



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER III

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

##### *General*

VALID FROM 31/10/2003

#### [<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*Status: Point in time view as at 01/01/1998. This version of this cross heading contains provisions that are not valid for this point in time.*

*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.

- (1) Fair dealing with a literary [<sup>F2</sup>work, other than a database, or a] dramatic, musical or artistic work for the purposes of research or private study does not infringe any copyright in the work or, in the case of a published edition, in the typographical arrangement.
- [<sup>F3</sup>(1A) Fair dealing with a database for the purposes of research or private study does not infringe any copyright in the database provided that the source is indicated.]
- (2) Fair dealing with the typographical arrangement of a published edition for the purposes mentioned in subsection (1) 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>F4</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>F5</sup>(5) The doing of anything in relation to a database for the purposes of research for a commercial purpose is not fair dealing with the database.]

### Textual Amendments

- F2** Words in s. 29(1) inserted (1.1.1998) by S.I. 1997/3032, **reg. 8(1)** (with Pt. IV)
- F3** S. 29(1A) inserted (1.1.1998) by S.I. 1997/3032, **reg. 8(2)** (with Pt. IV)
- F4** S. 29(4) inserted (1.1.1993) by S.I. 1992/3233, **reg. 7**
- F5** S. 29(5) inserted (1.1.1998) by S.I. 1997/3032, **reg. 8(3)** (with Pt. IV)

## 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.
- (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, broadcast or cable programme.

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*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)*

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### **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, broadcast or cable programme.
- (2) Nor is the copyright infringed by the issue to the public of copies, or the playing, showing, broadcasting or inclusion in a cable programme service, 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, broadcast or cable programme as includes a musical work or such words, shall not be regarded as incidentally included in another work if it is deliberately included.

**Status:**

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**Changes to legislation:**

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