



Intellectual
Property
Office

Exceptions to copyright:

Accessible formats for disabled people



October 2014

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 change will benefit anyone who has an impairment that prevents or restricts them from accessing creative content. It will also affect educational establishments, not for profit organisations or charities who work on behalf of disabled people, carers, care centre staff, and the families of disabled people.

What's changed?

The Government has made it easier for disabled people to access materials that are protected by copyright.

Previously there were exceptions to copyright law that allowed visually-impaired people, and organisations acting on their behalf, to make accessible versions (e.g. Braille versions) of certain types of material, such as books. Also, the law allowed certain designated organisations to produce sub-titled copies of broadcasts for people who are deaf or hard of hearing.

However, these exceptions did not apply to other types of impairment, such as dyslexia, and did not apply to all types of copyright work.

The law has changed so that anyone who has an impairment that prevents them accessing copyright works will now be able to benefit from the 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.

These changes will give disabled people greater access to creative content, as individuals, educational establishments and charities are allowed to reproduce material without purchasing a licence as long as a copy is not already commercially available in an accessible format.

Also, the law has been simplified so that organisations wishing to produce sub-titled copies of broadcasts on behalf of deaf and other disabled people will be able to do so without going through a bureaucratic designation process.

What's allowed?

The change in the law makes the rules on what can be copied into an accessible format much broader so that a whole range of content, including films and broadcasts, can be reproduced in an accessible format for disabled people. The law allows acts such as:

- Making Braille, audio or large-print copies of books, newspapers or magazines for visually-impaired people
- Adding audio-description to films or broadcasts for visually-impaired people
- Making sub-titled films or broadcasts for deaf or hard of hearing people
- Making accessible copies of books, newspapers or magazines for dyslexic people.

However, it is only legal to reproduce material if suitable accessible copies are not commercially available.

Organisations that make and supply accessible-format copies for disabled people have a duty to keep records of the copies they make and provide them to the copyright owner of the material.



FAQ

I'm a disabled person, does this change in the law allow me to get books, CDs etc for free?

You are only able to make an accessible-format copy of a work if you have lawful possession of or lawful access to the material in question (for example, if you have bought a copy of a book, film, etc).

If a charity organisation makes an accessible-format copy on your behalf, it is possible that you may be charged a fee. However, this charge should not exceed the cost of making and supplying the copy.

What happens if a work is already commercially available in an accessible format?

These exceptions do not apply when similar accessible-format copies of a work are commercially available on reasonable terms. This is so that copies made under these exceptions do not compete commercially with accessible copies provided by copyright owners.

I work for a charity organisation that makes and supplies accessible format copies of books to visually-impaired people which are not commercially available. Does this change in the law affect my organisation?

Your organisation can continue to produce accessible-format copies of books for disabled people. However, your organisation will no longer need to hold a licence for such copying, such as those offered by the Copyright Licensing Agency (CLA) or the Music Publishers' Association (MPA).

I work for an organisation that is interested in producing sub-titled copies of broadcasts for deaf or hard of hearing people. Does my organisation still need to be officially designated by the Government?

No. The law has been simplified to remove the designation process for organisations that produce sub-titled copies of broadcasts.

Will there be any additional costs for charities?

No. As with the previous law, charity organisations can charge for the creation of accessible-format copies, provided that such charges do not exceed the cost of creating and supplying the copy.

I have a licence granted under the old law, what happens now the new law has come in?

If your licence grants wider permissions than the new law, then your licence will be unaffected. If the new law lets you do more than your licence, then you can rely on the new law. Your licence will still be valid, but in so far as any term says you cannot do something allowed by the new law, you will not have to comply with that term.

What happens to accessible copies made under the old law?

Accessible copies made under the old provisions for visually-impaired people will remain lawful.

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
- Creators and copyright owners
- Guidance for consumers

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

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.



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DPS/B900/09-14

