

Exceptions & Fair Dealing

- 1** You usually need permission to use someone else's copyright work, but there are some circumstances where this is not necessary. If what you wish to do, and how you wish to do it, is **specifically permitted** by the UK Copyright Act then you do not need permission. These are known as **exceptions** and your ability to do so comes with **conditions**.
- 2** The work must be **legally available** to the public and you will usually need to acknowledge the author. Some uses need to be fair (marked * and see **13**).
- 3** You can personally copy a work for your own **private study or research***. This use must be fair.
- 4** Copying something when you are either **teaching***, or being taught, setting or taking an examination, may be permitted as fair dealing.
Licences authorising the copying of broadcast content, books, journals, newspapers, images, music, website content and some other documents by **educational institutions** enables copying by those institutions beyond the limitations of fair dealing.
- 5** **Performing** a work at a school or college does not need permission as long as the performance is part of the educational activities. The audience must only be teachers, pupils and others directly connected with the activities of the establishment.
- 6** You may copy text or data to which you have lawful access (such as through a subscription) in order to use automated systems to analyse it, known as **data mining**, for non-commercial research.
- 7** If you are **reporting current events*** then you can use any work apart from a photograph. You can use any kind of work to **criticise or review*** either that work, another work or performance. In both cases your use must be fair and must include sufficient acknowledgement.
- 8** You can record any television or radio broadcast in domestic premises so that you can watch or listen at a more convenient time. This is usually known as **time-shifting**. This exception only applies for private and domestic use.

9 You can **quote*** from a work, and use one in a **caricature, parody or pastiche***. These uses must follow fair dealing requirements (see **13**).

10 You can draw or take a photo or video of buildings, sculptures or works of artistic craftsmanship that are permanently displayed in a public place or in premises open to the public. This is sometimes called '**freedom of panorama**'.

11 There are also **special exceptions** for libraries, archives, public administration, reverse-engineering or analysing a computer program, preparing works for people with impaired vision or hearing, and more.

12 If you **incidentally** include a work in a photograph, video or sound recording that you make, for example because it is in the background, then you may not need permission. You must be sure that including or not including it makes no material difference to your work, otherwise it is not incidental but deliberate.

13 Although fairness is not defined in law, most exceptions specifically require your use to be **fair to the copyright owner**, known as **Fair Dealing**. This includes acting as a fair-minded and honest person would, not doing something the owner could reasonably expect to license or otherwise exploit commercially, and only using a reasonable amount of the work.

Promoting the owner or the work, or being non-commercial, would not in themselves be considered fair. Using a whole work is also unlikely to be fair.

Fair Dealing is **not a general exception** to copyright, and only applies in **specific circumstances** as outlined above. What is referred to as 'Fair Use', which applies in some countries such as the USA, has similarities with the **UK's Fair Dealing** but is more general, often contentious and the two should not be confused.

For more detailed information on fair dealing and copyright exceptions, please refer to the UK Intellectual Property Office guide 'Exceptions to copyright'.

See also: *Copyright Basics*

This document is one of a series of introductions to the rules that apply to most copyright works in the UK and does not purport to offer legal advice. Some special cases apply and in case of doubt appropriate advice should be taken.

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