

Insubstantial portions

You may be able to use an insubstantial portion of a copyright work without the copyright owner's permission, for example, to include a quote or brief excerpt in a journal article or a thesis.

Determining what constitutes an insubstantial portion can be difficult as the Copyright Act does not define how much can be used. Generally, if the portion you wish to use is key, distinct, important or essential to the work, it is unlikely to be considered an insubstantial portion. You may also need to consider:

- The amount used compared to the size of the overall work - The smaller a work is the less you can use as an insubstantial portion. For example, while quoting a few lines, or even a few paragraphs, from a book or journal article could be considered insubstantial, a few lines from a song or poem are less likely to be considered insubstantial.
- The context of the portion used - For example, the first paragraph of a newspaper article generally summarises the key points or facts of the article and therefore is not likely to be considered insubstantial.
- The purpose for which you are using the material
- The type of material - It can be more difficult to determine what is an insubstantial portion of artistic works, musical works, films and sound recordings because of the nature and size of the overall work. Just because you may only be using a few seconds from a sound recording or a few minutes of film, it does not mean that the portion will necessarily be considered insubstantial.

You must also ensure that you correctly and fully cite any insubstantial portions that you use.

[← Back to previous page](#)