



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 has changed in a number of small but important ways, to make our copyright system better suited to the digital age. These changes affect how you can use content like books, music, films and photographs.

The majority of uses of copyright materials 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 GOV.UK website.



## 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 has changed?

Copyright law has been changed to allow you to make personal copies of media (ebooks, digital music or video files etc) you have bought, for private purposes such as format shifting or backup.

Before this change to the law, it was not legal to copy music that you bought on a CD onto your MP3 player. The changes, which apply from 1 October, 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.

You are also able to copy a book or film you have bought for one of your devices onto another of your devices, without infringing copyright

However, it is still 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 cannot make copies of CDs for your friends, copy CDs borrowed from friends, or copy videos illegally downloaded from file-sharing websites.

The law allows you to make personal copies to any device that you own, or a personal online storage medium, such as a private cloud. However, it is 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 applies to any copies you have bought, other than computer programs. So, for example, it allows you to format shift an ebook you have bought from one device to another for your own private use. However, you should note that media, such as DVDs and e-books, can still be protected by technology which physically prevents copying and circumvention of such technology remains illegal.

### So can I copy a music streaming service or a book I have borrowed?

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

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

It has always been unlawful to make copies at home for friends and family, and this continues to be the case following the change of the law. Creators have a right to be paid for their work, and the new law does 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 or if you allow a friend to access your personal copy in the cloud, this will be a copyright infringement.

### Am I allowed to give away or resell my CDs if I have made a personal copy?

Although the exception creates no new rights to resell content, it does not remove your existing rights to resell goods such as CDs. However, you will infringe copyright if, upon sale of a CD, you retain any personal copies of it 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 has changed?

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

Copyright law allows 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 there is a sufficient acknowledgement – which generally means the title and the author’s name should be indicated. 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. However, the use of a title and short extract from a book in an academic article discussing the book is likely to be permitted, 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.

## Will this mean people can “quote” any amount of copyright material without permission?

No. The change only allows use of material where it is genuinely for the purpose of quotation, and only where the use is fair and reasonable (e.g. it does not replace a commercial sale). So, for example, it could permit a short quotation that is necessary and relevant in an academic paper or a history book, but it would not permit a long extract.

## Does this apply to photographs?

Whilst the exception applies to all types of copyright work, it would only be in exceptional circumstances that copying a photograph would be allowed under this exception. It would not be considered fair dealing if the proposed use of a copyright work would conflict with the copyright owner’s normal exploitation of their work. For example, the ability to sell or license copies of photographs for inclusion in newspapers would be a normal exploitation.

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



## Caricature, parody or pastiche

### What has changed?

Previously, anyone wishing to use other people's copyright material for the purposes of caricature, parody or pastiche (such as a parody song or video), required the permission of the rights holder.

Copyright law now allows 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 a use 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 exception to copyright has no impact on the law of libel or slander, so you may still be sued if a parody work is defamatory. It also does not affect an author's moral right to object to "derogatory treatment" of their work (as defined in copyright law).

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 <https://www.gov.uk/government/publications/changes-to-copyright-law>.

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 has changed 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](http://www.ipo.gov.uk)

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

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**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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