

Copying for private research and study

Copyright is not all pervasive and does not prevent copyright works being copied in any way. UK law sets out a number of "Permitted Acts". However the permitted acts are defences in a court of law; they are not rights. For example, you would only be deemed to have infringed copyright if you were to copy a 'substantial' part of a work. Unfortunately, like much of the act, terms such as 'substantial' are not defined. What amounts to 'substantial' will vary according to what is being copied. In addition to this, there are 'Fair dealing' exceptions which permit copying for a number of specific purposes. These include:

- for research (for a non-commercial purpose) and private study;
- for criticism, review and news reporting; and
- for public administration (primarily a defence used by parliament and in court proceedings)

Much of the copying that you might undertake for your private non-commercial research in libraries will fall under fair dealing. So, for example, if you photocopy an article from a journal while conducting your own non-commercial research it will probably amount to 'fair dealing' provided you accompany it with a sufficient acknowledgment (unless an acknowledgment is not practically possible).

Whether research is commercial or not will have to be judged on a case by case basis. However, where research is carried out and it is envisaged that the research will ultimately be used in a project with some commercial value, it will probably not be permitted under the fair dealing exceptions. It is the purpose of the research, not the purpose of the researcher, that is key.

Example

If research is conducted to raise funds for a charity, then the research will be commercial.

If you are requesting a photocopy of an article via inter-library loan services, you will now need to indicate if you are requesting material for commercial or non-commercial purposes. This is to comply with changes to the law that came into force on 31 October 2003. If you wish to make a copy of material for a commercial purpose it is recommended that you speak to the Library before proceeding as you will need to pay a copyright fee. For further information regarding commercial and non-commercial copying, see the following information from the [British Library](#).