



Exemptions and Limitations

There are several instances specified by the copyright legislation where it may not be an infringement of copyright to copy or otherwise use a work. These provisions are very detailed and care must be taken if attempting to rely on them. The principal exemptions relating to artistic works are as follows:

- Fair dealing for the purposes of private research and study, criticism and review, reporting current events and also incidental inclusion in other works (see Fact Sheets 3 and 4);
- Educational use - copying in the course of or preparation for instruction by teachers or pupils provided it is not reprographic copying, and setting examinations or answering examination questions;
- Libraries - Librarians can reproduce illustrations accompanying text for research or private study (provided only one copy), or for supply to other prescribed libraries;
- Making a copy if an article of cultural or historical importance or interest if cannot otherwise be exported;
- In parliamentary or judicial proceedings or in Royal Commissions or Statutory Inquiries;
- Use by the Crown (if incorporated in a Crown document or other material thing) where a work, has been communicated to the Crown in the course of public business;
- Where copyright exists in a design document recording a design for an article which itself is not an artistic work, to make an article to that design;
- Where an artistic work has been industrially exploited, then after 25 years in certain circumstances the work may be copied (but there are very wide ranging exceptions to this);
- Where something is done in pursuance of an assignment or licence granted by the registered owner of a corresponding registered design;
- Using typefaces in the ordinary course of typing, composing text or printing (see Fact Sheet 16);
- Where it is not possible to ascertain the identity of the author and it is reasonable to assume that copyright has expired or that the author died more than 70 years before;
- Making graphic representations, or photographs, films or broadcasts of buildings and sculptures if permanently situated in a public place or in premises open to the public or issuing copies of such representations to the public or further broadcasting of them (see Fact Sheet 8);
- Copying or issuing copies to the public of an artistic work where it is reproduced to advertise the sale of the work;
- The making of subsequent works by the same artist provided it is not a repetition or imitation of the main design of the earlier work;
- Anything done for the purposes of reconstructing a building;
- To make a copy or photograph or film of a work for the purposes of broadcasting provided a broadcasting license is in place and the recording (or copy) is destroyed within 28 days of the broadcast;
- Copies made by the BBC for monitoring its programming;
- Recording television broadcasts which embody and include works protected by copyright for private and domestic use in order to view the programme at a more convenient time;
- Simultaneous cable re-transmission, within certain limits, of broadcasts embodying copyright works.