to rely on one of the other provisions.

There are particular requirements including that it is solely for the purpose of assisting students with print disabilities.

A written notice must be given to the Copyright Agency Limited (CAL) within 3 months informing them of the reproduction or communication and must include the following details:

<table>
<thead>
<tr>
<th>Australian National University</th>
</tr>
</thead>
<tbody>
<tr>
<td>Details of the work reproduced or communicated (i.e. author, title, publication details)</td>
</tr>
<tr>
<td>Date on which the reproduction or communication was made</td>
</tr>
<tr>
<td>‘This is a reproduction made on [day on which the reproduction was made] by the Australian National University in reliance on section 135ZQ of the Copyright Act 1968, solely for use by a person with a print disability.’</td>
</tr>
<tr>
<td>If the reproduction is a sound recording, then this message should be included at the beginning of the sound recording.</td>
</tr>
</tbody>
</table>

In summary contact the Disability Services Centre for support and advice.

**Where can I find open access material to use?**

Open access material and many Creative Commons licenced resources can be freely used in your work. There are a number of good starting points to locate this material including:

- Images can be found in
  - Flickr [http://www.flickr.com/search/advanced](http://www.flickr.com/search/advanced) use Advanced search to select “Only search within Creative Commons-licensed content”
What about works out of print?
Just because a work is out of print does not mean its copyright has expired nor that you have the right to make unlimited copies for the world.

There are a number of options to make works or parts of works available including the following:

- You may make copies or communicate a reasonable portion for students under the statutory licence.
- You may obtain permission from the copyright holder to make the material available.
- The Library may have a license for the material that enables use in your course.

What is library (200AB) copying?
The 2006 amendment to the Copyright Act included a new provision that aimed to provide a “flexible exception to enable copyright material to be used for certain socially beneficial purposes, while remaining consistent with Australia’s obligations under international copyright treaties”\textsuperscript{15}.

It enables libraries and archives to make copies of material under certain conditions. A detailed handbook is available online \textsuperscript{16}. The fundamental steps for copying in this situation are:

- There are no other exceptions available to you
- You are using the material for a set purpose
- The use is non-commercial
- The use does not conflict with normal exploitation
- The use will not unreasonably prejudice the copyright holder
- The use is a special case

The Library is using this provision to digitise and make available ANU historic theses.

Further information can be obtained from Library staff.

Acknowledgments
This guide draws and was inspired by copyright guidance from the Attorney-General’s department, Australian Copyright Agency, Copyright Agency Limited, Queensland University of Technology, University of Melbourne and University of Sydney.

Further information:

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<td><strong>Australian Copyright Council</strong></td>
<td><a href="http://copyright.org.au/">http://copyright.org.au/</a></td>
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<td>---------------------------------</td>
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</tr>
<tr>
<td><strong>Australian Libraries Copyright Committee</strong></td>
<td><a href="http://libcopyright.org.au">http://libcopyright.org.au</a></td>
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</table>
Attachment A. Copyright Act 1968 - Section 40 Fair dealing for purpose of research or study

40  Fair dealing for purpose of research or study

(1) A fair dealing with a literary, dramatic, musical or artistic work, or with an adaptation of a literary, dramatic or musical work, for the purpose of research or study does not constitute an infringement of the copyright in the work.

(1A) A fair dealing with a literary work (other than lecture notes) does not constitute an infringement of the copyright in the work if it is for the purpose of, or associated with, an approved course of study or research by an enrolled external student of an educational institution.

(1B) In subsection (1A) the expression lecture notes means any literary work produced for the purpose of the course of study or research by a person lecturing or teaching in or in connection with the course of study or research.

(2) For the purposes of this Act, the matters to which regard shall be had, in determining whether a dealing with a literary, dramatic, musical or artistic work or with an adaptation of a literary, dramatic or musical work, being a dealing by way of reproducing the whole or a part of the work or adaptation, constitutes a fair dealing with the work or adaptation for the purpose of research or study include:

(a) the purpose and character of the dealing;
(b) the nature of the work or adaptation;
(c) the possibility of obtaining the work or adaptation within a reasonable time at an ordinary commercial price;
(d) the effect of the dealing upon the potential market for, or value of, the work or adaptation;
and
(e) in a case where part only of the work or adaptation is reproduced—the amount and substantiality of the part copied taken in relation to the whole work or adaptation.

(3) Despite subsection (2), a reproduction, for the purpose of research or study, of all or part of a literary, dramatic or musical work, or of an adaptation of such a work, contained in an article in a periodical publication is taken to be a fair dealing with the work or adaptation for the purpose of research or study.

(4) Subsection (3) does not apply if another article in the publication is also reproduced for the purpose of different research or a different course of study.

(5) Despite subsection (2), a reproduction, for the purpose of research or study, of not more than a reasonable portion of a work or adaptation that is described in an item of the table and is not contained in an article in a periodical publication is taken to be a fair dealing with the work or adaptation for the purpose of research or study. For this purpose, reasonable portion means the amount described in the item.

<table>
<thead>
<tr>
<th>Works, adaptations and reasonable portions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
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<tr>
<td>1</td>
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<table>
<thead>
<tr>
<th>Item</th>
<th>Work or adaptation</th>
<th>Amount that is reasonable portion</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>at least 10 pages</td>
<td>divided into chapters—a single chapter</td>
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<tr>
<td>2</td>
<td>A published literary work in electronic form (except a computer program or an electronic compilation, such as a database), a published dramatic work in electronic form or an adaptation published in electronic form of such a literary or dramatic work</td>
<td>(a) 10% of the number of words in the work or adaptation; or</td>
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<td></td>
<td>(b) if the work or adaptation is divided into chapters—a single chapter</td>
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</tbody>
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(6) Subsection (5) applies to a reproduction of a work or adaptation described in both items of the table in that subsection even if the amount of the work or adaptation reproduced is not more than a reasonable portion (as defined in that subsection) on the basis of only one of those items.

(7) If:

(a) a person makes a reproduction of a part of a published literary or dramatic work or published adaptation of a literary or dramatic work; and

(b) the reproduction is of not more than a reasonable portion (as defined in subsection (5)) of the work or adaptation;

subsection (5) does not apply in relation to any subsequent reproduction made by the person of any other part of the same work or adaptation.

(8) Subsections 10(2), (2A), (2B) and (2C) do not affect subsection (5), (6) or (7) of this section.