



Intellectual
Property
Office

Exceptions to copyright: Guidance for consumers



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Copyright protects literary, dramatic, musical and artistic works as well as films, sound recordings, book layouts, and broadcasts. If you want to copy or use a copyright work then you usually have to get permission from the copyright owner, but there are a few exceptions where you can copy or use part or all of a copyright work without permission. Where a work contains a performance, the performer will also have rights over how the work is used. The exceptions to copyright also apply to these related rights.

The law on these exceptions is changing in a number of small but important ways, to make our copyright system better suited to the digital age. These changes will affect how you can use content like books, music, films and photographs.

The majority of uses of copyright materials will continue to require permission from copyright owners, so you should be careful when considering whether you can rely on an exception, and if in doubt you should seek legal advice. Copyright infringement is against the law. Deliberate infringement on a commercial scale may lead to a criminal prosecution, so you should take care when using copyright materials. Further guidance on copyright is available on the Intellectual Property Office website.

The exceptions to copyright for **'research and private study'**, **'text and data-mining'**, **'education and teaching'**, **'archiving and preservation'**, **'public administration'** and to permit **'accessible formats for disabled people'** will come into force on the 1st June 2014.

Parliament has not yet approved exceptions to copyright for **'personal copies for private use'**, **'caricature, parody and pastiche'** and **'quotation'**. The government intends to bring these exceptions into force as soon as possible.



Who should read this guidance?

This guidance concerns changes to copyright that will affect consumers in particular.

You may be affected by these changes if you:

- read books, watch films or listen to music;
- use electronic devices such as smartphones, tablets, eReaders, MP3 players and computers.
- blog, put videos on websites like YouTube, or share pictures and content with your friends.



Personal copies for private use

What's changing?

Copyright law is being changed to allow you to make personal copies of media (CDs, ebooks etc) you have bought, for private purposes such as format shifting or backup.

For example it is not currently legal to copy content that you have bought on a CD onto your MP3 player. The changes will update copyright law to make this legal, as long as you own what you are copying, e.g. a music album, and the copy you make is for your own private use.

The changes will mean that you will be able to copy a book or film you have purchased for one device onto another without infringing copyright.

However, it will still be illegal to make copies for friends or family, or to make a copy of something you do not own or have acquired illegally, without the copyright owner's permission. So you will not be able to make copies of CDs for your friends, to copy CDs borrowed from friends, or to copy videos illegally downloaded from file-sharing websites.

You will be permitted to make personal copies to any device that you own, or a personal online storage medium, such as a private cloud. However, it will be illegal to give other people access to the copies you have made, including, for example, by allowing a friend to access your personal cloud storage.



FAQ

Is this just about CDs, or can I also copy films, e-books etc?

The exception will apply to any copies you have bought, other than computer programs. So, for example, it will allow you to format shift an ebook you have bought from one device to another. However, you should note that media, such as DVDs, can still be protected by technology which physically prevents copying.

So will I be able to copy a music streaming service or a book I have borrowed?

No, the exception will only apply to copies you own, so will not allow copying from borrowed or rented copies, on-demand streaming services or broadcasts.

What if a DVD or other media is protected by copy protection technology?

Media such as DVDs are often protected by anti-copying technology to guard against copyright piracy, and this is protected by law. Copyright owners will still be able to apply this protection. However, if copy protection is too restrictive, you may raise a complaint with the Secretary of State.

Making copies for family at home is perfectly reasonable, why does the Government want to outlaw it?

It is already unlawful to make copies at home for friends and family, and this will continue to be the case following the change of the law. Creators have a right to be paid for their work, so the law will not allow people to get content for free by copying from friends and family. If a copy made for your own use is given to a friend, this will also be a copyright infringement.

Am I able to give away or resell media, such as CDs, that I have made personal copies from?

Yes, but you will infringe copyright if you retain any personal copies that you have made. Therefore, if you wish to give away or sell a CD you should first delete any personal copies you have made from it.

Quotation

What's changing?

Currently it is an infringement of copyright to take a quotation from one work and use it in another without permission from the copyright owner, unless it is done for the purposes of criticism, review or news reporting.

The law is being changed to allow quotations to be used more widely without infringing copyright, as long as the use is fair (in law, the use must be a “fair dealing”, see the box below) and the source of the quotation is acknowledged. It is ultimately for the courts to determine whether use of a quotation is fair dealing, which will depend on the facts of any specific case, but short quotations which are justified by their context are more likely to be considered fair than long and unnecessary ones. For example, the use of a title and short extract from a book in an academic article discussing the book may be considered fair, and be permitted under this exception, whereas the copying of a long extract from a book, without it being justified by the context, is unlikely to be permitted. You may benefit from this law if you are an author, academic, or even just a casual blogger.

For further information see: [Exceptions to copyright: Education and Teaching](#)

Caricature, parody or pastiche

What's changing?

As literacy in multimedia becomes commonplace, things like video remixes are part and parcel of interactions between private citizens, often via social networking sites. Currently, anyone wishing to use other people's copyright material for the purposes of caricature, parody or pastiche (such as a parody video on YouTube), must have the permission of the rights holder. This can be costly and time-consuming, and can get in the way of people's ability to make comedy and satirical works.

Copyright law is changing to allow limited uses of copyright material for the purposes of caricature, parody or pastiche, without having to obtain the permission of the rights holder.

It is important to ensure you understand the limits if you plan to use other people's material for caricature, parody or pastiche. Only minor uses are permitted and it must be considered fair and reasonable (in law, the use must be a "fair dealing", see the box below), otherwise you must seek permission from the rights holder. This change to the law does not affect the right of the copyright owner to object to derogatory treatment of the work.

For further information see: [Exceptions to copyright: Creators and copyright owners](#)



What is fair dealing?

'Fair dealing' is a legal term used to establish whether a use of copyright material is lawful or whether it infringes copyright. There is no statutory definition of fair dealing - it will always be a matter of fact, degree and impression in each case. The question to be asked is: how would a fair-minded and honest person have dealt with the work?

Factors that have been identified by the courts as relevant in determining whether a particular dealing with a work is fair, include:

- Does using the work affect the market for the original work? If a use of a work acts as a substitute for it, causing the owner to lose revenue, then it is not likely to be fair.
- Is the amount of the work taken reasonable and appropriate? Was it necessary to use the amount that was taken? Usually only part of a work may be used.

The relative importance of any one factor will vary according to the case in hand and the type of dealing in question.

Further Information

Guidance on changes to the copyright exceptions is available at <http://www.ipo.gov.uk/copyright-exceptions.htm>.

Guides include:

- Overview
- Education and Teaching
- Research
- Copyright material held by public bodies
- Libraries, archives and museums
- Accessible formats for disabled people
- Creators and copyright owners

Find out why the Government is changing the copyright exceptions here:

Modernising Copyright, a modern, robust and flexible framework: <http://www.ipo.gov.uk/response-2011-copyright-final.pdf>

IP information: Learn more about Intellectual Property by visiting the IPO web pages: www.ipo.gov.uk

Licensing: More information can be found at: <http://www.ipo.gov.uk/types/copy/c-other/c-licence.htm>

IP Healthcheck: The IPO's free IP Healthcheck can help you to find out more about the different IP rights and how they affect you and your business: www.ipo.gov.uk/iphealthcheck

Note: This guidance sets out the general principles of the changes to copyright law, it is not legal advice. It is recommended that you obtain legal advice in circumstances where you have specific questions relating to the law.



Intellectual Property Office Online

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