



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER III

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

##### *Education*

#### [<sup>F1</sup>32 Illustration for instruction

- (1) Fair dealing with a work for the sole purpose of illustration for instruction does not infringe copyright in the work provided that the dealing is—
  - (a) for a non-commercial purpose,
  - (b) by a person giving or receiving instruction (or preparing for giving or receiving instruction), and
  - (c) accompanied by a sufficient acknowledgement (unless this would be impossible for reasons of practicality or otherwise).
- (2) For the purposes of subsection (1), “giving or receiving instruction” includes setting examination questions, communicating the questions to pupils and answering the questions.
- (3) To the extent that a term of a contract purports to prevent or restrict the doing of any act which, by virtue of this section, would not infringe copyright, that term is unenforceable.]

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

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### Textual Amendments

- F1** S. 32 substituted (1.6.2014) by [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\)](#), regs. 1, **4(1)**

### 33 Anthologies for educational use.

- (1) The inclusion of a short passage from a published literary or dramatic work in a collection which—
  - (a) is intended for use in educational establishments and is so described in its title, and in any advertisements issued by or on behalf of the publisher, and
  - (b) consists mainly of material in which no copyright subsists,
 does not infringe the copyright in the work if the work itself is not intended for use in such establishments and the inclusion is accompanied by a sufficient acknowledgement.
- (2) Subsection (1) does not authorise the inclusion of more than two excerpts from copyright works by the same author in collections published by the same publisher over any period of five years.
- (3) In relation to any given passage the reference in subsection (2) to excerpts from works by the same author—
  - (a) shall be taken to include excerpts from works by him in collaboration with another, and
  - (b) if the passage in question is from such a work, shall be taken to include excerpts from works by any of the authors, whether alone or in collaboration with another.
- (4) References in this section to the use of a work in an educational establishment are to any use for the educational purposes of such an establishment.

### 34 Performing, playing or showing work in course of activities of educational establishment.

- (1) The performance of a literary, dramatic or musical work before an audience consisting of teachers and pupils at an educational establishment and other persons directly connected with the activities of the establishment—
  - (a) by a teacher or pupil in the course of the activities of the establishment, or
  - (b) at the establishment by any person for the purposes of instruction,
 is not a public performance for the purposes of infringement of copyright.
- (2) The playing or showing of a sound recording, film [<sup>F2</sup>or broadcast] before such an audience at an educational establishment for the purposes of instruction is not a playing or showing of the work in public for the purposes of infringement of copyright.
- (3) A person is not for this purpose directly connected with the activities of the educational establishment simply because he is the parent of a pupil at the establishment.

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#### Textual Amendments

- F2** Words in s. 34(2) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), [Sch. 1 para. 3\(1\)\(f\)](#) (with regs. 31-40)

### [<sup>F3</sup>35 Recording by educational establishments of broadcasts

- (1) A recording of a broadcast, or a copy of such a recording, may be made by or on behalf of an educational establishment for the educational purposes of that establishment without infringing copyright in the broadcast, or in any work included in it, provided that—
  - (a) the educational purposes are non-commercial, and
  - (b) the recording or copy is accompanied by a sufficient acknowledgement (unless this would be impossible for reasons of practicality or otherwise).
- (2) Copyright is not infringed where a recording of a broadcast or a copy of such a recording, made under subsection (1), is communicated by or on behalf of the educational establishment to its pupils or staff for the non-commercial educational purposes of that establishment.
- (3) Subsection (2) only applies to a communication received outside the premises of the establishment if that communication is made by means of a secure electronic network accessible only by the establishment's pupils and staff.
- (4) Acts which would otherwise be permitted by this section are not permitted if, or to the extent that, licences are available authorising the acts in question and the educational establishment responsible for those acts knew or ought to have been aware of that fact.
- (5) If a copy made under this section is subsequently dealt with—
  - (a) it is to be treated as an infringing copy for the purposes of that dealing, and
  - (b) if that dealing infringes copyright, it is to be treated as an infringing copy for all subsequent purposes.
- (6) In this section “dealt with” means—
  - (a) sold or let for hire,
  - (b) offered or exposed for sale or hire, or
  - (c) communicated otherwise than as permitted by subsection (2).]

#### Textual Amendments

- F3** S. 35 substituted (1.6.2014) by [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\)](#), regs. 1, [4\(2\)](#)

### [<sup>F4</sup>36 Copying and use of extracts of works by educational establishments

- (1) The copying of extracts of a relevant work by or on behalf of an educational establishment does not infringe copyright in the work, provided that—
  - (a) the copy is made for the purposes of instruction for a non-commercial purpose, and
  - (b) the copy is accompanied by a sufficient acknowledgement (unless this would be impossible for reasons of practicality or otherwise).

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- (2) Copyright is not infringed where a copy of an extract made under subsection (1) is communicated by or on behalf of the educational establishment to its pupils or staff for the purposes of instruction for a non-commercial purpose.
- (3) Subsection (2) only applies to a communication received outside the premises of the establishment if that communication is made by means of a secure electronic network accessible only by the establishment’s pupils and staff.
- (4) In this section “relevant work” means a copyright work other than—
- (a) a broadcast, or
  - (b) an artistic work which is not incorporated into another work.
- (5) Not more than 5% of a work may be copied under this section by or on behalf of an educational establishment in any period of 12 months, and for these purposes a work which incorporates another work is to be treated as a single work.
- (6) Acts which would otherwise be permitted by this section are not permitted if, or to the extent that, licences are available authorising the acts in question and the educational establishment responsible for those acts knew or ought to have been aware of that fact.
- (7) The terms of a licence granted to an educational establishment authorising acts permitted by this section are of no effect so far as they purport to restrict the proportion of a work which may be copied (whether on payment or free of charge) to less than that which would be permitted by this section.
- (8) If a copy made under this section is subsequently dealt with—
- (a) it is to be treated as an infringing copy for the purposes of that dealing, and
  - (b) if that dealing infringes copyright, it is to be treated as an infringing copy for all subsequent purposes.
- (9) In this section “dealt with” means—
- (a) sold or let for hire,
  - (b) offered or exposed for sale or hire, or
  - (c) communicated otherwise than as permitted by subsection (2).]

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**Textual Amendments**

- F4** S. 36 substituted (1.6.2014) by [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\)](#), regs. 1, **4(3)**

**[<sup>F5</sup>36A Lending of copies by educational establishments**

Copyright in a work is not infringed by the lending of copies of the work by an educational establishment.]

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**Textual Amendments**

- F5** S. 36A inserted (1.12.1996) by [S.I. 1996/2967](#), **reg. 11(1)** (with Pt. III)

**Changes to legislation:**

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