



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER III

ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

General

[^{F1}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Status: Point in time view as at 01/06/2014.

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.

[^{F2}(1) Fair dealing with a ^{F3}... 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.]

[^{F4}(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 ^{F5}... work for the purposes of private study does not infringe any copyright in the work.]

^{F6}(2)

(3) Copying by a person other than the researcher or student himself is not fair dealing if—

[^{F7}(a) in the case of a librarian, or a person acting on behalf of a librarian, that person does anything which is not permitted under section 42A (copying by librarians: single copies of published works), 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.

^{F8}[(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)).]

[^{F9}(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)).]

[^{F10}(4B) 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.]

(5) ^{F11}

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 Words in s. 29(1) omitted (1.6.2014) by virtue of [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\)](#), regs. 1, [3\(1\)\(a\)](#)

F4 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)

F5 Words in s. 29(1C) omitted (1.6.2014) by virtue of [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\)](#), regs. 1, [3\(1\)\(b\)](#)

F6 S. 29(2) omitted (1.6.2014) by virtue of [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\)](#), regs. 1, [3\(1\)\(c\)](#)

F7 S. 29(3)(a) substituted (1.6.2014) by [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\)](#), regs. 1, [3\(1\)\(d\)](#)

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- F8** S. 29(4) inserted (1.1.1993) by [S.I. 1992/3233, reg. 7](#)
- F9** 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)
- F10** S. 29(4B) inserted (1.6.2014) by [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\), regs. 1, 3\(1\)\(e\)](#)
- F11** 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)

[^{F12}29A Copies for text and data analysis for non-commercial research

- (1) The making of a copy of a work by a person who has lawful access to the work does not infringe copyright in the work provided that—
 - (a) the copy is made in order that a person who has lawful access to the work may carry out a computational analysis of anything recorded in the work for the sole purpose of research 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).
- (2) Where a copy of a work has been made under this section, copyright in the work is infringed if—
 - (a) the copy is transferred to any other person, except where the transfer is authorised by the copyright owner, or
 - (b) the copy is used for any purpose other than that mentioned in subsection (1) (a), except where the use is authorised by the copyright owner.
- (3) 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.
- (4) In subsection (3) “dealt with” means sold or let for hire, or offered or exposed for sale or hire.
- (5) To the extent that a term of a contract purports to prevent or restrict the making of a copy which, by virtue of this section, would not infringe copyright, that term is unenforceable.]

Textual Amendments

- F12** S. 29A inserted (1.6.2014) by [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\), regs. 1, 3\(2\)](#)

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 [^{F13} and provided that the work has been made available to the public].

[^{F14}(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;

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- (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 ^{F15} or broadcast where this would be impossible for reasons of practicality or otherwise].

Textual Amendments

- F13** 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](#))
- F14** 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](#))
- F15** 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 ^{F16} or broadcast].
- (2) Nor is the copyright infringed by the issue to the public of copies, or the playing, showing ^{F17} 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 ^{F16} 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

- F16** 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](#))
- F17** 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](#))

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