

Copying guidance (January 2015)

Your users may make a print or digital copy of anything in copyright (the amount must be fair and justifiable) for:

Non-commercial

- Research or private study
 - Copyright law has changed to permit the copying of a “reasonable” proportion of sound recordings, films and broadcasts for non-commercial research and private study, in addition to text, dramatic, musical and artistic works.
- Text, data or content mining
 - A new text and data mining (TDM) exception allows organisations and individuals who have lawful access to any copyright materials to perform data analysis on them. Pure facts and data can then be shared, or if the material to be shared contains copyright materials, the quotation exception, could be used. This exception only applies when the research is for non-commercial purposes.
- Illustration for instruction or teaching
 - This amended exception enables the fair dealing copying of copyright materials for the sole purpose of illustration for instruction as long as the use is for a non commercial purpose, the person making the copy is giving or receiving instruction and the copy is accompanied by a sufficient acknowledgement. This exception could be used for setting or answering examination questions.

And for

- Quoting from a work
 - Previously the law allowed fair dealing in a published work for the purposes of “criticism and review” only. The law has changed to allow a “fair” and proportionate part of a published work to be quoted in instances beyond simply being critiqued, commented upon or analysed for its merits.

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Representing ARA: The Archives & Records Association, ARLIS/UK & Ireland: The Art Libraries Society of the UK and Ireland, BIAL: British and Irish Association of Law Librarians, The British Library, CILIP: the Chartered Institute of Library and Information Professionals, HearFirst, IAML/UK & Ireland: The International Association of Music Libraries, Archives and Documentation Centres, JISC: Joint Information Services Committee, LIS-COPYSEEK online community, Museum Libraries, The National Archives, The National Library of Scotland, The National Library of Wales, Share the Vision, Society of Chief Librarians in England and Wales, and SCONUL: Society of College, National and University Libraries, Wellcome Trust.

- The exception applies to all types of copyright work, and allows commercial as well as non-commercial use. The amount that can be copied has to be fair, and proportionate to the purpose to which the in-copyright work is being used.
- Caricature, parody or pastiche
 - The law has changed to allow limited uses of any copyright protected material for the purposes of caricature, parody or pastiche.
- News reporting (excluding photographs)
 - Copyright law allows any type of work other than a photograph to be copied for the purpose of reporting current events.

Users may only

- Make a single copy of a “reasonable” proportion of a published work. This should be judged on a case by case basis, but 5% of a published work could possibly be reasonable. Copying more than is required under the specific copyright exception or copying the whole of a published copyright work is unlikely to be reasonable.
- Copy one article from an issue of a periodical, (unless for text, data or content mining).
- Make a single copy of the whole of an unpublished work, unless prohibited by a rights holder

Users must

- Acknowledge the source where reasonably practical.
 - A sufficient acknowledgment is one that identifies the work by its title or some other description and identifies the author, unless the author is anonymous and cannot be identified by reasonable enquiry.

Users may not

- Reproduce the copy, sell it, or share it online.

Licence and Contract terms

- Library/education copyright exceptions can no longer be overridden by licence or contract terms. This does not apply to copyright for the purpose of news reporting, however.
- Rights owners retain the right to forbid any copying of unpublished works.

Disabled users

- Disabled users may make an accessible copy in any format unless already commercially available.
- Anyone who has a mental or physical disability that prevents them accessing copyright works can rely on this exception, not just visually-impaired people.
- The law also allows individuals, educational establishments and not-for-profit organisations to reproduce all types of copyright-protected content in accessible formats.

More information

The Intellectual Property Office has issued some guidance on exceptions to copyright: <https://www.gov.uk/exceptions-to-copyright>

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