

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.

CIRCUMVENTING SUCH TECHNOLOGY REMAINS ILLEGAL.

? for your own ~~use~~ personal use.

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.

IT REMAINS ILLEGAL TO CIRCUMVENT SUCH TECH.

EXCEPT FOR ON-DEMAND SERVICES, INCLUDING DOWNLOADS

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.

OR IF YOU ALLOW A FRIEND TO ACCESS YOUR PERSONAL COPY IN THE CLOUD

Physical
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](#)

7.7 PERSONAL COPYING FOR PRIVATE USE – THE COPYRIGHT AND RIGHTS IN PERFORMANCES (PERSONAL COPIES FOR PRIVATE USE) REGULATIONS 2014

7.7.1 The Statutory Instrument introduces a new exception to copyright allowing limited personal copying by individual consumers. It allows individuals to copy media they own, such as CDs or eBooks, from one medium or device to another, for their own private use. For example, it will allow an individual to copy a CD they have bought onto their computer, or move an eBook from one type of e-reader to another (and to make further copies of such copies), without risk of copyright infringement.

7.7.2 The regulations implement Article 5(2)(b) and the second and fourth sub-paragraphs of Article 6(4) of the Infosoc Directive. The exception is narrowly drawn to prevent people relying on the exception to obtain copies without paying for them. To use this exception, an individual must have lawfully acquired a copy of a work such as a book, film or music on a permanent basis (i.e. they must have bought it or been given it as a gift). They can only make copies for their private use and for non-commercial ends, and cannot give those copies to other people (except with the copyright owner's consent). No one other than the person who lawfully acquired the original copy is entitled to make a private copy for that person, including a third-party on behalf of that person.

Comment [DF1]: This sentence is very confusing as it seems to suggest that the exception requires payment for the private copy made pursuant to the exception.

7.7.3 The exception does not prevent copyright owners from using technology measures to restrict copying – such as the copy protection found on DVDs and Blu Ray discs. It remains illegal to circumvent such technological measures. However, consumers will be able to appeal to the Secretary of State, who may take steps to give them access to the copy if a technological measure is unreasonable having regard to the right of the copyright owner to limit the number of personal copies which may be made, and whether other copies that allow personal copying are commercially available on reasonable terms on the market. Copies of the work lawfully acquired through an on-demand service, including download, are not subject to the Secretary of State procedure.

7.7.4 This exception applies to all types of copyright works, and is technology neutral, permitting copying to all types of personal storage, including remote “cloud” storage. However, cloud providers are not the beneficiary of the exception: i.e. the exception is not detrimental to the legal framework for copyright infringements vis-à-vis cloud providers and to the extent a cloud provider can benefit from liability privileges, the ability for rights holders to obtain injunctive relief to bring infringements to an end and to prevent future infringements against cloud providers whose services are being used for infringements is not affected. A cloud provider is not permitted to make a private copy for or on behalf of the person who lawfully acquired the original copy. The person who lawfully acquired the original copy is not permitted to provide access to the work to any third person via his/her cloud account. An equivalent personal copying exception is provided in relation to the copying of a recording of a performance as regards performers' rights. In common with most of the exceptions covered by this Memorandum, the Statutory Instrument stipulates that to the extent that any term of a contract seeks to prevent or restrict the making of a personal copy in accordance with this exception, that term will be unenforceable. However, this provision is not applicable in the case of on-demand services referred to in the Secretary of State procedure (s. 296ZEA(7)).

7.7.5 The instrument contains a transitional provision which provides that where a copy of a work was made prior to the date on which the regulations come into force, if that copy would have satisfied the requirements of the new personal copying exception had it been in force at that time, then such personal copy shall be treated as a “personal copy” for the purposes of the exception with the result that further copies may be made of it in accordance with the exception. The provision on enforceability of contractual terms however is not retrospective.