
STATUTORY INSTRUMENTS

2003 No. 2498

The Copyright and Related Rights Regulations 2003

PART 2

AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

Acts permitted in relation to copyright works and rights in performances

Amendment of provisions relating to things done for the purposes of instruction or examination

11. Section 32 shall be amended as follows—

(a) for subsections (1) and (2) there shall be substituted—

“(1) Copyright in a literary, dramatic, musical or artistic work is not infringed by its being copied in the course of instruction or of preparation for instruction, provided the copying—

- (a) is done by a person giving or receiving instruction,
- (b) is not done by means of a reprographic process, and
- (c) is accompanied by a sufficient acknowledgement,

and provided that the instruction is for a non-commercial purpose.

(2) Copyright in a sound recording, film or broadcast is not infringed by its being copied by making a film or film sound-track in the course of instruction, or of preparation for instruction, in the making of films or film sound-tracks, provided the copying—

- (a) is done by a person giving or receiving instruction, and
- (b) is accompanied by a sufficient acknowledgement,

and provided that the instruction is for a non-commercial purpose.

(2A) Copyright in a literary, dramatic, musical or artistic work which has been made available to the public is not infringed by its being copied in the course of instruction or of preparation for instruction, provided the copying—

- (a) is fair dealing with the work,
- (b) is done by a person giving or receiving instruction,
- (c) is not done by means of a reprographic process, and
- (d) is accompanied by a sufficient acknowledgement.

(2B) The provisions of section 30(1A) (works made available to the public) apply for the purposes of subsection (2A) as they apply for the purposes of section 30(1).”;

(b) in subsection (3) after the words “answering the questions” there shall be inserted “, provided that the questions are accompanied by a sufficient acknowledgement”;

(c) after subsection (3) there shall be inserted—

“(3A) No acknowledgement is required in connection with copying as mentioned in subsection (1), (2) or (2A), or in connection with anything done for the purposes mentioned in subsection (3), where this would be impossible for reasons of practicality or otherwise.”;

- (d) in subsection (5) for the words from “For this purpose” to the end of the subsection, there shall be substituted—

“For this purpose “dealt with” means—

- (a) sold or let for hire, offered or exposed for sale or hire; or
- (b) communicated to the public, unless that communication, by virtue of subsection (3), is not an infringement of copyright.”.

- (2) Paragraph 4 of Schedule 2 shall be amended as follows—

- (a) in sub-paragraph (1) after the words “receiving instruction” there shall be inserted “and the instruction is for a non-commercial purpose”;
- (b) in sub-paragraph (3) for the words from “For this purpose” to the end of the sub-paragraph, there shall be substituted—

“For this purpose “dealt with” means—

- (a) sold or let for hire, offered or exposed for sale or hire; or
- (b) communicated to the public, unless that communication, by virtue of sub-paragraph (2)(b), is not an infringement of the rights conferred by Part 2.”.