26307 - Copyright and the ruling on photocopying some parts of academic reference works

the question

Is it haraam to photocopy parts of academic reference works for study purposes, knowing that the high cost of these books is the reason for photocopying? If a person copies them in order to make money, is that haraam?.

Detailed answer

Praise be to Allah.

It seems to be the case that copyright belongs to the authors and to their heirs after they die, and that there is nothing wrong with photocopying or copying it out by hand for personal use, not with the intention of selling, so long as the owner of the copyright has not expressly stated that copying for personal use is not allowed. But if it is copied for the purpose of selling it and trading in it, this is not allowed.

Shaykh Bakr ibn ‘Abd-Allaah Abu Zayd said:

“These clauses which protect works from tampering or interference, and protect the value of the work and the efforts of its author, are things that are regarded as essential, based on the general principles of Islam. This is indicated clearly in the texts and basic principles of sharee’ah, which you can find explained in detail in Adaab al-Mu’allifeen and Kutub al-Istilaah.

Fiqh al-Nawaazil, 2/65

The Islamic Fiqh Council which was held to discuss moral rights issued the following statements:

Firstly: trade names, company names, trademarks, writings and inventions are all the copyright of

their owners or authors, which in modern practice have acquired monetary value. These rights are respected by sharee’ah and it is not permissible to transgress against them.

Secondly: It is permissible to dispose of a trade name, company name or trademark, and to transfer any of them in return for financial compensation, provided that this is not for the purpose of deceit or fraud, given that this has become a financial right.

Thirdly: the owner of these rights has the right to dispose of them and no one should transgress against them.

The Scholars of the Standing Committee for Academic Research said:

There is nothing wrong with recording and selling useful tapes, or copying and selling books, because that is helping to spread knowledge, unless their authors have said that this is not allowed, in which case it cannot be done without their permission.

Fataawa al-Lajnah al-Daa’imah, 13/187

See also question no. 454.