



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER III

##### ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

##### *General*

#### [<sup>F1</sup>28A Making of temporary copies

Copyright in a literary work, other than a computer program or a database, or in a dramatic, musical or artistic work, the typographical arrangement of a published edition, a sound recording or a film, is not infringed by the making of a temporary copy which is transient or incidental, which is an integral and essential part of a technological process and the sole purpose of which is to enable—

- (a) a transmission of the work in a network between third parties by an intermediary; or
  - (b) a lawful use of the work;
- and which has no independent economic significance.]

#### Textual Amendments

- F1** S. 28A inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 8\(1\)](#) (with [regs. 31-40](#))

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: General. (See end of Document for details)*

## 29 Research and private study.

[<sup>F2</sup>(1) Fair dealing with a literary, dramatic, musical or artistic work for the purposes of research for a non-commercial purpose does not infringe any copyright in the work provided that it is accompanied by a sufficient acknowledgement.]

[<sup>F3</sup>(1B) No acknowledgement is required in connection with fair dealing for the purposes mentioned in subsection (1) where this would be impossible for reasons of practicality or otherwise.

(1C) Fair dealing with a literary, dramatic, musical or artistic work for the purposes of private study does not infringe any copyright in the work.]

(2) Fair dealing with the typographical arrangement of a published edition for the purposes [<sup>F4</sup>of research or private study] does not infringe any copyright in the arrangement.

(3) Copying by a person other than the researcher or student himself is not fair dealing if—  
 (a) in the case of a librarian, or a person acting on behalf of a librarian, he does anything which regulations under section 40 would not permit to be done under section 38 or 39 (articles or parts of published works: restriction on multiple copies of same material), or  
 (b) in any other case, the person doing the copying knows or has reason to believe that it will result in copies of substantially the same material being provided to more than one person at substantially the same time and for substantially the same purpose.

[<sup>F5</sup>(4) It is not fair dealing—

(a) to convert a computer program expressed in a low level language into a version expressed in a higher level language, or

(b) incidentally in the course of so converting the program, to copy it,

(these acts being permitted if done in accordance with section 50B (decompilation)).]

[<sup>F6</sup>(4A) It is not fair dealing to observe, study or test the functioning of a computer program in order to determine the ideas and principles which underlie any element of the program (these acts being permitted if done in accordance with section 50BA (observing, studying and testing)).]

(5) <sup>F7</sup> .....

### Textual Amendments

**F2** S. 29(1) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 9\(a\)](#), (with regs 31-40)

**F3** S. 29(1B)(1C) substituted (31.10.2003) for s. 29(1A) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 9\(b\)](#) (with regs. 31-40)

**F4** Words in s. 29(2) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 9\(c\)](#) (with regs. 31-40)

**F5** S. 29(4) inserted (1.1.1993) by [S.I. 1992/3233](#), [reg. 7](#)

**F6** S. 29(4A) inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 9\(d\)](#) (with regs. 31-40)

**F7** S. 29(5) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [regs. 2\(2\), 9\(e\)](#), [Sch. 2](#) (with regs. 31-40)

*Status: Point in time view as at 22/04/2014.*

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### 30 Criticism, review and news reporting.

- (1) Fair dealing with a work for the purpose of criticism or review, of that or another work or of a performance of a work, does not infringe any copyright in the work provided that it is accompanied by a sufficient acknowledgement [<sup>F8</sup> and provided that the work has been made available to the public].

[<sup>F9</sup>(1A) For the purposes of subsection (1) a work has been made available to the public if it has been made available by any means, including—

- (a) the issue of copies to the public;
- (b) making the work available by means of an electronic retrieval system;
- (c) the rental or lending of copies of the work to the public;
- (d) the performance, exhibition, playing or showing of the work in public;
- (e) the communication to the public of the work,

but in determining generally for the purposes of that subsection whether a work has been made available to the public no account shall be taken of any unauthorised act.]

- (2) Fair dealing with a work (other than a photograph) for the purpose of reporting current events does not infringe any copyright in the work provided that (subject to subsection (3)) it is accompanied by a sufficient acknowledgement.

- (3) No acknowledgement is required in connection with the reporting of current events by means of a sound recording, film [<sup>F10</sup> or broadcast where this would be impossible for reasons of practicality or otherwise].

#### Textual Amendments

- F8** Words in s. 30(1) inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 10\(1\)\(a\)](#) (with regs. 31-40)
- F9** S. 30(1A) inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 10\(1\)\(b\)](#) (with regs. 31-40)
- F10** Words in s. 30(3) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 10\(1\)\(c\)](#) (with regs. 31-40)

### 31 Incidental inclusion of copyright material.

- (1) Copyright in a work is not infringed by its incidental inclusion in an artistic work, sound recording, film [<sup>F11</sup> or broadcast].

- (2) Nor is the copyright infringed by the issue to the public of copies, or the playing, showing [<sup>F12</sup> or communication to the public], of anything whose making was, by virtue of subsection (1), not an infringement of the copyright.

- (3) A musical work, words spoken or sung with music, or so much of a sound recording [<sup>F11</sup> or broadcast] as includes a musical work or such words, shall not be regarded as incidentally included in another work if it is deliberately included.

#### Textual Amendments

- F11** Words in s. 31(1)(3) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 2\(1\)](#), [Sch. 1 para. 3\(1\)\(d\)\(e\)](#) (with regs. 31-40)

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**F12** Words in s. 31(2) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (31.10.2003), reg. 2(1), {Sch. 1 para. 6(2)(b)} (with reg. 31-40)

**Status:**

Point in time view as at 22/04/2014.

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: General.