European Commission

A step-by-step guide to copyright for researchers

Simplifying reuse and sharing of research content across Europe

#DigitalEU

Create
Reuse
Share

Why does copyright matter for researchers?

Researchers are both **creators** of knowledge in the context of scientific research and **users** of others' work which is often protected by copyright and related rights. Research publications, images, articles in scientific journals, and software code they produce, or reuse can be protected by copyright.

Knowing how to manage copyright responsibly helps to ensure that research results are protected, accessed, shared, and reused legally. Awareness of copyright also supports and fosters innovation, ensuring that collaboration and reuse take place within a secure and fair legal framework while respecting the rights of all creators and contributors.

This guide sets out some **key steps** to help researchers navigate this complex landscape, from identifying the copyright status of a work to sharing research results responsibly. It introduces a **real-world scenario** on creating and publishing research materials.

This is a general guide based on the EU legal framework. Important details are set at the national level and may vary. Always consult your country's legislation or a qualified expert before publishing or reusing digitised third-party content.

Real-world scenario

Researchers engage with copyrighted material in two ways. On the one hand, as **creators**, they produce copyrighted material, for example, as authors of research papers and articles in scientific journals or databases. On the other hand, as **users**, they often include copyrighted material in their work while performing research. As such, awareness of copyright ensures they can protect their outputs while using existing materials responsibly and legally.

Creating and publishing material

From a creator's perspective, copyright provides you with a set of exclusive rights (including reproduction, distribution, and communication to the public) that protect your work from misuse, safeguard recognition and secure the value of your research in collaborations, licensing agreements, and future innovation and knowledge valorisation scenarios. You can choose how open or restricted the publication of your research will be. Choosing to apply open science can help make research available to a wider audience and make research results more reusable.

Balancing open science and copyright considerations is a delicate exercise. Researchers face strategic decisions about how, and to what extent, they share their work, and each option has clear implications. In many cases, open science is not just a choice, but also an obligation required by funders or institutions. Your institution's legal department can advise you on the dos and don'ts, the differences between different types of rights and what they cover, and how best to share and protect them.

Reusing and sharing material

As users of existing content, researchers must ensure that reuse complies with copyright rules, licences or exceptions.

What steps should be taken to ensure lawful reuse?

What kind of work are you using?

Researchers often (re)use multiple types of materials – academic articles, datasets, charts, images, audiovisual material, field recordings and samples, software, and digital archives – in the context of their investigations and communications efforts.

Citing the origin of the work in your research may not be enough. Assuming it is clear of rights because another publication already used the content is not sufficient.

STEP 1

Identify the work and rightholder(s)

What kind of material are you reusing and who owns the rights?

It is best to confirm the ownership and provenance first-hand by asking some basic questions.

Note: Some larger works may also include embedded content owned by creators other than the main credited author(s), e.g. photographs in a report or images in a PowerPoint.

Who are the creators or contributors involved?

- Authors, editors, translators, etc.
- Publishers, academies, journals, institutions, organisations, companies, etc.
- Producers, broadcasters, agencies, etc. (audiovisual content)
- Software developers, photographers, illustrators, graphic designers, architects, etc.

Why does this matter?

Copyright is a bundle of rights: economic, moral and related rights. **Copyright protects both the form of expression (the work itself, such as creative content fixed in a scientific article) and certain contributions by others**, where the rightholders may be other than the main author **(for example, guest chapters in a book or illustrations from a hired photographer)**.

Author's economic rights

- Right of reproduction: to create copies of a work.
- Right of distribution: to disseminate physical copies of a work.
- Right of communication to the public: to make a work publicly available (including online distribution).
- Right of adaptation: to modify a work.

Author's moral rights

- Right of attribution: to be credited as the author of the work.
- Right of integrity (no harmful modification): to object to alterations that could harm the author's reputation.

An author maintains moral rights even after having transferred economic rights in a work. In some countries, moral rights may remain in perpetuity after the expiration of economic rights. Always check the national legal framework.

Neighbouring or related rights

- Rights held by producers.
- Rights held by broadcasters.
- Rights held by performers and other contributors.
- Rights held by publishers.

Example	A single scientific paper or textbook may contain multiple layers of rights, e.g. newspaper clippings, copyrighted single-use images or complex illustrated graphics. In such cases, permission may be required from each rightholder.

MOVE TO STEP 2 ⇢

⇠ BACK TO TOP

STEP 2

Check copyright status

Is the material still protected or in the public domain?

In the EU, copyright usually lasts 70 years after the death of the material's creator.

After that period, copyright protection expires, and the work enters the **public domain** – meaning you can use it without needing to seek permission. Note that moral rights may still apply.

You can digitise and share it freely, but it is advised to follow these best practices:

- clearly label the work as 'public domain – moral rights may still apply';
- apply relevant Creative Commons marks such as the Public Domain Mark (PDM).

⇠ BACK TO STEP 1

Special cases

Orphan works and out-of-commerce (OOC) works

Orphan and OOC works are two special categories of in-copyright material that researchers may reuse only when they have been made available by authorised cultural or academic institutions under EU rules. These mechanisms support access to knowledge for research and education while still respecting rightholders' interests.

Potential orphan work: rightholder unknown or unlocated

These are works whose rightholder is unknown or cannot be located. Researchers cannot register orphan works themselves, but they may lawfully use those that have been made available by authorised institutions under EU copyright exceptions.

Check the **EUIPO Orphan Works Database** to confirm that the work has been registered. If it appears there, it can usually be used for non-commercial research or educational purposes, with proper attribution.

OOC works

OOC works remain protected by copyright but are no longer available through normal commercial channels (for example, out-of-print books, old newspaper articles or unavailable recordings).

Cultural heritage institutions can digitise and make them accessible through two mechanisms: 1) collective licensing or 2) a copyright exception in situations where there are no representative collective management organisations (CMOs) able to issue licences.

In both cases, rightholders can opt out (i.e. prevent Cultural Heritage Institutions from making their works available). Researchers can reuse OOC works that have been made available under either mechanism, usually for non-commercial research or educational purposes and with due respect for moral rights.

Information about the **OOC** status of the work needs to be published at the **EUIPO Out-of-Commerce Works portal**.

Note: Moral rights and the conditions for using orphan or OOC works differ between countries. Always check your national rules and consult your institution's technology transfer office or knowledge transfer office (TTO/KTO) before reusing these materials.

If public domain is confirmed → JUMP TO STEP 6

If still protected, uncertain or in need of clarification, MOVE TO STEP 3 ⇢

⇠ BACK TO STEP 1

STEP 3

Outline intended use and identify licences

How do you plan to use the work and is it covered by an existing licence?

Different uses may involve different legal obligations. Common academic uses include:

- reproducing content in a thesis, article or poster;
- using data or content for text and data mining (TDM);
- sharing figures, tables or scans in open-access repositories;
- using media in presentations, lectures or conference recordings.

For each use, clearly describe and record your specific intentions.

Check existing institutional or publisher licences

Before proceeding, verify whether your university, research institution, lab or scientific organisation already holds a licence (e.g. through a library subscription, database access or publisher agreement).

If a licence covers your intended use, follow its terms exactly and → JUMP TO STEP 6

If, however, no licence covers your use, double-check whether an exception applies.

MOVE TO STEP 4 ⇢

⇠ BACK TO STEP 2

STEP 4

Explore the exceptions

Can your research activity rely on a copyright exception?

EU copyright law allows certain uses of protected material without permission, **provided certain conditions** are met.

Common exceptions that may be relevant in research contexts

- **Illustration in teaching or research:** applies as an exception to the rights of reproduction and communication to the public, subject to national laws.
- **TDM for scientific research:** applies only to **research organisations** and **cultural heritage institutions** in their efforts to conduct scientific research via TDM techniques.
- **Private study:** applies to the making available of works by **cultural heritage institutions for research or private study**.
- **Quotation:** applies to the use of **short extracts** for **critique**, **review** or **illustration**, provided proper attribution is given.

Conditions for use under the illustration for teaching or research exception

- The use is for non-commercial scientific research.
- The use is limited to the portion or extract necessary for the intended purpose.
- The author and/or source are properly credited.
- The use complies with national legislation.

If the exception clearly applies → JUMP TO STEP 6

If not MOVE TO STEP 5 ⇢

⇠ BACK TO STEP 3

STEP 5

Obtain permission

If no licence or exception applies, how can you get permission?

If neither an institutional licence nor a research exception covers your use, obtain permission before using the work.

Contact your research institution. They can check existing agreements or contact the rightholder or the relevant CMO on your behalf to obtain a licence, ensuring written confirmation for the uses identified in Step 3.

Keep clear records of permissions, licences and correspondence.

Once permission is obtained → JUMP TO STEP 6

⇠ BACK TO STEP 4

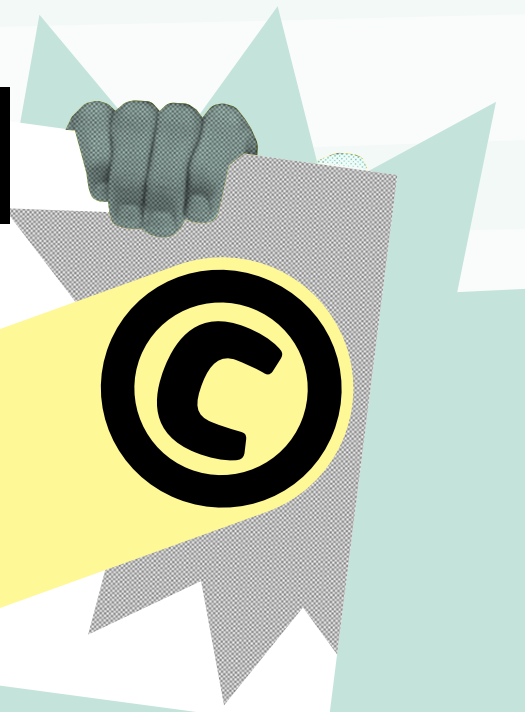
STEP 6

Label and share responsibly

Once rights are cleared or it is established that a licence or an exception applies to your intended use, you can proceed with confidence.

⇠ BACK TO STEP 5

The work is now ready to be shared or used!



REMEMBER

Copyright law is partially harmonised at the EU level. The applicable legal framework is defined at the national level. Always consult national guidelines or a legal expert before publishing or reusing digitised content.

Learn more

More on EU copyright law

Licences list – Creative Commons

The EUIPO Academy Learning Portal

Open science in Horizon Europe

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