Notice on copyright
Additional information on the quotation right

I. General

The quotation right according to Section 51 of the German Copyright Act lays down the conditions for reproduction, distribution and communication to the public of a published, protected work or part of work for the purpose of quotation.

The scientific discourse makes it necessary to address other authors' works from various viewpoints. Using works, parts of works or only isolated statements is often necessary. As a general principle, using other authors' works requires the consent of the rightholder. An exception applies for the right to quote. The requirements of a quotation are met when

1. the quotation has a purpose,
2. the purpose justifies the extent of the quotation,
3. the source is acknowledged, and
4. other authors' works or parts of works are not (substantially) altered.

II. Prerequisites and examples

1. Quotation purpose

The quotation may only be used to support one own's statement within the personal, independent scientific work. In other words, if, hypothetically, the quoted work was deleted, a work with one's own intellectual content (= your own creation) should remain.

The following examples show what one's own creation means:
During a lecture, the lecturer presents a slide that contains an extract from another author's work (text excerpt/figure) and orally makes critical remarks.

- By orally making critical remarks about the text excerpt/figure on the slide, the lecturer creates their own work and is no longer using the text excerpt/figure for mere illustration purposes.

After the lecture, the lecturer uploads the slide for their students, adding the critical remarks in written form.
- Now, only the uploaded slide is taken into consideration: By adding written, critical remarks, the lecturer creates their own work, which is supported by the quoted text excerpt/figure.
Remember: A quotation has no purpose when the own observations are substituted by the quoted work.

Using an existing photograph of a painting for a quotation is permitted by law. It is irrelevant whether the quotation addresses only the painting or also the photograph.

2. Justified extent of the quotation

The extent of the quotation must be justified by the particular purpose, i.e., the quoted work/part of the work must be in reasonable proportion to the complete work of the quoting person. The following principle applies: You may quote as much as necessary and you should quote as little as possible from another author’s work.

It is difficult to generally determine the extent of quotations because one has to take into account the individual particularities of each case.

However, the following can be taken as a rough guide value: The quotation should not exceed 10 per cent of the original work and it should be no longer than one page at a stretch.

3. Acknowledgment of source

The source of the quoted work and the author must in all cases be acknowledged.

One example can be given to illustrate the necessity to acknowledge the source:
If you quote the photograph of a painting that was created more than 70 years ago, the following distinction must be made: 70 years after the death of the author, the work is in the public domain. Therefore, the artist must not be acknowledged as author of the painting. However, the photographer has created a new work when taking a photograph of the painting. Therefore, the photographer must be acknowledged as author. Furthermore, the source of the photograph must be cited. The photograph might be taken from an art book, for example.

4. No (substantial) alteration

The quoted work may not be altered substantially. Abridging the quoted work is only permitted if the alteration is identified as such, e.g., through [...]. The following examples show minimal adaptations of another author’s work that are permitted:
- Black-and-white copy instead of color copy
- Reducing the size of a figure (not permitted: cutting the figure, adding characters)
Changing direct speech into indirect speech

Please note that this notice can only provide you an overview of the copyright situation and that it cannot substitute for individual legal advice. If you have any questions or uncertainties, please don’t hesitate to contact Department 9.0 - Legal affairs at any time. Our employees will be happy to assist you.

By order
signed Nadine Rüttgers