



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.



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.ipso.gov.uk/response-2011-copyright-final.pdf>

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

Licensing: More information can be found at: <http://www.ipso.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.ipso.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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