|  |  |  |
| --- | --- | --- |
|  | WIPO-E | **E** |
| SCCR/32/4 | | |
| ORIGINAL: ENGLISH | | |
| DATE: MAY 9, 2016 | | |

**Standing Committee on Copyright and Related Rights**

**Thirty-second Session**

**Geneva, May 9 to 13, 2016**

draft study on COPYRIGHT LIMITATIONS AND EXCEPTIONS FOR EDUCATIONAL ACTIVITIES

*Prepared by Professor Daniel Seng*

Copyright Limitations and Exceptions for Educational Activities

# Executive Summary

The importance of education in any society is axiomatic. Even where copyright legislation and international treaties seek to protect the rights of authors in their works and intellectual creations, the special status of the use of works to promote and facilitate education has been preserved.

It is in this context that this study undertakes a review of the limitations and exceptions of national legislation that deal with educational activities, to better understand how national legislatures have balanced the public interest in advancing education against the interests of authors and artistes in their intellectual creations. The copyright legislation of all 188 member states of WIPO that pertain to educational activities are the focus of this review. However, because of access issues with regards to accurate and current translations of member states’ legislation, this draft study will present its analysis and findings only with regards to the copyright legislation of 136 member states. (When completed, this study will review the legislation of all 188 member states.)

This study focuses on eight categories of limitations and exceptions that pertain to educational activities. These are provisions that relate to private or personal use (to reflect the individual and self-edification aspect of personal education and research), quotations (since learning and instruction involve illustration, argumentation, referral, comments and criticisms), the use of reproductions for educational purposes (including both single and multiple copies, by both reprographic and by non-reprographic means, with or without collective licensing), educational publications (as instructional material for use by educational institutions), school performances (to enable performances as part of educational curricula), educational communications (which encompass broadcasts, cable transmissions, the making of recordings of such communications and performances and online distance learning via the “making available” right), compulsory licences for reproduction and translation of works for educational purposes (which are special provisions for developing countries that are based on Articles II and III of the Appendix to the Berne Convention), and exceptions to the implementation of technological protection measures and rights management information (where digital rights management have to be circumvented in the interests of conducting educational activities).

Of the 1,120 provisions extracted from the 2,844 copyright legislation of 136 member states, 1,070 of them are limitations and exceptions that fall into the first six categories outlined above. Only 52 provisions pertain to compulsory licences for reproduction and translation, and 30 provisions pertain to the circumvention of digital rights management for educational purposes. Of the 1,070 provisions, 227 provisions from 130 member states relate to private and personal use, 188 provisions from 132 member states relate to quotations, 220 provisions from 111 member states relate to educational reproductions and 226 provisions from 96 member states relate to educational broadcasts, communications and recordings. The significant number of provisions that relate to private and personal use confirms their relevance as they sanction the self-edification and personal instruction perspective of education. Likewise, the breadth of different formulations for the 220 educational reproduction and 226 educational communication provisions reflects the diversity of educational activities that could be characterized as reproductions and communications. However, to the extent that the activities involve the reproduction of multiple copies of works, which could have an unreasonably prejudicial effect on the legitimate interests of the authors of such works, many of such reproduction provisions only permit such reproductions on the unavailability of any collective licences granted to educational institutions, or are subject to the requirement that equitable remuneration be made to the copyright owners.

Also significant are the provisions that permit the use of quotations, since teaching is often conducted through illustration, argumentation, referral, comments and criticisms. The provisions excepting educational publications and school performances are no less significant.

What are less used are the provisions for compulsory licenses for translations and reproductions (52 provisions from 29 member states), which are used by developing countries to make works available and accessible for educational purposes. There are also only a few provisions (30 provisions from 23 member states) to exempt the circumvention of digital rights management where it relates to educational activities, perhaps in the absence of guidance from international treaties for this purpose.

At this stage of this study, since the study is not yet complete, it would be inappropriate to make definitive conclusions based on the partial results of this study. But this draft would be remiss if some tentative conclusions are not drawn from the partial results thus far. Subject to the final outcome of the study, what this study has demonstrated is that the 136 member states whose legislation have been reviewed have demonstrated a good understanding and application of the permissible limitations and exceptions for educational activities in international treaties to their national legislation. In particular, the national limitations and exceptions both acknowledge and accept the multifaceted nature of education in its various manifestations, be it personal instruction, reprographic reproduction, educational publication, distance learning or school performance. Notwithstanding the fact that the education-related provisions in international treaties have been drafted well before the advent of modern communications technologies and the dramatic changes in online education, these provisions seem to have held their own and still afford useful guidance to national legislatures.

The provisions for compulsory licenses remain relevant to a not insignificant number of WIPO member states, and their detailed implementation in national legislation highlights the benefits of a detailed set of rules for their adoption. In comparison, however, the education-related exceptions for TPM and RMI are much less widely accepted and uniform in implementation. This could perhaps be something that WIPO member states may wish to consider, in the absence of guidance at the international level.

Daniel Seng

Singapore

May 2016

# Table of Contents

[Executive Summary 1](#_Toc450569207)

[Table of Contents 3](#_Toc450569208)

[Introduction 9](#_Toc450569209)

[The Study 12](#_Toc450569210)

[The Methodology 14](#_Toc450569211)

[The Analysis 17](#_Toc450569212)

[Acknowledgments 23](#_Toc450569213)

[Afghanistan 24](#_Toc450569214)

[Albania 25](#_Toc450569215)

[Algeria 27](#_Toc450569216)

[Andorra 31](#_Toc450569217)

[Angola 34](#_Toc450569218)

[Antigua and Barbuda 37](#_Toc450569219)

[Argentina 41](#_Toc450569220)

[\*Armenia 43](#_Toc450569221)

[Australia 44](#_Toc450569222)

[\*Austria 59](#_Toc450569223)

[Azerbaijan 60](#_Toc450569224)

[Bahamas 64](#_Toc450569225)

[Bahrain 68](#_Toc450569226)

[\*Bangladesh 70](#_Toc450569227)

[Barbados 71](#_Toc450569228)

[\*Belarus 75](#_Toc450569229)

[\*Belgium 76](#_Toc450569230)

[Belize 77](#_Toc450569231)

[Benin 83](#_Toc450569232)

[Bhutan 87](#_Toc450569233)

[Bolivia (Plurinational State of) 90](#_Toc450569234)

[Bosnia and Herzegovina 91](#_Toc450569235)

[Botswana 95](#_Toc450569236)

[Brazil 97](#_Toc450569237)

[Brunei Darussalam 99](#_Toc450569238)

[Bulgaria 105](#_Toc450569239)

[Burkina Faso 109](#_Toc450569240)

[Burundi 112](#_Toc450569241)

[Cabo Verde 116](#_Toc450569242)

[Cambodia 120](#_Toc450569243)

[Cameroon 124](#_Toc450569244)

[\*Canada 127](#_Toc450569245)

[\*Central African Republic 128](#_Toc450569246)

[Chad 129](#_Toc450569247)

[Chile 131](#_Toc450569248)

[China 135](#_Toc450569249)

[Colombia 138](#_Toc450569250)

[\*Comoros 145](#_Toc450569251)

[Congo 147](#_Toc450569252)

[\*Costa Rica 152](#_Toc450569253)

[Côte d'Ivoire 153](#_Toc450569254)

[Croatia 155](#_Toc450569255)

[\*Cuba 159](#_Toc450569256)

[Cyprus 160](#_Toc450569257)

[Czech Republic 163](#_Toc450569258)

[\*Democratic People's Republic of Korea 169](#_Toc450569259)

[Democratic Republic of the Congo 170](#_Toc450569260)

[Denmark 172](#_Toc450569261)

[Djibouti 178](#_Toc450569262)

[Dominica 183](#_Toc450569263)

[Dominican Republic 186](#_Toc450569264)

[Ecuador 189](#_Toc450569265)

[Egypt 191](#_Toc450569266)

[El Salvador 194](#_Toc450569267)

[\*Equatorial Guinea 198](#_Toc450569268)

[Eritrea 199](#_Toc450569269)

[\*Estonia 201](#_Toc450569270)

[Ethiopia 202](#_Toc450569271)

[Fiji 206](#_Toc450569272)

[Finland 214](#_Toc450569273)

[\*France 220](#_Toc450569274)

[Gabon 221](#_Toc450569275)

[Gambia 224](#_Toc450569276)

[Georgia 229](#_Toc450569277)

[\*Germany 232](#_Toc450569278)

[Ghana 233](#_Toc450569279)

[Greece 237](#_Toc450569280)

[Grenada 242](#_Toc450569281)

[\*Guatemala 245](#_Toc450569282)

[Guinea 246](#_Toc450569283)

[Guinea-Bissau 250](#_Toc450569284)

[Guyana 254](#_Toc450569285)

[Haiti 258](#_Toc450569286)

[\*Holy See 259](#_Toc450569287)

[\*Honduras 260](#_Toc450569288)

[Hungary 261](#_Toc450569289)

[Iceland 271](#_Toc450569290)

[India 276](#_Toc450569291)

[\*Indonesia 285](#_Toc450569292)

[Iran (Islamic Republic of) 286](#_Toc450569293)

[\*Iraq 288](#_Toc450569294)

[Ireland 289](#_Toc450569295)

[Israel 297](#_Toc450569296)

[\*Italy 300](#_Toc450569297)

[Jamaica 301](#_Toc450569298)

[\*Japan 307](#_Toc450569299)

[Jordan 308](#_Toc450569300)

[\*Kazakhstan 311](#_Toc450569301)

[Kenya 312](#_Toc450569302)

[Kiribati 315](#_Toc450569303)

[Kuwait 319](#_Toc450569304)

[\*Kyrgyzstan 321](#_Toc450569305)

[Lao People's Democratic Republic 322](#_Toc450569306)

[\*Latvia 324](#_Toc450569307)

[Lebanon 325](#_Toc450569308)

[Lesotho 328](#_Toc450569309)

[Liberia 337](#_Toc450569310)

[Libya 342](#_Toc450569311)

[\*Liechtenstein 344](#_Toc450569312)

[Lithuania 345](#_Toc450569313)

[\*Luxembourg 351](#_Toc450569314)

[Madagascar 353](#_Toc450569315)

[Malawi 357](#_Toc450569316)

[Malaysia 365](#_Toc450569317)

[Maldives 374](#_Toc450569318)

[\*Mali 377](#_Toc450569319)

[Malta 378](#_Toc450569320)

[\*Mauritania 384](#_Toc450569321)

[Mauritius 384](#_Toc450569322)

[\*Mexico 388](#_Toc450569323)

[\*Monaco 389](#_Toc450569324)

[Mongolia 390](#_Toc450569325)

[Montenegro 392](#_Toc450569326)

[Morocco 400](#_Toc450569327)

[Mozambique 404](#_Toc450569328)

[Myanmar 408](#_Toc450569329)

[Namibia 410](#_Toc450569330)

[Nepal 414](#_Toc450569331)

[\*Netherlands 417](#_Toc450569332)

[New Zealand 418](#_Toc450569333)

[\*Nicaragua 429](#_Toc450569334)

[Niger 430](#_Toc450569335)

[Nigeria 434](#_Toc450569336)

[\*Niue 438](#_Toc450569337)

[\*Norway 439](#_Toc450569338)

[Oman 440](#_Toc450569339)

[Pakistan 443](#_Toc450569340)

[\*Panama 448](#_Toc450569341)

[Papua New Guinea 449](#_Toc450569342)

[Paraguay 453](#_Toc450569343)

[Peru 455](#_Toc450569344)

[Philippines 458](#_Toc450569345)

[Poland 464](#_Toc450569346)

[\*Portugal 469](#_Toc450569347)

[Qatar 470](#_Toc450569348)

[\*Republic of Korea 475](#_Toc450569349)

[\*Republic of Moldova 476](#_Toc450569350)

[Romania 477](#_Toc450569351)

[\*Russian Federation 481](#_Toc450569352)

[Rwanda 482](#_Toc450569353)

[Saint Kitts and Nevis 488](#_Toc450569354)

[\*Saint Lucia 493](#_Toc450569355)

[Saint Vincent and the Grenadines 494](#_Toc450569356)

[Samoa 501](#_Toc450569357)

[\*San Marino 504](#_Toc450569358)

[\*Sao Tome and Principe 505](#_Toc450569359)

[Saudi Arabia 506](#_Toc450569360)

[Senegal 509](#_Toc450569361)

[Serbia 511](#_Toc450569362)

[Seychelles 517](#_Toc450569363)

[Sierra Leone 521](#_Toc450569364)

[Singapore 524](#_Toc450569365)

[Slovakia 534](#_Toc450569366)

[Slovenia 539](#_Toc450569367)

[\*Somalia 546](#_Toc450569368)

[South Africa 547](#_Toc450569369)

[\*Spain 550](#_Toc450569370)

[Sri Lanka 551](#_Toc450569371)

[Sudan 556](#_Toc450569372)

[\*Suriname 559](#_Toc450569373)

[Swaziland 560](#_Toc450569374)

[Sweden 562](#_Toc450569375)

[Switzerland 567](#_Toc450569376)

[Syrian Arab Republic 570](#_Toc450569377)

[\*Tajikistan 572](#_Toc450569378)

[\*Thailand 573](#_Toc450569379)

[The former Yugoslav Republic of Macedonia 574](#_Toc450569380)

[Togo 577](#_Toc450569381)

[Tonga 581](#_Toc450569382)

[Trinidad and Tobago 584](#_Toc450569383)

[Tunisia 587](#_Toc450569384)

[Turkey 590](#_Toc450569385)

[\*Turkmenistan 595](#_Toc450569386)

[Tuvalu 596](#_Toc450569387)

[Uganda 600](#_Toc450569388)

[\*Ukraine 608](#_Toc450569389)

[United Arab Emirates 609](#_Toc450569390)

[United Kingdom 612](#_Toc450569391)

[United Republic of Tanzania 621](#_Toc450569392)

[United States of America 625](#_Toc450569393)

[\*Uruguay 641](#_Toc450569394)

[Uzbekistan 642](#_Toc450569395)

[\*Vanuatu 648](#_Toc450569396)

[Venezuela (Bolivarian Republic of) 649](#_Toc450569397)

[Viet Nam 652](#_Toc450569398)

[Yemen 655](#_Toc450569399)

[Zambia 657](#_Toc450569400)

[Zimbabwe 661](#_Toc450569401)

# Introduction

This study, also entitled Updated Study on Copyright Limitations and Exceptions for Educational Activities, is a study that updates and consolidates the five 2009 regional studies on the same subject, namely, WIPO Study on the Copyright Exceptions for the Benefit of Educational Activities for Asia and Australia,[[1]](#footnote-1) Study on Limitations and Exceptions for Copyright and Related Rights for Teaching in Africa,[[2]](#footnote-2) Study on Copyright Limitations and Exceptions for Educational Activities in North America, Europe, Caucasus, Central Asia and Israel,[[3]](#footnote-3) Study on Limitations and Exceptions for Copyright for Educational Purposes in the Arab Countries,[[4]](#footnote-4) and Study on the Limitations and Exceptions to Copyright and Related Rights for the Purposes of Educational and Research Activities in Latin America and the Caribbean.[[5]](#footnote-5)

The axiomatic importance of education in any society needs no further elaboration. Article 26(1) of the 1948 UN Universal Declaration of Human Rights asserts that “everyone has the right to education”.[[6]](#footnote-6) The very first modern copyright legislation, the Statute of Anne 1709, was entitled “An Act for the Encouragement of Learning”. While it is more commonly remembered for the fact that it replaced the monopoly in printed books granted to printers with rights granted to authors, it should not be forgotten that it also placed emphasis on the continued accessibility of books in public libraries and their affordability to university staff and students.[[7]](#footnote-7) Even where the focus of the first draft of the Berne Convention was “to constitute a general Union for the protection of the rights of authors in their literary works and manuscripts”,[[8]](#footnote-8) a philosophy subsequently embodied in Article 1 of the Berne Convention,[[9]](#footnote-9) the drafters were careful not to encroach on the special status of educational usage of copyright material.

Thus, the “liberty of extracting portions from literary or artistic works for use in publications designed for educational or scientific purposes” was expressly reserved for countries of the Berne Union.[[10]](#footnote-10) Article 10(2) of the Berne Convention is relied on as the primary provision that enables Berne Union members to permit, either through national legislation or bilateral agreements between the member states, the utilization of works by way of illustration for “teaching”. At the Stockholm Conference, the conference delegates explained the meaning of the word “teaching” in the Committee’s reports as follows:

The wish was expressed that it should be made clear in this Report that the word “teaching” was to include teaching at all levels – in educational institutions and universities, municipal and State schools, and private schools.[[11]](#footnote-11)

Article 10(2) possesses several key features. These are the fact the limitation on the scope of use of the work (“by way of illustration”) does *not* preclude the use of the whole work in appropriate circumstances (“for teaching”),[[12]](#footnote-12) and that the source works that could be used for teaching purposes encompasses “publications,[[13]](#footnote-13) broadcasts[[14]](#footnote-14) [and] sound [and] visual recordings[[15]](#footnote-15)”. In fact, it has been persuasively argued that Article 10(2) is the an “open, flexible and technology-neutral exception”[[16]](#footnote-16) which lends itself to not just reproductions and face-to-face instruction but also communications to the public, to enable and facilitate distance learning, correspondence courses, and teaching on demand. In this regard, it is instructive to see how member states to the Berne Convention have interpreted and applied this provision in their own national legislation to address the multi-faceted nature of public education.

However, Article 10(2) is not the only provision that engages education and education-related activities. The preparatory work for the Stockholm Conference and the discussions at the Stockholm Main Committee confirm that quotations for “scientific, critical, informatory or educational purposes” are within the scope of Article 10(1).[[17]](#footnote-17) For scholarship purposes, works which may be quoted pursuant to Article 10(1) include not just books, articles, visual works and other printed matters, but also lectures, performances or broadcasts.[[18]](#footnote-18) The purpose of the scholastic exposition or the robustness of the scholarship will determine if a length quotation is necessary and thus “compatible with fair practice”.[[19]](#footnote-19)

Both free uses for quotations in Article 10(1) and for teaching purposes in Article 10(2) are subject to the requirement set out in Article 10(3), which provides that mention should be made of the source and the name of the author if it appears thereon. After all, to the extent that it is feasible and practical, attribution of the source and authorship is consistent with good scholarship and sound academic practice.

As a general exception to the reproduction right in Article 9(1), Article 9(2) is also broadly worded to encompass various education-related activities. The Report of the Main Committee I at the Stockholm Conference referred to the making of a small number of photocopies of published works without payment for individual, private, personal, family or domestic use, for internal use of libraries, and use by scientific institutes.[[20]](#footnote-20) It subsumed all these uses by adopting what is now known as the three-step test in an attempt to encapsulate and generalize all these specific exceptions.[[21]](#footnote-21) The discussion of the Main Committee I at the Stockholm Conference showed that the committee members were fully cognisant that teaching not only took place in schools, but also in private and at all levels.[[22]](#footnote-22) As such, Article 9(2) was subsequently formulated to be consistent with the other provisions in the Convention and with the limitations and exceptions enacted by the member states in their public and cultural interests, many of which are education-related.[[23]](#footnote-23)

The Stockholm Revision Conference was also notable for its introduction of the Appendix to the Paris Act as a special concession to the needs of developing countries. By providing member states[[24]](#footnote-24) with the facilities for awarding compulsory licences for translations (Article II) and for reproductions (Article III), the Berne Convention epitomizes the consensus between the developed countries as net exporters of intellectual works and developing countries as net consumers of such works, that it is in the common interests of all member states to promote and further the education of their populace.

Likewise, the limitations and exceptions allowable under the Rome Convention,[[25]](#footnote-25) which deals with the rights of performers, phonogram producers and broadcasting organizations, are compendiously set out in Article 15 of the Convention. Its provisions regarding private use (Article 15(1)(a)) and teaching and scientific research (Article 15(1)(d)) mirror equivalent limitations and exceptions in the Berne Convention. In addition, Article 15(2) provides member states with an alternative set of allowable “limitations”, to be of the “same kind” as that provided for copyright works, with regards to the protection of performers, producers and broadcasting organizations.

For completeness, it should be noted that permissible limitations and exceptions pertaining to educational activities as set out in the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS) are also pegged to the Berne Convention and the Rome Convention.[[26]](#footnote-26) Likewise, in “recognizing the need to maintain a balance between the rights of authors and the larger public interest, particularly education”,[[27]](#footnote-27) the WIPO Copyright Treaty and the Performers and Phonograms Treaty also leverage off, and do not detract from, the limitations and exceptions inscribed in the Berne Convention and the Rome Convention.[[28]](#footnote-28)

# The Study

This very brief overview of the provisions in international copyright conventions and instruments in relation to educational activities shows that the copyright limitations and exceptions for the benefit of educational activities have always received the full attention of law and policy makers. While limitations and exceptions have been implemented in national legislation pursuant to the treaty obligations of member states, the overview above also shows how the drafting of education-related provisions in the Berne Convention have been shaped by national implementations of education-related limitations and exceptions. In reviewing the limitations and exceptions of national legislation that deal with educational activities, this study also seeks to demonstrate this relationship between national legislation and international treaties. But the sheer breadth and scope of educational activities means that any useful analysis has to adopt an expansive interpretation of what constitutes “education” that is both retrospective and forward looking.

For all these reasons, this study undertakes a general review of national copyright legislation for limitations and exceptions for the benefit of educational activities by dividing them into eight categories.

The first category pertains to the private or fair use exceptions for copyright works and entrepreneurial works. It is a stand-alone category, and both recognizes and acknowledges the private and self-actualization aspect of education and research as an individually-driven and self-edification process. For instance, the national legislation of many member states have enumerated various categories of permissible uses of works for “research or private study”. The private or personal use may even encompass private or family performances, in conjunction with preparations for various aspects of schooling curriculum, especially in the arts and humanities. However, as such private or personal uses may “conflict with the normal exploitation of the work”, the review also briefly examines the mechanisms in which equitable remuneration is provided to the authors and owners of various related rights. However, limitations and exceptions as to the importation of works or their material embodiment for personal reasons are considered outside the ambit of this study since these are not necessarily or directly relatable to educational activities.

The second category deals with the use of quotations or “excerpts” as an integral part of education and study, which largely involve learning and instruction through illustration, argumentation, referral, comments, and criticisms. Among the issues evaluated are the condition and extent of the quotation, and its preclusions, in addition the attribution requirement.

The third category deals with the many ways in which reproductions, both single and multiple, either by reprographic or by non-reprographic means, for various educational purposes and activities, with or without remuneration or licensing, collective licensing and statutory licensing schemes, are permitted under the various limitations and exceptions.

The fourth category recognizes the existence of specific limitations and exceptions existing in national copyright legislation to provide for the development and publication of anthologies, compilations, and other composite works for use in educational activities. This is separate from the third category, because the entity exercising this limitation and exception is not usually an educational institution, but a publishing body providing instructional material for use by educational institutions. Also included under this category are various limitations and exceptions which spell out the students’ free use of instructional material.

The fifth category deals with the limitations and exceptions that permit school performances, and the sixth category deals with the limitations and exceptions that permit broadcasts of educational programmes as part of school instruction, recordings by educational establishments and distance learning. Under the fifth category are examined limitations and exceptions that permit “semi-public” showings in clubs or societies, particularly prevalent as part of the extra-curricular activities of public and private schools.

For historical and teleological reasons, a distinction is drawn between the playing of sound recordings to an audience on site (considered a performance), and the playing of sound recordings to an audience off-site (considered a communication). Art. 11 of the Berne Convention provides that authors of dramatic, dramatico-musical and musical works shall enjoy the exclusive right to authorize “the performance of their works, including such public performance by any means or process”[[29]](#footnote-29) and “any communication to the public of the performance of their works”.[[30]](#footnote-30) This suggests that performance and communication to the public are two separate and distinct exclusive rights. However, technological advancements have served to narrow that distinction. “As a rule, performing a work means to represent it by sight or sound, or both.”[[31]](#footnote-31) But as a performance can be conveyed “by any means or process”, some jurisdiction give this term a very expansive interpretation. For instance, s 101 of the U.S. Copyright Act defines the term “perform” to mean “to recite, render, play, dance, or act it, either directly or by means of any device or process or, in the case of a motion picture or other audiovisual work, to show its images in any sequence or to make the sounds accompanying it audible”. It further defines the term “publicly” in the expression “to perform or display a work publicly” to mean “(1) to perform or display it at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered; or (2) to transmit or otherwise communicate a performance or display of the work to a place specified by clause (1) or to the public, by means of any device or process, whether the members of the public capable of receiving the performance or display receive it in the same place or in separate places and at the same time or at different times.” This has the effect of fusing the exclusive rights of performance and communication to the public under one exclusive right.

This notwithstanding, in an attempt to reflect the bifurcated nature (and origins) of these two exclusive rights, this study adopts the above-mentioned distinction that a “performance” concerns “on-site” performances, and a “communication” concerns “off-site” ‘performances’. This is the approach adopted in the E.C. Copyright in the Information Society Directive.[[32]](#footnote-32) For the purposes of this study, this means that a limitation or exception solely about an “acting” or a “school performance” will be interpreted to refer to an on-site performance by students or staff of an educational establishment and be brought under the sixth category of school performances. However, where the limitation or exception refers to a “performance, cinematographic projection and communication” of the same performance, it will be classified as two separate limitations or exceptions as to “performance” (under the sixth category as a school performance) and “public communication” (under the seventh category as a school broadcast).

Because the making of aural and visual recordings are closely connected to the use of broadcasts and communications, limitations and exceptions that deal with such recordings are also brought under the sixth category.

The seventh category examines the various provisions in national copyright legislation that provide for compulsory licences for reproduction and/or translation for educational purposes, based on Articles II and III of the Berne Convention.

The eighth category examines the interplay between the existing limitations and exceptions and the provisions on technological protection measures (“TPM”) and rights management information (“RMI”). It analyses the various exceptions to provisions that prohibit the circumvention of TPM and RMI, where the exceptions are necessitated by educational activities.

Even though they are peripherally related to education, this study will not review the free access and right to access provisions because while these could arguably be part of the social education process, they are more related to the public citizen's right to information. So not included in this study are the provisions relating to the reporting of current events, press reviews, public reading/recitation, public broadcasts, publication or broadcast of articles on current economic, political, scientific (including academic gatherings), social or religious topics which are the focus of public opinion.

Likewise, even though the limitations and exceptions pertaining to libraries and library-related activities are closely related to educational activities, as these are part of a separate and comprehensive WIPO Study on Copyright Limitations and Exceptions for Libraries and Archives by Kenneth Crews,[[33]](#footnote-33) these limitations and exceptions will not be considered in this study. Similarly, to the extent that the national legislation contains limitations and exceptions that address the usage of copyright works for the benefit of educational activities of institutions that assist persons with intellectual disabilities, to avoid any overlap with the WIPO Study on Copyright Limitations and Exceptions for the Visually Impaired by Judith Sullivan,[[34]](#footnote-34) this study will not discuss these provisions.

# The Methodology

This study is built on the five preceding 2009 studies on limitations and exceptions for educational activities. This author acknowledges the tremendous work done by these authors and is grateful for the foundation which these five studies have provided for this study. However, given the lapse of time that has passed since the 2009 studies, and coupled with the fact that numerous countries have passed new or substantially revised copyright legislation in the ensuing period, this study is in effect a *de novo* review of the copyright and related rights legislation of all the member states of WIPO.[[35]](#footnote-35)

The key to a successful review of the copyright legislation is access to the statues, regulations and other legislative instruments of each country. For this study, the first source of such legislation will be the official resource for each country. In its absence, the study relies on WIPOLex, the publicly accessible database of national laws and treaties on intellectual property of WIPO, WTO and UN members maintained by WIPO.[[36]](#footnote-36) The tremendous efforts of colleagues and experts at WIPOLex must never be under-emphasized. Not only is access to the current original English legislation, or in the case of legislation that is not in English, to accurate and English translations of such legislation, critical to the success of this study, particularly for any comparative review and analysis, it is totally vital to promoting the transparency of intellectual property laws and optimizing the use of intellectual property in the global IP system.

As of May 2016, WIPO membership comprises 188 member states. This means that this study necessarily involves the review of the copyright legislation and regulations of all these member states. However, any such study will have to contend with the dynamic nature of developments in intellectual property legislation, as member states work to revise and update their laws to keep pace with developments in technology. At the time of the preparation of this draft, accurate and current translations of copyright legislation of some of these member states were not available, either from the national legislative or regulatory body itself or from WIPOLex. For this reason, for this version of the study, the copyright legislation of 52 WIPO member states will not be reviewed.[[37]](#footnote-37) This gap will be filled when the final version of this study is published.

The following table sets out the current state of review of the copyright legislation of the following 188 WIPO member states in this study.[[38]](#footnote-38) The member states whose legislation are yet to be reviewed are marked with an asterisk(\*).This means that the current version of this study reviews the copyright legislation of 136 member states of WIPO.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Afghanistan | Albania | Algeria | Andorra | Angola |
| Antigua and Barbuda | Argentina | \*Armenia | Australia | \*Austria |
| Azerbaijan | Bahamas | Bahrain | \*Bangladesh | Barbados |
| \*Belarus | \*Belgium | Belize | Benin | Bhutan |
| Bolivia (Plurinational State of) | Bosnia and Herzegovina | Botswana | Brazil | Brunei Darussalam |
| Bulgaria | Burkina Faso | Burundi | Cabo Verde | Cambodia |
| Cameroon | \*Canada | \*Central African Republic | Chad | Chile |
| China | Colombia | \*Comoros | \*Democratic People's Republic of Korea | Democratic Republic of the Congo |
| \*Costa Rica | Côte d'Ivoire | Croatia | \*Cuba | Cyprus |
| Czech Republic | Congo | Denmark | Djibouti | Dominica |
| Dominican Republic | Ecuador | Egypt | El Salvador | \*Equatorial Guinea |
| Eritrea | \*Estonia | Ethiopia | Fiji | Finland |
| \*France | Gabon | Gambia | Georgia | \*Germany |
| Ghana | Greece | Grenada | \*Guatemala | Guinea |
| Guinea-Bissau | Guyana | Haiti | \*Holy See | \*Honduras |
| Hungary | Iceland | India | \*Indonesia | Iran (Islamic Republic of) |
| \*Iraq | Ireland | Israel | \*Italy | Jamaica |
| \*Japan | Jordan | \*Kazakhstan | Kenya | Kiribati |
| Kuwait | \*Kyrgyzstan | Lao People's Democratic Republic | \*Latvia | Lebanon |
| Lesotho | Liberia | Libya | \*Liechtenstein | Lithuania |
| \*Luxembourg | Madagascar | Malawi | Malaysia | Maldives |
| \*Mali | Malta | \*Mauritania | Mauritius | \*Mexico |
| \*Monaco | Mongolia | Montenegro | Morocco | Mozambique |
| Myanmar | Namibia | Nepal | \*Netherlands | New Zealand |
| \*Nicaragua | Niger | Nigeria | \*Niue | \*Norway |
| Oman | Pakistan | \*Panama | Papua New Guinea | Paraguay |
| Peru | Philippines | Poland | \*Portugal | Qatar |
| \* Republic of Korea | \* Republic of Moldova | Romania | \*Russian Federation | Rwanda |
| Saint Kitts and Nevis | \*Saint Lucia | Saint Vincent and the Grenadines | Samoa | \*San Marino |
| \*Sao Tome and Principe | Saudi Arabia | Senegal | Serbia | Seychelles |
| Sierra Leone | Singapore | Slovakia | Slovenia | \*Somalia |
| South Africa | \*Spain | Sri Lanka | Sudan | \*Suriname |
| Swaziland | Sweden | Switzerland | Syrian Arab Republic | \*Tajikistan |
| \*Thailand | The former Yugoslav Republic of Macedonia | Togo | Tonga | Trinidad and Tobago |
| Tunisia | Turkey | \*Turkmenistan | Tuvalu | Uganda |
| \*Ukraine | United Arab Emirates | United Kingdom | United Republic of Tanzania | United States of America |
| \*Uruguay | Uzbekistan | \*Vanuatu | Venezuela (Bolivarian Republic of) | Viet Nam |
| Yemen | Zambia | Zimbabwe |  |  |

In brief, the methodology of this study is divided into four distinct phases. The study starts off by locating and identifying all the international instruments pertaining to copyright for the WIPO member states, particularly those instruments, legislation and regulations that are in the WIPOLex repository. All in, the study identified 2844 such instruments, legislation and regulations. These instruments are then sorted for their relevance to copyright in general and educational activities in particular. In particular, the dates of these instruments are checked against public records of the latest available copyright instruments from the respective member states. The languages of these instruments are also checked, especially since some instruments come in multiple language versions or are misidentified as being in a language that is not English or vice versa. Translations of the relevant legislation that is not in English are sought.

Phase two of this study involves a first pass or review through all the English language versions of legislation identified as being relevant. This involves a review of each provision to develop the eight categories of provisions used in this study. At the same time, the review of each provision involves the identification of the common issues and considerations for each of the categories. This is an iterative process, as it involves a dynamic process of reviewing and revising the templates devised for each of the categories. At the same time, to enable a systematic comparative review, the study attempts to preserve many of the issues and considerations common to all the categories of limitations and exceptions.

Phase three involves a detailed legislative review of each and every element in each provision in legislation that has been identified as being relevant to educational activities and categorized into one of the eight categories for this study. (For this purpose, a purely literal interpretation is adopted of all the provisions reviewed.) All the elements identified are placed into one of the respective fields that represent the issues and considerations relevant to each category of limitations and exceptions. A legislative provision may sometimes engage more than one category of educational activity e.g. an exception that permits for school performances and broadcasting of these performances will be classified as being both for educational performances and for educational broadcasting. A fully categorized provision will be prescribed in a completed table under one of the respective categories.

This phase is particularly labour intensive as it involves effectively understanding the framework for copyright protection in the legislation of the member state under review, after perusing the whole of the copyright legislation. For instance, a provision may exist which provides for the private and personal use of a copyright work “for free”. But a subsequent provision may provide for remuneration of authors for the “free use” of a copyright work in specific circumstances, such as the use of recording media or photocopying services. And yet another provision may provide that equitable remuneration be afforded to owners of neighbouring rights such as performers and phonogram producers whose rights have been affected by the “free use” of the aforesaid work.

Phase four consolidates these reviews and standardizes these tables. The standardization is required to ensure consistency in the categorization of provisions and in the characterization of the elements of each provision. To minimize subjectivity in the categorization and characterization, this study has been undertaken by the author alone. To further ensure consistency in this process, in the current draft of this study, a first pass has been done to review this exercise for consistency, but this study will undoubtedly benefit from another such pass and from the open and transparent review of the ongoing results of this study by delegates of the WIPO Standing Committee on Copyright and Related Rights.

# The Analysis

In the current draft of this study, there are 1,120 tables of provisions from 136 member states. The eight categories of provisions can be further grouped into three main groups: the first group deals with the limitations and exceptions for educational activities (first to sixth categories), the second group deals with the compulsory licences for educational activities under the Annex to the Berne Convention (seventh category) and the last group addresses the exceptions to the provisions that protect the circumvention of TPM and RMI (eighth category).

## Summary



An analysis of these tables demonstrates that each of the member states whose copyright legislation has been reviewed has at least *one* provision that is a limitation or exception as regards the use of copyright works and subject-matter for educational activities. This demonstrates the significance of such limitations and exceptions in the national legislation of member states. In fact, one member state (New Zealand) had 22 such limitations and exceptions for educational activities, with the United Kingdom and Malaysia following closely behind with 17 such limitations and exceptions each. On average, each member state has around 7.8 such limitations and exceptions in its copyright legislation.

The number of such limitations and exceptions could be a reflection of the legal heritage and the legal system of the member state. Of the top 10 member states (by total number of provisions for limitations and exceptions), 8 of them (Australia, Brunei Darussalam, Fiji, Ireland, Malaysia, New Zealand, United Kingdom, United States of America) are common law member states, with Montenegro and Hungary being the two representatives from the civil law system. Member states such as Australia, Brunei Darussalam, Malaysia, New Zealand, and United Kingdom have numerous limitations and exceptions to deal with very specific situations where works and subject matter may be used for particular education-related activities.

In contrast, while the United States of America only has, in substance, two statutory provisions that address the issue of limitations and exceptions for educational activities, one of these provisions is very broad (the fair use exception) such that it can encompass potentially every educational activity in the 6 categories in question (in the first group). The generality of the fair use statutory exception has engendered numerous U.S. Congress-approved agreements and guidelines that attempt to particularize the instances of “fair use” of literary and musical works for educational purposes, which further add to the numbers of provisions in this group of limitations and exceptions. On the other hand, the other provision (s 110 from the TEACH Act) is of much narrower application, which is more characteristic of the provisions enacted by the other common law member states.

## Private/Personal Use

There are 227 provisions from 130 member states that deal with private or personal use. These limitations and exceptions are variously characterised. 38 of such provisions use the “fair use” or “fair dealing” formulation, and 42 of such provisions describe the purpose of the limitation or exception as being for “study” and 56 of such provisions describe the purpose as for “research”. More than a majority (133 provisions) subject this private or personal use to conditions such as the making of a single copy or the requirement that there be no profit-making purpose or revenue from the copying. In contrast, there are few provisions (23 provisions) that require this private or personal use to be attributed. On the other hand, quite a small but significant number (59 provisions) require some form of remuneration to the author or related rights holder, perhaps in the form of a levy on the recording media or reproduction equipment, for the private or personal use.

## Quotations

There are 188 provisions from 132 member states that deal with quotations. Like the private and personal use provisions, 38 of these limitations and exceptions use the “fair use” or “fair dealing” formulation to describe the use of quotations. 142 of these provisions circumscribe the use of quotations, with almost all the provisions requiring the use of quotes to observe “fair practice” or “good practice”, or “not to exceed the extent justified by the purpose”. 143 of these provisions also require attribution to the quotations, as required by Article 10(1) of the Berne Convention. Member states do not seem to require remuneration for the use of quotations, and where remuneration is required (6 provisions), they are limited to those instances where the quotations constitute the main or significant part of the new work. Examples of these can be found in Art. 10 of the Argentinian Law No. 11.723 of September 28, 1933, on Legal Intellectual Property Regime (Copyright Law, as last amended by Law No. 26.570 of November 25, 2009) and Art. 31 of the Columbia Law No. 23 of 1982 (January 28) - On Copyright.

## Educational Reproduction

A significant number of limitations and exceptions to reproduction rights are enacted by member states to address the use of works for educational activities. The 220 provisions from 111 member states identified here relate primarily to the reproduction of works by educational institutions (provisions that relate to the reproduction of subject-matter are set out under the category of educational recordings, and provisions that relate to the publication of educational writings are set out under the category of educational publications).

Of these, only 15 are “fair use” or “fair dealing” provisions for “research or study” or extended versions of “research or private study”.[[39]](#footnote-39) For instance, the copyright legislation of Belize,[[40]](#footnote-40) Brunei Darussalam,[[41]](#footnote-41) Ireland,[[42]](#footnote-42) and Saint Vincent and the Grenadines[[43]](#footnote-43) all preclude from being considered as “fair dealing” for “research or private study”, copying by a person who is *not* a researcher or student who knows or has reason to know that the copying 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. They lead to the corollary that copying by a researcher or student involving multiple copies for educational purposes may be considered “fair dealing” for “research or private study”. Otherwise, provisions that simply provide for “research or private study” will not be considered as a limitation or exception that applies to educational reproduction.

The educational reproduction provisions are formulated very broadly as generally permissive of educational activities (“anything done … for educational purposes” – 18 provisions), or, more narrowly and with reference to the dealing in question, “copying/reproduction/use … in the course of instruction, or of preparation for instruction” – 170 provisions). Many of the “copying/reproduction/use” provisions further discriminate between single/non-reprographic copies (16 provision) and multiple or reprographic copies (58 provisions). The provisions enabling multiple copies are often conditioned on the unavailability of any collective licence granted to the educational institution, or the requirement to make equitable remuneration to the copyright owners through a collective management organisation. On the other hand, the provisions enabling single/non-reprographic copies are conditioned on the requirement that the copies made cannot be dealt with on penalty of infringement if this condition were not observed. Perhaps it is a reflection of the public interest element in educational reproduction that this study only found 14 provisions where equitable remuneration is expressly stated as a condition for enabling the reproduction in the limitation or exception. The member states with provisions that expressly acknowledge the equitable remuneration for educational reproduction are Australia, Denmark, Finland, Guinea-Bissau, Montenegro, Nigeria, Singapore, Slovenia, Switzerland, Switzerland, The former Yugoslav Republic of Macedonia, Tunisia, and Uganda.

## Educational Publications/Anthologies/Compilations/Composite Works

Educational anthology limitations and exceptions are found in 94 provisions from 85 member states. They sanction the inclusion of “a short/minor part/passage/extract/quotation” of a published work, for inclusion in a collection or incorporation into a new composite work for publication. The new work is to be for use in education or for educational activities. A very typical condition for the educational anthology limitation or exception is to limit the new work to no more than 2 extracts from works by the same author within a 5 year period. Almost all these limitations and exceptions require proper attribution to be made for such use of the source works, and a small number of provisions (12 provisions) require the author of the new composite work to make equitable remuneration to the authors of the source works.

## School Performances

A total of 115 provisions from 80 member states are found in this study. 100 provisions are for limitations and exceptions that enable the stage or musical performance or recital of students, teachers and instructors for educational purposes, and for the showing and cinematographic projection of audio- and audiovisual works to students, teachers and instructors, as part of educational instruction. In addition, 14 provisions sanction the playing or public showing of recordings by, inter alia, educational clubs and societies, which would characterize many of the quasi-formal interest group associations formed by students in schools to advance their extra-curricular activities. The main conditions prescribed by the limitations and exceptions are that the audience for the performances be limited to students, teachers and instructors, and that the performance or display be either free of charge, or that the proceeds be applied solely for the organization of the performance.

## Educational Broadcasts/Communications/Recordings

A large variety of educational activities are encompassed within this category of limitations and exceptions (226 provisions from 96 member states), but it is possible to group them as follows. There are 77 provisions that enable the broadcasting or communication of works and performances for educational, teaching and scientific research purposes: these would be the provisions that enable distance learning through broadcasts and cable programmes. There are 101 provisions that enable the copying or making of a recording of audiovisual works, performances, broadcasts, and cable programs, for teaching or scientific research purposes. A substantial number of these (44 provisions) further limit such uses of these works to be “by way of illustration”, perhaps with reference to Article 10(2) of the Berne Convention.[[44]](#footnote-44) And yet others have created a very specific limitation or exception to enable the making of audiovisual works as part of a course of instruction in the making of cinematograph films or sound tracks (7 provisions). All these would be pursuant to the “*utilization* … of … works … for teaching” (emphasis added) as set out in Article 10(2) of the Berne Convention.

While a significant number of provisions use the technology-neutral term “communication”, which would encompass the “making available right” for interactive digital transmission,[[45]](#footnote-45) 3 member states have gone further and introduced very specific provisions to deal specifically with online distance learning. These may be found in the copyright legislation of New Zealand, Seychelles, and the U.S.

## Compulsory Licences for Educational Reproductions and Translations

In contrast to the larger number of limitations and exceptions provisions, only 52 provisions from 29 member states (or 21.3% of all member states) have provisions that provide for compulsory licences for educational purposes. Of these, 43 are licences for translations, corresponding to Article II of the Appendix, and 9 are for reproductions, corresponding to Article III of the Appendix. Most of these provisions prescribe application and licensing conditions that are provided in Articles II and III of the Appendix, including the requirements that the source publication be out of print or be unavailable in the prescribed language for a prescribed period of time since its first publication, at a price similar to those of similar works in the member state, and that good faith attempts be made to contact the right owner be made before the compulsory licence will be granted, subject to the licensee’s obligation to make equitable remuneration.

## TPM/RMI Exceptions for Educational Purposes

23 member states (16.9%) have enacted 30 provisions that provide for exceptions to TPM and RMI protection. 29 of these provisions are exceptions to permit the circumvention of TPM. Only 2 of these provisions permit the removal or alteration of RMI.[[46]](#footnote-46) In conjunction with education-related activities, these exceptions are permitted to enable educational institutions to make acquisition decisions in relation to the work or subject-matter to which has been applied TPM or TMI (5 provisions), for encryption research or studies (9 provisions), for teaching purposes (4 provisions). The remaining 12 provisions are drafted to provide for exceptions to TPM and RMI to the extent necessary to enable the beneficiary of these exceptions to exercise its access to the work or subject-matter pursuant to a copyright limitation or exception in copyright legislation. However, there is little uniformity in the way these exceptions are to be implemented. Some member states simply enable the educational institution or researcher to circumvent TPM and RMI protection, while others require the rightholder to alter his TPM- or RMI-protected work or make available means for circumventing the TPM or TMI to the beneficiary.

# Acknowledgments

Although this study is still yet to be completed, it will be remiss of me to release this draft without thanking all the people who have allowed me to reach this milestone of this massive project.

Many thanks are due to my colleagues at Stanford University Law School and the National University of Singapore, Faculty of Law and the School of Computing, who have provided me with the support and encouragement for this very large undertaking. My Dean, Simon Chesterman, has shown tremendous forbearance, in giving me both the space and time to manage this project, in between my teaching and administrative obligations. My research work at the Centre for Legal Informatics (CodeX) at Stanford University, which focuses on the use of computational techniques to analyse legal problems, has really helped me develop the systems necessary to collate and analyse an undertaking of this magnitude.

Colleagues at WIPO have also provided me with their invaluable support. I have to thank Ms Michele Woods and Ms Miyuki Monroig whose patience and understanding have steadied the course of my research. I have to thank Ms Geidy Lung for explaining the importance of this project to me. And I also have to thank colleagues at WIPOLex for their vitally critical work in steadfastly collating and translating national IP legislation and making them available and accessible, for the better advancement of research and understanding of the IP issues worldwide.

Finally I wish to thank my family for their unceasing encouragement and boundless support throughout this project.

The study of this scale and magnitude is of course not without its flaws, for which I remain fully responsible. I welcome all corrections, comments and suggestions from everyone, especially those from WIPO member states whose copyright limitations and exceptions I have reviewed in this study.

Daniel Seng

Singapore

May 2016

# Afghanistan

## Legislation Reviewed

Law Supporting the Rights of Authors, Composers, Artists and Researchers (Copyright Law)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Article 39 |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | published work |
| Entity exercising private/personal use | natural person |
| Purpose of private/personal use | exclusively for personal use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | architecture, reprography or photography of all or important part of book [or] musical work, and all or part of database |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Article 40 |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | short works or extracts of works |
| Entity exercising reproduction | anyone |
| Purpose of educational reproduction | teaching purposes in educational institutions |
| Qualification(s) | activities of which do not serve direct or indirect commercial gain  no collective licence available by competent authority in the collective management of rights of which educational institution is or should be aware |
| Frequency/Multiple copies and Limits | isolated one; if repeated, each occurrence should be on separate and unrelated occasions |
| Collective Licence/remuneration |  |
| Attribution | name of author and title of work indicated on all copies |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Albania

## Legislation Reviewed

Law No. 9380 of April 28, 2005, on Copyright and Related Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Article 26(d) |
| Scope of private/personal use | Usage of work (reproduction of the entire work or parts of works)  “a single copy, one reproduction, one translation, one adaptation or transformation of the work of others, only for personal use, for study necessity [sic] or for its [sic] personal satisfaction”[[47]](#footnote-47) |
| Type(s) of source work(s) |  |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for private use |
| Condition of private/personal use | usage does not prejudice the copyright or the right holders rights on the work (reproduction does not prejudice the commercial exploitation of the work) |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

Note also Art. 26(f), which provides for photocopying of works in public libraries, made for individual usage within the library.

## Quotations

|  |  |
| --- | --- |
| Provision | Article 27(1) |
| Scope of quotation | briefing, citation or reproduction of excerptions or parts of a work |
| Type(s) of source work(s) |  |
| Entity exercising quotation |  |
| Purpose of quotation | for critical studies, or for discussions or theoretical purposes |
| Condition of quotation | acts do not prejudice the commercial exploitation of the work |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title of work, name of author, publisher, name of translator (if translation) |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Article 27(2) |
| Scope of anthologies/compilations limitation/exception | anthologies [as including] reproduction of work or parts of it |
| Type(s) of source work(s) |  |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for educational purposes |
| Condition of anthologies/compilations limitation/exception | must not exceed extent defined by legal provisions and bylaws in force |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | title of work, name of author, publisher, name of translator (if translation)[[48]](#footnote-48) |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Algeria

## Legislation Reviewed

Order (Act) No. 03-05 dated 19 Jumada I, 1424 corresponding to July 19, 2003 related to Copyrights and Neighboring Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Article 41 |
| Scope of private/personal use | reproduce, translate, quote, convert one copy of work |
| Type(s) of source work(s) |  |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for personal or family use |
| Condition of private/personal use | only ONE copy |
| Preclusions (not part of private/personal use) | reproduction of architectural works embodied in buildings or similar forms, written reproduction of a whole book, reproduction of a musical work in written form, reproduction of a database in digital form, reproduction of computer software (other than permitted by Art. 52)[[49]](#footnote-49) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Article 43 |
| Scope of quotation | Use of decorative or illustrative drawing of [source work] in a publication, in an audio or audio video recording or in audio or audio video programs |
| Type(s) of source work(s) | literary or artistic work |
| Entity exercising quotation |  |
| Purpose of quotation | for teaching or professional training, if intended to achieve the targeted purpose |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | author and source of original work (in accordance with ethics and practices of the profession) |
| Subject to Remuneration |  |

## Educational Reproduction

Note Art 45., which permits a library to reproduce a work in article form, a summarized work, an excerpt from a written work if published in a collection, in a newspaper volume or periodical, for educational, academic research or personal purposes, the reproduction process shall be an isolated and non-recurring act, and the National Bureau for Copyrights and Neighboring Rights has not granted a collective licence authorising such reproduction.

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Article 44 |
| Scope of school performance | acting or performing of a work |
| Type(s) of source work(s) |  |
| Entity exercising school performance |  |
| Purpose of school performance | for educational and training purposes to meet pure pedagogical needs |
| Condition of school performance |  |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 33 |
| Nature of compulsory licence for translation for educational purposes | non-exclusive compulsory licence, for translation for publication or broadcasting in Algeria |
| Type(s) of source work(s) | written publication or audio/audio-visual radio broadcast |
| Licence applicant/entity |  |
| Purpose of licence | produce literary or artistic work in printed, audio, audio-visual or other form, prepared for school or university education |
| Qualification(s) | written publication or broadcast has not been previously translated into national language and offered or conveyed to public in Algeria within 1 year from first publication  no licence granted if right owner or representative offers the translation of work in question for public in Algeria in accordance with same conditions, price and form submitted by licence applicant[[50]](#footnote-50)  subject to licensee’s sale of existing copies, licence nullified if right owner is publishing or has permitted the publishing of translated work under the same conditions, display, form and content or for a price similar to licensee’s edition[[51]](#footnote-51) |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay a fair reward to the right owner[[52]](#footnote-52) |
| Price of publication |  |
| Distribution conditions | licence shall be limited to the national territory of Algeria  but national bodies providing a public service may send and distribute copies of the work produced under such a compulsory licence to citizens domiciled abroad subject to the international obligations of Algeria[[53]](#footnote-53) |
| Grantor of Collective Licence | National Bureau of Copyrights & Neighboring Rights |

|  |  |
| --- | --- |
| Provision | Article 33 |
| Nature of compulsory licence for reproduction for educational purposes | non-exclusive compulsory licence, for reproduction and publication in Algeria[[54]](#footnote-54) |
| Type(s) of source work(s) | scientific, fictional or any other work |
| Licence applicant/entity |  |
| Purpose of licence | produce literary or artistic work in printed, audio, audio-visual or other form, prepared for school or university education |
| Qualification(s) | for scientific work, no previous publication in Algeria within 3 years from first publication  for fictional work, no previous publication in Algeria within 7 years from first publication  for any other work, no previous publication in Algeria within 5 years from first publication  no licence granted if right owner or representative offers the reproduction of work in question for public in Algeria in accordance with same conditions, price and form submitted by licence applicant[[55]](#footnote-55)  subject to licensee’s sale of existing copies, licence nullified if right owner is publishing or has permitted the publishing of work under the same conditions, display, form and content or for a price similar to licensee’s edition[[56]](#footnote-56) |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay a fair reward to the right owner[[57]](#footnote-57) |
| Price of publication | price equivalent to price applicable by national publishers |
| Distribution conditions | licence shall be limited to the national territory of Algeria  but national bodies providing a public service may send and distribute copies of the work produced under such a compulsory licence to citizens domiciled abroad subject to the international obligations of Algeria[[58]](#footnote-58) |
| Grantor of Collective Licence | National Bureau of Copyrights & Neighboring Rights |

Procedures for grant of the compulsory licence and the additional terms and conditions of the licence are further spelt out in Arts. 34-40.

## TPM/RMI Exceptions for Educational Purposes

# Andorra

## Legislation Reviewed

Law on Copyright and Neighboring Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Article 7 |
| Scope of private/personal use | private reproduction in a single copy of |
| Type(s) of source work(s) | a published work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private and personal use, including such use within the normal circle of his family and its social acquaintances |
| Condition of private/personal use | usage does not prejudice the copyright or the right holders rights on the work (reproduction does not prejudice the commercial exploitation of the work) |
| Preclusions (not part of private/personal use) | reproduction of architectural works embodied in buildings or other construction, reprographic reproduction of a whole book or a substantial part thereof, or a musical work in graphic form, reproduction of an electronic database (except as provided in Art. 14)[[59]](#footnote-59), reproduction of computer software (except as provided by Art. 12, 13)[[60]](#footnote-60), reproduction of any work where reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author of, or other copyright owner in, the work[[61]](#footnote-61) |
| Subject to Attribution |  |
| Subject to Remuneration | work is an audiovisual work or work embodied in phonogram[[62]](#footnote-62) |

|  |  |
| --- | --- |
| Provision | Article 32(1)(a) |
| Scope of private/personal use | use of |
| Type(s) of source work(s) | performance, phonograms and broadcasts |
| Entity exercising private/personal use | physical person |
| Purpose of private/personal use | exclusively for own personal purposes |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | performers and phonogram producers entitled to equitable remuneration[[63]](#footnote-63) |

## Quotations

|  |  |
| --- | --- |
| Provision | Article 8 |
| Scope of quotation | reproduction, in the form of quotation, in another work, of |
| Type(s) of source work(s) | a short part of a published work |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | such a reproduction is compatible with fair practice and its extent does not exceed the extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if on source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Article 9(1)(a) |
| Scope of quotation | reproduction of a short part of a published work, by way of illustration, in writings or sound or visual recordings |
| Type(s) of source work(s) |  |
| Entity exercising quotation |  |
| Purpose of quotation | for teaching |
| Condition of quotation | such a reproduction is compatible with fair practice and its extent does not exceed the extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author, as far as practicable[[64]](#footnote-64) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Article 9(1)(b) |
| Nature of educational reproduction | Reprographic reproduction |
| Type(s) of source work(s) | published article or other short work or short extract of a writing, with or without illustrations |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | face-to-face teaching in educational institutions whose activities do not serve direct or indirect commercial gain |
| Qualification(s) | to the extent justified by the purpose |
| Frequency/Multiple copies and Limits | act of reproduction is an isolated one occurring, if repeated, on separate and unrelated occasions |
| Collective Licence/remuneration |  |
| Attribution | source, name of author, as far as practicable[[65]](#footnote-65) |

Art. 10 also enables free reprographic reproduction by libraries and archives for study, scholarship or private research.

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Angola

## Legislation Reviewed

Law No. 4/90 of March 10, 1990, on Author's Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 29(a) |
| Scope of private/personal use | performance, cinematographic projection and communication |
| Type(s) of source work(s) | recorded or broadcast works already disclosed lawfully |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | in private premises |
| Condition of private/personal use | without payment of entrance charges |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 29(d) |
| Scope of private/personal use | reproduction, translation, adaptation, arrangement or any other transformation of |
| Type(s) of source work(s) | works already disclosed lawfully |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusively individual and private purposes |
| Condition of private/personal use | work is respected |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution | title and name of author are stated |
| Subject to Remuneration |  |

## Quotations

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 29(b) |
| Nature of educational reproduction | reproduction by photographic processes or processes analogous to photography of works already disclosed lawfully |
| Type(s) of source work(s) | short works or extracts of works |
| Entity exercising reproduction | [inter alia] scientific institutions, teaching establishments |
| Purpose of educational reproduction |  |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits | number of copies made does not exceed the requirements to be met by those copies |
| Collective Licence/remuneration |  |
| Attribution | title and name of author are stated |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 29(a) |
| Scope of school performance | performance, cinematographic projection |
| Type(s) of source work(s) | recorded or broadcast works already disclosed lawfully |
| Entity exercising school performance |  |
| Purpose of school performance | for purely didactic purposes in teaching establishments |
| Condition of school performance | where taking place, without payment of entrance charges and without a lucrative purpose |
| Preclusions (not part of school performance) |  |
| Subject to Attribution | title and name of author are stated |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 29(a) |
| Scope of broadcast/communication/recording | communication of |
| Type(s) of source work(s) | recorded or broadcast works already disclosed lawfully |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for purely didactic purposes in teaching establishments |
| Condition of broadcast/communication/recording | where taking place, without payment of entrance charges and without a lucrative purpose |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | title and name of author are stated |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Article 30 |
| Nature of compulsory licence for translation for educational purposes | non-exclusive compulsory licence, for translation and publication in Portuguese or in one of the national languages in Angola[[66]](#footnote-66) |
| Type(s) of source work(s) | work already lawfully disclosed and which author has not withdrawn from publication |
| Licence applicant/entity |  |
| Purpose of licence | for teaching or scientific research exclusively |
| Qualification(s) | publication has not been previously translated and published within 3 years from first publication  licensee had not been able to obtain authorization from owner for rights to translation and publication |
| Compulsory licence fee(s) | fair and equitable remuneration, transferred in convertible currency, paid to owner of rights of translation, publication, in accordance with international usage |
| Price of publication |  |
| Distribution conditions | copies of translated work may be distributed on Angolan territory exclusively, except for copies that may be exported, within strictly necessary limits and with the express prohibition of marketing them, for Angolan nationals, or of organizations of Angolan nationals, residing abroad |
| Grantor of Collective Licence | State Secretariat for Culture |

|  |  |
| --- | --- |
| Provision | Article 30 |
| Nature of compulsory licence for reproduction for educational purposes | Non-exclusive compulsory licence, for reproduce a work[[67]](#footnote-67) |
| Type(s) of source work(s) | work already lawfully disclosed and which author has not withdrawn from publication |
| Licence applicant/entity |  |
| Purpose of licence | produce literary or artistic work in printed, audio, audio-visual or other form, prepared for school or university education |
| Qualification(s) | copies of reproduction have been exhausted within 3 years from first publication  licensee had not been able to obtain authorization from owner for rights to reproduce work |
| Compulsory licence fee(s) | fair and equitable remuneration, transferred in convertible currency, paid to owner of rights of translation, publication, in accordance with international usage |
| Price of publication |  |
| Distribution conditions | copies may be distributed on Angolan territory exclusively, except for copies that may be exported, within strictly necessary limits and with the express prohibition of marketing them, for Angolan nationals, or of organizations of Angolan nationals, residing abroad |
| Grantor of Collective Licence | National Bureau of Copyrights & Neighboring Rights |

## TPM/RMI Exceptions for Educational Purposes

# Antigua and Barbuda

## Legislation Reviewed

Copyright Act 2003

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | ss 52, 54 |
| Scope of private/personal use | fair dealing with |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for purposes of research or private study |
| Condition of private/personal use | court to take into account all factors to determine if act done in relation to a work constitutes fair dealing, including:  (a) the nature of the work in question;  (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work;  (c) the purpose and character of the use; and  (d) the effect of the act upon the potential market for, or the commercial value of, the work. |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | ss 53, 54 |
| Scope of quotation | fair dealing with |
| Type(s) of source work(s) | a protected work |
| Entity exercising quotation |  |
| Purpose of quotation | for purposes of criticism or review of that work or of performance of a work |
| Condition of quotation | court to take into account all factors to determine if act done in relation to a work constitutes fair dealing, including:  (a) the nature of the work in question;  (b) the amount and substantiality of that part of the work affected by the act in relation to the whole of the work;  (c) the purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes; and  (d) the effect of the act upon the potential market for, or the commercial value of, the work.[[68]](#footnote-68) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title of work (or other description), name of author (unless anonymous or author agreed that no acknowledgement be made, or not possible to ascertain identity for unpublished work)[[69]](#footnote-69) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 56(1) |
| Nature of educational reproduction | reproduction (not by means of a reprographic process) |
| Type(s) of source work(s) | literary, dramatic, musical or artistic work |
| Entity exercising reproduction | a person giving or receiving instruction |
| Purpose of educational reproduction | in the course of instruction or of preparation for instruction |
| Qualification(s) | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[70]](#footnote-70) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 56(2) |
| Nature of educational reproduction | anything done |
| Type(s) of source work(s) |  |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | an examination by way of setting the questions, communicating the questions to candidates or answering the questions |
| Qualification(s) | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[71]](#footnote-71) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 59 |
| Nature of educational reproduction | reprographic copies[[72]](#footnote-72) |
| Type(s) of source work(s) | passages from published literary, dramatic or musical works |
| Entity exercising reproduction | by or on behalf of an educational establishment |
| Purpose of educational reproduction | instruction |
| Qualification(s) | no copying if, or to extent that, licences are available authorizing copying and person making copies knows or ought to have been aware of licences  reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[73]](#footnote-73) |
| Frequency/Multiple copies and Limits | not more than 5% of any work in any quarter of the year |
| Collective Licence/remuneration | any collective licence granted not to derogate from this provision |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 57 |
| Scope of anthologies/compilations limitation/exception | inclusion in collection of a short passage from |
| Type(s) of source work(s) | a published literary or dramatic work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for use in educational establishments |
| Purpose of anthologies/compilations limitation/exception | collection to be described and advised as being for use in educational establishments  work was not itself published for use of educational establishments  collection consists mainly of material in which no copyright subsists |
| Preclusions (not part of anthologies/compilations limitation/exception) | more than 2 extracts from works by same author[[74]](#footnote-74) are contained in collections by same publisher within 5 year period[[75]](#footnote-75) |
| Subject to Attribution | inclusion accompanied by sufficient acknowledgment |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | ss 79, 123[[76]](#footnote-76) |
| Scope of school performance | playing |
| Type(s) of source work(s) | a sound recording |
| Entity exercising school performance | a club, society or other organization not established or conducted for profit and its objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare |
| Purpose of school performance | as part of the activities of, or for the benefit of |
| Condition of school performance | proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | ss 58, 119[[77]](#footnote-77) |
| Scope of broadcast/communication/recording | recording of |
| Type(s) of source work(s) | broadcast or cable programme or copy of such a recording |
| Entity exercising broadcast/communication/recording | by or on behalf of educational establishment |
| Purpose of broadcast/communication/recording | for educational purposes of educational establishment |
| Condition of broadcast/communication/recording | recording of broadcast or cable programme cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[78]](#footnote-78) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 56(2) |
| Scope of broadcast/communication/recording | making a film or film sound-track |
| Type(s) of source work(s) | sound recording, film, broadcast or cable programme |
| Entity exercising broadcast/communication/recording | a person giving or receiving instruction |
| Purpose of broadcast/communication/recording | in the course of instruction or of preparation for instruction, in the making of films or film sound-tracks |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[79]](#footnote-79) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Argentina

## Legislation Reviewed

Law No. 11.723 of September 28, 1933, on Legal Intellectual Property Regime (Copyright Law, as last amended by Law No. 26.570 of November 25, 2009)

## Private/Personal Use

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 10 |
| Scope of quotation | comments, criticisms or notes referring to |
| Type(s) of source work(s) | intellectual works |
| Entity exercising quotation |  |
| Purpose of quotation | for didactic or scientific purposes |
| Condition of quotation | including up to 1,000 words for literary or scientific works, or eight bars in musical works and, in all cases, only the parts of the text essential for that purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration | only where “inclusions from works by other people are the main part of the new work” |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 10 |
| Scope of anthologies/compilations limitation/exception | educational and teaching works, collections, anthologies and other similar works |
| Type(s) of source work(s) | intellectual works |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for didactic or scientific purposes |
| Condition of anthologies/compilations limitation/exception | including up to 1,000 words for literary or scientific works, or eight bars in musical works and, in all cases, only the parts of the text essential for that purpose  where “inclusions from works by other people are the main part of the new work” |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | Article 36 |
| Scope of school performance | recital and public performance of |
| Type(s) of source work(s) | literary or artistic works that are already published, in public acts |
| Entity exercising school performance | organized by educational institutions |
| Purpose of school performance | for educational and training purposes to meet pure pedagogical needs, or  linked with the fulfillment of their educational purposes |
| Condition of school performance | event in question is not broadcast outside the place where it occurs and  performers gather and perform free of charge |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Article 36 |
| Scope of broadcast/communication/recording | public broadcasting by any means of the recital and performance of |
| Type(s) of source work(s) | literary or artistic works that are already published, in public acts |
| Entity exercising broadcast/communication/recording | organized by educational institutions |
| Purpose of broadcast/communication/recording | for educational and training purposes to meet pure pedagogical needs, or  linked with the fulfillment of their educational purposes |
| Condition of broadcast/communication/recording | event in question is not broadcast outside the place where it occurs and  performers gather and perform free of charge |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Armenia

## Legislation Reviewed

Law on 4 July 2006 No. 3R-142 on Copyright and Related Rights (as amended up to 30.09.2013)

# Australia

## Legislation Reviewed

Copyright Act 1968 (consolidated as of June 27, 2015)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | ss 40, 103C, 248A |
| Scope of private/personal use | fair dealing with |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work, or adaptation of a literary, dramatic or musical work, or “audio-visual item”[[80]](#footnote-80)  a direct or indirect recording of a performance[[81]](#footnote-81) as an “exempt recording”[[82]](#footnote-82) (exemption from performance rights) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | (literary, dramatic, musical or artistic work) for purposes of research or study[[83]](#footnote-83)  (audio-visual item) for purposes of research or study[[84]](#footnote-84)  (exempt recording)  - indirect sound recording of a performance, for purpose of research or study[[85]](#footnote-85)  - direct or indirect sound recording of a performance for, inter alia, criticism or review[[86]](#footnote-86) |
| Condition of private/personal use | in determining whether a dealing is fair dealing, the matters to have regard shall include:  (a) the purpose and character of the dealing/recording, including whether such dealing/recording is of a commercial nature or is for non-profit educational purposes;  (b) the nature of the work/adaptation/audio-visual item/performance in question;  (c) the amount and substantiality of the part copied/recorded taken in relation to the whole work/adaptation/audio-visual item/performance;  (d) the effect of the dealing upon the potential market for, or value of, the work/adaptation/audio-visual item/recording;  (e) the possibility of obtaining the work/adaptation/audio-visual item/recording within a reasonable time at an ordinary commercial price[[87]](#footnote-87) |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 40(3) |
| Scope of private/personal use | fair dealing by way of reproduction of |
| Type(s) of source work(s) | all or part of a literary, dramatic or musical work, or of an adaptation of such a work, contained in an article in a periodical publication |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for the purpose of research or study |
| Condition of private/personal use | “fair dealing” despite fair dealing factors[[88]](#footnote-88) |
| Preclusions (not part of private/personal use) | another article in publication is also reproduced for purpose of different research or a different course of study[[89]](#footnote-89) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 40(5) |
| Scope of private/personal use | reproduction as fair dealing of |
| Type(s) of source work(s) | not more than a “reasonable portion” of  - a literary, dramatic or musical work (except a computer program), or an adaptation of such a work, in a published edition of at least 10 pages  - a published literary work in electronic form (except a computer program or an electronic compilation), a published dramatic work in electronic form or an adaptation in electronic form of such a literary or dramatic work  such a work not contained in an article in a periodical publication |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for the purpose of research or study |
| Condition of private/personal use | “reasonable portion”[[90]](#footnote-90) means:  - literary, dramatic or musical work (except a computer program), or an adaptation – 10% of number of pages in edition, or a single chapter if work/adaptation is divided into chapters  - published literary/dramatic/adaptation in electronic form[[91]](#footnote-91) – 10% of number of words, or a single chapter if work/adaptation is divided into chapters |
| Preclusions (not part of private/personal use) | any subsequent reproduction made by same person of any other part of same work/adaptation[[92]](#footnote-92) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | ss 41, 103A |
| Scope of quotation | fair dealing with |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work, or with an adaptation of a literary, dramatic or musical work, or with an audio-visual item |
| Entity exercising quotation |  |
| Purpose of quotation | for the purpose of criticism or review, whether of that work/audio-visual item or of another work/audio-visual item |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | sufficient acknowledgment: title of work/ audio-visual item (or other description), name of author (unless work is anonymous, pseudonymous or author has previously agreed or directed that an acknowledgment is not to be made)[[93]](#footnote-93) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | ss 40, 103C, 248A |
| Nature of educational reproduction | fair dealing with |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work, or adaptation of a literary, dramatic or musical work, or “audio-visual item”[[94]](#footnote-94)  a direct or indirect recording of a performance[[95]](#footnote-95) as an “exempt recording”[[96]](#footnote-96) (exemption from performance rights) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | (literary, dramatic, musical or artistic work) for purposes of research or study[[97]](#footnote-97)  (audio-visual item) for purposes of research or study[[98]](#footnote-98)  (exempt recording)  - indirect sound recording of a performance, for purpose of research or study[[99]](#footnote-99)  - direct or indirect sound recording of a performance for, inter alia, criticism or review[[100]](#footnote-100) |
| Qualification(s) | in determining whether a dealing is fair dealing, the matters to have regard shall include:  (a) the purpose and character of the dealing/recording, including whether such dealing/recording is of a commercial nature or is for non-profit educational purposes;  (b) the nature of the work/adaptation/audio-visual item/performance in question;  (c) the amount and substantiality of the part copied/recorded taken in relation to the whole work/adaptation/audio-visual item/performance;  (d) the effect of the dealing upon the potential market for, or value of, the work/adaptation/audio-visual item/recording;  (e) the possibility of obtaining the work/adaptation/audio-visual item/recording within a reasonable time at an ordinary commercial price[[101]](#footnote-101) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 40(1A) |
| Nature of educational reproduction | fair dealing with |
| Type(s) of source work(s) | a literary work (other than lecture notes) |
| Entity exercising reproduction | an enrolled external student of an “educational institution”[[102]](#footnote-102) |
| Purpose of educational reproduction | for the purpose of, or associated with, an approved course of study or research |
| Qualification(s) | in determining whether a dealing is fair dealing, the matters to have regard shall include:  (a) the purpose and character of the dealing;  (b) the nature of the work in question;  (c) the possibility of obtaining the work or adaptation within a reasonable time at an ordinary commercial price;  (d) the effect of the dealing upon the potential market for, or the commercial value of, the work or adaptation;  (e) where part only of the work or adaptation is reproduced--the amount and substantiality of the part copied taken in relation to the whole work or adaptation. |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 40(5) |
| Nature of educational reproduction | reproduction as fair dealing of |
| Type(s) of source work(s) | not more than a “reasonable portion” of  - a literary, dramatic or musical work (except a computer program), or an adaptation of such a work, in a published edition of at least 10 pages  - a published literary work in electronic form (except a computer program or an electronic compilation), a published dramatic work in electronic form or an adaptation in electronic form of such a literary or dramatic work  such a work not contained in an article in a periodical publication |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for the purpose of research or study |
| Qualification(s) | “reasonable portion”[[103]](#footnote-103) means:  - literary, dramatic or musical work (except a computer program), or an adaptation – 10% of number of pages in edition, or a single chapter if work/adaptation is divided into chapters  - published literary/dramatic/adaptation in electronic form[[104]](#footnote-104) – 10% of number of words, or a single chapter if work/adaptation is divided into chapters |
| Frequency/Multiple copies and Limits | any subsequent reproduction made by same person of any other part of same work/adaptation[[105]](#footnote-105) |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Part VB, Division 2, s 135ZG |
| Nature of educational reproduction | multiple reproductions of a page or pages of “insubstantial parts” of works |
| Type(s) of source work(s) | literary or dramatic work in a document (hardcopy form)[[106]](#footnote-106) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for the purposes of a course of education provided by an educational institution |
| Qualification(s) | reproduction is carried out on the premises of an educational institution[[107]](#footnote-107) |
| Frequency/Multiple copies and Limits | exception not applicable to reproduction of whole work[[108]](#footnote-108)  “insubstantial part” means not more than 2 pages of work in edition (if edition has not more than 200 pages), or not more than 1% of total number of pages in edition (if edition has more than 200 pages)[[109]](#footnote-109)  no reproduction under this exception  of any other part of same work within 14 days of previous reproduction[[110]](#footnote-110) |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Part VB, Division 2, ss 135ZJ, 135ZK, 135ZL |
| Nature of educational reproduction | multiple reproductions of the whole or part of |
| Type(s) of source work(s) | - an article in a printed periodical publication[[111]](#footnote-111)  - a literary or dramatic work, being a work contained in a printed published anthology of works and comprising not more than 15 pages in that anthology[[112]](#footnote-112)  - a literary, dramatic, musical or artistic work (other than an article contained in a periodical publication)[[113]](#footnote-113)  (including artistic works included for purposes of explaining or illustrating the article or other work[[114]](#footnote-114)) |
| Entity exercising reproduction | by, or on behalf of, a body administering an educational institution |
| Purpose of educational reproduction | solely for the educational purposes of the institution or of another educational institution |
| Qualification(s) | remuneration notice is given by or on behalf of body administering an educational institution to relevant collecting society  body complies with marking and record keeping requirements for each reproduction[[115]](#footnote-115) |
| Frequency/Multiple copies and Limits | provision does not apply to reproductions of, or parts of, 2 or more articles contained in same periodical publication unless they relate to same subject-matter[[116]](#footnote-116)  provision does not apply to reproductions of whole or of more than a reasonable portion of a work that has been separately published unless person making the reproductions or causes them to be made, is satisfied, after reasonable investigations, that reproductions (other than second-hand reproductions) of the work cannot be obtained within a reasonable time at an ordinary commercial price[[117]](#footnote-117) |
| Collective Licence/remuneration | remuneration notice as undertaking to pay equitable remuneration to collecting society for copies made pursuant to provision, to be assessed on the basis of a records system, a sampling system or an electronic use system[[118]](#footnote-118)  remuneration apportioned between copyright owners of work/article and of artistic works[[119]](#footnote-119) |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Part VB, Division 2A, s 135ZMB |
| Nature of educational reproduction | multiple reproductions and communication of not “substantial parts” of |
| Type(s) of source work(s) | electronic[[120]](#footnote-120) literary or dramatic work[[121]](#footnote-121) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for the purposes of a course of education provided by an educational institution |
| Qualification(s) | reproduction or communication is carried out on the premises of an educational institution for the purposes of a course of study provided by it[[122]](#footnote-122) |
| Frequency/Multiple copies and Limits | “substantial part” means more than 2 pages (without altering any content) of work (which contains pages), work has more than 200 pages, *and* number of pages reproduced/communicated exceeds 1% of number of pages[[123]](#footnote-123)  “substantial part” means number of words reproduced/communicated exceeds 1% of number of words in work (which does not contain pages)[[124]](#footnote-124)  no reproduction/communication under this exception of any other part of same work within 14 days of previous reproduction/communication[[125]](#footnote-125)  no communication under this exception while previous part made available online is still available[[126]](#footnote-126) |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Part VB, Division 2A, ss 135ZMC, 135ZMD, 135ZMDA |
| Nature of educational reproduction | multiple reproductions and communication of the whole or part of |
| Type(s) of source work(s) | * an article in an electronic[[127]](#footnote-127) periodical publication[[128]](#footnote-128) * an electronic[[129]](#footnote-129) literary, dramatic, musical or artistic work (other than an article contained in a periodical publication)[[130]](#footnote-130) * a literary or dramatic work in an electronic[[131]](#footnote-131) anthology[[132]](#footnote-132) (work occupies no more than 15 “pages”[[133]](#footnote-133) of published anthology)   including artistic works in electronic form included for purposes of explaining or illustrating the article or other work[[134]](#footnote-134) |
| Entity exercising reproduction | by, or on behalf of, a body administering an educational institution |
| Purpose of educational reproduction | solely for the educational purposes of the institution or of another educational institution |
| Qualification(s) | remuneration notice is given by or on behalf of body administering an educational institution to relevant collecting society  body complies with marking and record keeping requirements for each reproduction[[135]](#footnote-135) |
| Frequency/Multiple copies and Limits | provision does not apply to reproductions/communication of, or parts of, 2 or more articles contained in same periodical publication unless they relate to same subject-matter[[136]](#footnote-136)  provision does not apply to reproductions of whole or of more than a reasonable portion of a literary or dramatic work, or the whole or more than 10% of a musical work, that has been separately published unless person making the reproductions or causes them to be made, is satisfied, after reasonable investigations, that work is not available in electronic form within a reasonable time at an ordinary commercial price[[137]](#footnote-137)  no communication under this provision while previous part made available online is still available[[138]](#footnote-138) |
| Collective Licence/remuneration | remuneration notice as undertaking to pay equitable remuneration to collecting society for copies made pursuant to provision, to be assessed on the basis of a records system, a sampling system or an electronic use system[[139]](#footnote-139)  remuneration apportioned between copyright owners of work/article and of artistic works[[140]](#footnote-140) |
| Attribution |  |

Notes: Part VB also contain provisions for the educational reproduction of works for the “print disabled” and the “intellectually disabled”. These will not be discussed in this study.

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 44 |
| Scope of anthologies/compilations limitation/exception | inclusion of |
| Type(s) of source work(s) | a short extract from a published work or adaptation in a collection of literary, dramatic, musical or artistic works contained in a book, sound recording or cinematograph film |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for use by places of education |
| Condition of anthologies/compilations limitation/exception | collection is described as being intended for use by places of education in an appropriate place/label in book, record, film  work or adaptation was not published for the purpose of being used by places of education  collection consists principally of matter in which copyright does not subsist |
| Preclusions (not part of anthologies/compilations limitation/exception) | 2 or more extracts from works/adaptations by same author[[141]](#footnote-141) are contained in collection or similar collection by same publisher within 5 year period[[142]](#footnote-142) |
| Subject to Attribution | sufficient acknowledgment: title of work (or other description), name of author (unless work is anonymous, pseudonymous or author has previously agreed or directed that an acknowledgment is not to be made)[[143]](#footnote-143) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 28(1) |
| Scope of school performance | performance of |
| Type(s) of source work(s) | literary, dramatic or musical work  causing sounds of sound recordings and visual images of cinematograph films to be heard and seen |
| Entity exercising school performance | performed by a teacher or by a student |
| Purpose of school performance | for giving or receiving educational instruction, not being instruction given “for profit”[[144]](#footnote-144) |
| Condition of school performance | performed in class, or otherwise in the presence of an audience  audience is limited to persons who are taking part in the instruction or are otherwise “directly connected”[[145]](#footnote-145) with the place where the instruction is given |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 200 |
| Scope of broadcast/communication/recording | reproduction or adaptation[[146]](#footnote-146) of, or making of a record of |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work (reproduction or adaptation), or a sound broadcast (making a record) |
| Entity exercising broadcast/communication/recording | teacher or student (reproduction or adaptation)  person or authority in charge of place of education not conducted for profit (making a record) |
| Purpose of broadcast/communication/recording | in the course of educational instruction (reproduction, adaptation, making a record), or  as part of the questions to be answered in an examination, or in an answer to such a question (reproduction or adaptation) |
| Condition of broadcast/communication/recording | reproduction cannot be by appliance adapted for production of multiple copies or by reprographic device  sound broadcast was intended to be used for educational purposes |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 248A |
| Scope of broadcast/communication/recording | direct or indirect recording of |
| Type(s) of source work(s) | a performance[[147]](#footnote-147) as an “exempt recording”[[148]](#footnote-148) (exemption from performance rights) |
| Entity exercising broadcast/communication/recording | - indirect cinematograph film of a performance, solely for purpose of private and domestic use of person who made recording[[149]](#footnote-149)  - indirect cinematograph film or sound recording of a performance (from a communication that is a broadcast of the performance, made in domestic premises), solely for purpose of private and domestic use by watching or listening to performance at a more convenient time[[150]](#footnote-150)  - indirect cinematograph film of a performance, solely for the purpose of use in scientific research[[151]](#footnote-151)  - indirect cinematograph film of a performance, solely for educational purposes of that institution or of another educational institution[[152]](#footnote-152)  - indirect cinematograph film of a performance, for, inter alia, criticism or review[[153]](#footnote-153) |
| Purpose of broadcast/communication/recording | in determining whether a dealing is fair dealing, the matters to have regard shall include:  (a) the purpose and character of the dealing/recording, including whether such dealing/recording is of a commercial nature or is for non-profit educational purposes;  (b) the nature of the work/adaptation/audio-visual item/performance in question;  (c) the amount and substantiality of the part copied/recorded taken in relation to the whole work/adaptation/audio-visual item/performance;  (d) the effect of the dealing upon the potential market for, or value of, the work/adaptation/audio-visual item/recording;  (e) the possibility of obtaining the work/adaptation/audio-visual item/recording within a reasonable time at an ordinary commercial price[[154]](#footnote-154) |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 28(5) |
| Scope of broadcast/communication/recording | communication of |
| Type(s) of source work(s) | a literary, dramatic or musical work, a sound recording or a cinematograph film |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | communication made merely to facilitate a performance, or to cause sounds or images of a sound recording/film to be heard or seen in public under s 28 |
| Condition of broadcast/communication/recording | where taking place, without payment of entrance charges and without a lucrative purpose |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | title and name of author are stated |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 28 |
| Scope of broadcast/communication/recording | communication of |
| Type(s) of source work(s) | a television broadcast or sound broadcast or an artistic work (not to be a communication of the broadcast or of work or other subject-matter included in the broadcast, to the public) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | (distance learning) communication made merely to facilitate broadcast/sound broadcast/work being seen/heard, in class or otherwise in the presence of an audience, in the course of educational instruction that is given by a teacher; and is not given for profit |
| Condition of broadcast/communication/recording | audience is limited to persons who are taking part in the instruction or are otherwise directly connected with the place where the instruction is given |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Part VA (ss 135A to 135ZA) |
| Scope of broadcast/communication/recording | making or communication of |
| Type(s) of source work(s) | a copy of a broadcast[[155]](#footnote-155) or any work, sound recording or cinematograph film included in a broadcast[[156]](#footnote-156) |
| Entity exercising broadcast/communication/recording | “administering body”[[157]](#footnote-157) – a body administering an educational institution |
| Purpose of broadcast/communication/recording | solely for the educational purposes of the institution or of another educational institution[[158]](#footnote-158) |
| Condition of broadcast/communication/recording | remuneration notice given by administering body to collecting body  administering body complies with prescribed requirements[[159]](#footnote-159) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration | “remuneration notice” – notice in writing to collecting society, undertaking to pay equitable remuneration to society for copies of broadcasts and communications of such copies of broadcasts made by administering body or on its behalf, while notice is in force[[160]](#footnote-160) |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | s 116AN(4) |
| Scope of TPM/RMI limitation/exception | exception for circumventing access control technological protection measure |
| Type(s) of source work(s) |  |
| Beneficiary exercising limitation/exception | person (individual or body corporate) or employee is engaged in a course of study at an educational institution, or employed or trained, in the field of encryption technology[[161]](#footnote-161) |
| Purpose of limitation/exception | encryption research - for the sole purpose of identifying and analysing flaws and vulnerabilities of encryption technology [[162]](#footnote-162) |
| Condition of limitation/exception | circumvention relates to lawfully obtained copy of work/subject-matter[[163]](#footnote-163)  circumvention act will not infringe copyright in the work/subject-matter[[164]](#footnote-164)  person or employee has obtained permission from owner/exclusive licensee, or has made/will make good faith effort to obtain such permission[[165]](#footnote-165) |

|  |  |
| --- | --- |
| Provision | s 116AN(8) |
| Scope of TPM/RMI limitation/exception | exception for circumventing access control technological protection measure |
| Type(s) of source work(s) |  |
| Beneficiary exercising limitation/exception | educational institution |
| Purpose of limitation/exception | sole purpose of making an acquisition decision in relation to the work or other subject-matter[[166]](#footnote-166) |
| Condition of limitation/exception | work/subject-matter will not be otherwise available to the educational institution for making its acquisition decision if the circumvention is not done[[167]](#footnote-167) |

# \*Austria

## Legislation Reviewed

Federal Law on Copyrights on Literary and Artistic Works and Related Rights (Copyright Act) (as last amended by Federal Law Gazette (BGBl) I No. 58/2010)

# Azerbaijan

## Legislation Reviewed

Law of the Republic of Azerbaijan on Copyright and Related Rights (as amended up to Law No. 636-IVQD of April 30, 2013)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Article 17 |
| Scope of private/personal use | reproduce |
| Type(s) of source work(s) | one copy of works previously published lawfully  “performances, phonograms and programs of broadcasting organizations and fixations”[[168]](#footnote-168) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for personal purposes |
| Condition of private/personal use | (works) non-profit basis  (performances, phonograms and programs) limitation does not conflict with a normal exploitation of performances, phonograms, programs and their fixations, as well as scientific, literary and artistic works included therein, and do not unjustifiably limit the legitimate interests of performer, phonogram producer, broadcasting organization and authors of indicated works[[169]](#footnote-169) |
| Preclusions (not part of private/personal use) | works of architecture, databases, computer programs, reprographic reproduction of whole books, sheet music, original works of fine art,  “work without the consent which communicated to the public interactively [sic]”,  “any reproduction of work prejudicing normal use or unreasonably limiting author’s interests communicated to the public interactively [sic]”[[170]](#footnote-170) |
| Subject to Attribution |  |
| Subject to Remuneration | authors, performers and audiovisual work/phonogram producers for audiovisual works/phonograms entitled to remuneration by manufacturer/importer of “equipment”[[171]](#footnote-171) used for reproduction and “material media”,[[172]](#footnote-172) collection of remuneration carried out by rights management organization[[173]](#footnote-173) |

## Quotations

|  |  |
| --- | --- |
| Provision | Article 19 |
| Scope of quotation | use of |
| Type(s) of source work(s) | short excerpts in original or in translation as quotations from lawfully published works  press reviews from newspapers and magazines |
| Entity exercising quotation |  |
| Purpose of quotation | for scientific, research, polemical, critical and informational purposes |
| Condition of quotation | “to the extend [sic] justified by the intended purpose” |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | mandatory indication of the author's name and of the source of borrowing |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Article 19 |
| Scope of quotation | use of |
| Type(s) of source work(s) | short excerpts from lawfully published works for publications, radio and broadcastings, sound and video recordings |
| Entity exercising quotation |  |
| Purpose of quotation | of an educational nature |
| Condition of quotation | to the extent justified by the intended purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | mandatory indication of the author's name and of the source of borrowing |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Article 36 |
| Scope of quotation | use, as quotations, |
| Type(s) of source work(s) | short excerpts from performances, phonograms and programs of broadcasting organizations[[174]](#footnote-174) |
| Entity exercising quotation |  |
| Purpose of quotation | for scientific, research, polemical, critical and informational purposes |
| Condition of quotation | to the extent justified by intended purpose  limitations do not conflict with a normal exploitation of performances, phonograms, programs of broadcasting organizations and their fixations, as well as scientific, literary and artistic works included therein and do not unjustifiably limit legitimate interests of performer, phonogram producer, broadcasting organization and authors of indicated works[[175]](#footnote-175) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Article 36 |
| Scope of quotation | use of |
| Type(s) of source work(s) | short excerpts of performances, phonograms and programs of broadcasting organizations and fixations[[176]](#footnote-176) |
| Entity exercising quotation |  |
| Purpose of quotation | for training or scientific-research purposes in illustration character |
| Condition of quotation | to the extent justified by intended purpose  limitations do not conflict with a normal exploitation of performances, phonograms, programs of broadcasting organizations and their fixations, as well as scientific, literary and artistic works included therein and do not unjustifiably limit legitimate interests of performer, phonogram producer, broadcasting organization and authors of indicated works[[177]](#footnote-177) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Article 18.1(c) |
| Nature of educational reproduction | reprographic reproduction[[178]](#footnote-178) |
| Type(s) of source work(s) | lawfully published separate articles and other small works or short excerpts from written works |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for training at educational institutions |
| Qualification(s) | without commercial purpose |
| Frequency/Multiple copies and Limits | to extent justified by intended purpose |
| Collective Licence/remuneration |  |
| Attribution | “without paying author’s name and of source of borrowing [sic]” |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Bahamas

## Legislation Reviewed

Copyright Act, 1998 (CH.323) (as amended by the Copyright (Amendment) Act, Act No. 2 of 2004)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 58 |
| Scope of private/personal use | fair dealing with |
| Type(s) of source work(s) | a copyright work, including such use by reproduction in copies or phonorecords |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for purposes such as research, private study, scholarship or teaching (instruction at an “educational establishment”[[179]](#footnote-179)) |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 59(1)(a) |
| Scope of quotation | fair dealing with |
| Type(s) of source work(s) | a protected work |
| Entity exercising quotation |  |
| Purpose of quotation | for purposes of criticism, comment, parody or review |
| Condition of quotation | court to take into account all factors to determine if act done in relation to a work constitutes fair dealing, including:  (a) the nature of the work in question;  (b) the amount and substantiality of that part of the work affected by the act in relation to the whole of the work;  (c) the purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes; and  (d) the effect of the act upon the potential market for, or the commercial value of, the work.[[180]](#footnote-180) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title of work (or other description), name of author, unless anonymous or author agreed that no acknowledgement be made, or not possible to ascertain identity for unpublished work[[181]](#footnote-181) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 58 |
| Nature of educational reproduction | fair dealing with |
| Type(s) of source work(s) | a copyright work, including such use by reproduction in copies or phonorecords |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for purposes such as research, private study, scholarship or teaching (instruction at an “educational establishment”[[182]](#footnote-182)) |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 62(1) |
| Nature of educational reproduction | reproduction (not by means of a reprographic process) |
| Type(s) of source work(s) | literary, dramatic, musical, choreographic or artistic work |
| Entity exercising reproduction | a person giving or receiving instruction |
| Purpose of educational reproduction | in the course of instruction or of preparation for instruction |
| Qualification(s) | reproduction copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[183]](#footnote-183) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 62(3) |
| Nature of educational reproduction | anything done |
| Type(s) of source work(s) |  |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | an examination by way of setting the questions, communicating the questions to candidates or answering the questions |
| Qualification(s) | reproduction copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[184]](#footnote-184) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 65 |
| Nature of educational reproduction | reproduction of copies[[185]](#footnote-185) |
| Type(s) of source work(s) | published literary, dramatic or musical works |
| Entity exercising reproduction | by or on behalf of an educational establishment |
| Purpose of educational reproduction | instruction |
| Qualification(s) | reproduction copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[186]](#footnote-186) |
| Frequency/Multiple copies and Limits | not more than 5% in any quarter of the year |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 63 |
| Scope of anthologies/compilations limitation/exception | inclusion in collection of a short passage from |
| Type(s) of source work(s) | a published literary, musical or dramatic work published in copies |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for use in educational establishments |
| Condition of anthologies/compilations limitation/exception | collection to be described and advertised as being for use in educational establishments  work was not itself published for use of educational establishments  collection consists mainly of public domain works |
| Preclusions (not part of anthologies/compilations limitation/exception) | more than 2 extracts from works by same author[[187]](#footnote-187) are contained in collections by same publisher within 5 year period[[188]](#footnote-188) |
| Subject to Attribution | inclusion accompanied by “sufficient acknowledgment” |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 62(2) |
| Scope of broadcast/communication/recording | reproduction in a single copy or phonorecord |
| Type(s) of source work(s) | sound recording, motion pictures, audiovisual works |
| Entity exercising broadcast/communication/recording | a person giving  copy retained by department of educational establishment in which instruction is being given |
| Purpose of broadcast/communication/recording | in the course of instruction or of preparation for instruction, in the making of motion pictures or motion picture sound-tracks |
| Condition of broadcast/communication/recording | educational establishment to have accredited degree programme in motion pictures  reproduction copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[189]](#footnote-189) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 64, 108 |
| Scope of broadcast/communication/recording | reproduction in single copy or phonorecord of |
| Type(s) of source work(s) | transmission of a performance or display or a live performance |
| Entity exercising broadcast/communication/recording | (performance or display) by educational establishment  (live performance) by or on behalf of educational establishment |
| Purpose of broadcast/communication/recording | (performance or display) for educational purposes of educational establishment |
| Condition of broadcast/communication/recording | performance or display is directly related to the course content  reproduction copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[190]](#footnote-190) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Bahrain

## Legislation Reviewed

Law No. 22 of the Year 2006 relating to the Protection of Copyright and Neighbouring Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 19 |
| Scope of private/personal use | a single copy of |
| Type(s) of source work(s) | a legally published original work, or of a legal copy thereof |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for purely personal use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | reproduction of architectural works embodied in buildings or any other construction, photocopied reproduction of written work, in whole or part, photocopied reproduction of a work of sheet music, in whole or part, reproduction of a database in digital form, in whole or part, reproduction of computer program (other than permitted by Art. 26)[[191]](#footnote-191) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 21(a) |
| Scope of quotation | reproducing a short segment of |
| Type(s) of source work(s) | a legally published work |
| Entity exercising quotation |  |
| Purpose of quotation | to cite it in another work |
| Condition of quotation | citation is used for a legal purpose  citation is in the degree necessary to achieve that purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, and of the name of the author if it appears in the source |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Article 21(b) |
| Scope of quotation | using in publications, radio or television programmes or audiovisual recordings |
| Type(s) of source work(s) | a legally published literary or artistic work |
| Entity exercising quotation | non-profit educational institutions |
| Purpose of quotation | as a means of clarification for purposes of education |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, and of the name of the author if it appears in the source |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Article 21(c) |
| Nature of educational reproduction | photographic reproduction |
| Type(s) of source work(s) | an article, brief extracts of a work, or a short work, all of which have been legally published |
| Entity exercising reproduction | within nonprofit educational institutions |
| Purpose of educational reproduction | for educational purposes |
| Qualification(s) | in the degree necessary to achieve those purposes |
| Frequency/Multiple copies and Limits | only a single copy, or separate occasions |
| Collective Licence/remuneration |  |
| Attribution | source, and of the name of the author if it appears in the source |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Article 27 |
| Scope of school performance | public performance of |
| Type(s) of source work(s) | a dramatic, musical or dramatic-musical work, a work of dance or a work of mime, or any other work created to be so performed |
| Entity exercising school performance |  |
| Purpose of school performance | face-to-face educational activities |
| Condition of school performance | within recognised nonprofit educational institutions in classrooms or other similar places allocated for teaching  no direct or indirect financial recompense |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Bangladesh

## Legislation Reviewed

Copyright Act, 2000 (Act No. 28 of 2000, as amended up to 2005)

# Barbados

## Legislation Reviewed

Copyright Act, 1998 (Cap. 300)(as revised up to 2006)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | ss 51, 53 |
| Scope of private/personal use | fair dealing with |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for purposes of research or private study |
| Condition of private/personal use | court to take into account all factors to determine if act done in relation to a work constitutes fair dealing, including:  (a) the nature of the work in question;  (b) the extent and portion of that part of the work affected by the act in relation to the whole of the work;  (c) the purpose and character of the use; and  (d) the effect of the act upon the potential market for, or the commercial value of, the work.[[192]](#footnote-192) |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | ss 52(1)(a), 53 |
| Scope of quotation | fair dealing with |
| Type(s) of source work(s) | a protected work |
| Entity exercising quotation |  |
| Purpose of quotation | for purposes of criticism or review of that work or of performance of a work |
| Condition of quotation | court to take into account all factors to determine if act done in relation to a work constitutes fair dealing, including:  (a) the nature of the work in question;  (b) the extent and portion of that part of the work affected by the act in relation to the whole of the work;  (c) the purpose and character of the use; and  (d) the effect of the act upon the potential market for, or the commercial value of, the work.[[193]](#footnote-193) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title of work (or other description), name of author, unless anonymous or author agreed that no acknowledgement be made, or not possible to ascertain identity for unpublished work[[194]](#footnote-194) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 55(1) |
| Nature of educational reproduction | reproduction (not by means of a reprographic process) |
| Type(s) of source work(s) | literary, dramatic, musical or artistic work |
| Entity exercising reproduction | a person giving or receiving instruction |
| Purpose of educational reproduction | in the course of instruction or of preparation for instruction |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 55(3) |
| Nature of educational reproduction | anything done |
| Type(s) of source work(s) |  |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | an examination by way of setting the questions, communicating the questions to candidates or answering the questions |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 58 |
| Nature of educational reproduction | reprographic copies[[195]](#footnote-195) |
| Type(s) of source work(s) | passages from published literary, dramatic or musical works |
| Entity exercising reproduction | by or on behalf of an educational establishment |
| Purpose of educational reproduction | instruction |
| Qualification(s) | no copying if, or to extent that, licences are available authorizing copying and person making copies knows or ought to have been aware of licences  reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[196]](#footnote-196) |
| Frequency/Multiple copies and Limits | not more than 5% in any quarter of the year |
| Collective Licence/remuneration | any collective licence granted not to derogate from this provision |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 56 |
| Scope of anthologies/compilations limitation/exception | inclusion in collection of a short passage from |
| Type(s) of source work(s) | a published literary or dramatic work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for use in educational establishments |
| Condition of anthologies/compilations limitation/exception | collection to be described and advised as being for use in educational establishments  work was not itself published for use of educational establishments  collection consists mainly of material in which no copyright subsists |
| Preclusions (not part of anthologies/compilations limitation/exception) | more than 2 extracts from works by same author[[197]](#footnote-197) are contained in collections by same publisher within 5 year period[[198]](#footnote-198) |
| Subject to Attribution | inclusion accompanied by sufficient acknowledgment |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | ss 78 |
| Scope of school performance | playing |
| Type(s) of source work(s) | a sound recording |
| Entity exercising school performance | a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare |
| Purpose of school performance | as part of the activities of, or for the benefit of |
| Condition of school performance | proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 55(2) |
| Scope of broadcast/communication/recording | making a film or film sound-track |
| Type(s) of source work(s) | sound recording, film, broadcast or cable programme |
| Entity exercising broadcast/communication/recording | a person giving or receiving instruction |
| Purpose of broadcast/communication/recording | in the course of instruction or of preparation for instruction, in the making of films or film sound-tracks |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | ss 58, 118[[199]](#footnote-199) |
| Scope of broadcast/communication/recording | recording of |
| Type(s) of source work(s) | broadcast or cable programme or copy of such a recording |
| Entity exercising broadcast/communication/recording | by or on behalf of educational establishment |
| Purpose of broadcast/communication/recording | for educational purposes of educational establishment |
| Condition of broadcast/communication/recording | recording of broadcast or cable programme cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[200]](#footnote-200) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Belarus

## Legislation Reviewed

Law of the Republic of Belarus No. 262-3 of May 17, 2011, on Copyright and Related Rights

# \*Belgium

## Legislation Reviewed

Law of April 19, 2014, inserting Book XI 'Intellectual Property' into Code of Economic Law

# Belize

## Legislation Reviewed

Copyright Act (Cap. 252, Revised Edition 2000)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 56 |
| Scope of private/personal use | fair dealing with |
| Type(s) of source work(s) | a “protected work”[[201]](#footnote-201) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research or private study |
| Condition of private/personal use | court to take into account all factors to determine if act done in relation to a work constitutes fair dealing, including:  (a) the nature of the work in question;  (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work;  (c) the purpose and character of the use; and  (d) the effect of the act upon the potential market for, or the commercial value of, the work.[[202]](#footnote-202) |
| Preclusions (not part of private/personal use) | person (not researcher or student)[[203]](#footnote-203) 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[[204]](#footnote-204) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | ss 57, 124 |
| Scope of quotation | fair dealing with |
| Type(s) of source work(s) | a work, (a performance or recording)[[205]](#footnote-205) |
| Entity exercising quotation |  |
| Purpose of quotation | for purposes of criticism or review of that work or another work/performance/recording or of performance of a work |
| Condition of quotation | court to take into account all factors to determine if act done in relation to a work constitutes fair dealing, including:  (a) the nature of the work in question;  (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work;  (c) the purpose and character of the use; and  (d) the effect of the act upon the potential market for, or the commercial value of, the work.[[206]](#footnote-206) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | work: title of work (or other description), name of author, unless anonymous or author agreed or required that no acknowledgement be made[[207]](#footnote-207) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 56 |
| Nature of educational reproduction | fair dealing with |
| Type(s) of source work(s) | a “protected work”[[208]](#footnote-208) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | research or private study |
| Qualification(s) | court to take into account all factors to determine if act done in relation to a work constitutes fair dealing, including:  (a) the nature of the work in question;  (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work;  (c) the purpose and character of the use; and  (d) the effect of the act upon the potential market for, or the commercial value of, the work.[[209]](#footnote-209) |
| Frequency/Multiple copies and Limits | person (not researcher or student)[[210]](#footnote-210) 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[[211]](#footnote-211) |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 60(1) |
| Nature of educational reproduction | copying (not by means of a reprographic process) |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work |
| Entity exercising reproduction | a person giving or receiving instruction |
| Purpose of educational reproduction | in the course of instruction or of preparation for instruction |
| Qualification(s) | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[212]](#footnote-212) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 60(3) |
| Nature of educational reproduction | anything done |
| Type(s) of source work(s) |  |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | an examination by way of setting the questions, communicating the questions to candidates or answering the questions |
| Qualification(s) | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[213]](#footnote-213) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 126(2) |
| Nature of educational reproduction | copying of, or anything done |
| Type(s) of source work(s) | a recording of a performance |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | an examination by way of setting the questions, communicating the questions to candidates or answering the questions |
| Qualification(s) | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[214]](#footnote-214) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 64 |
| Nature of educational reproduction | reprographic copies[[215]](#footnote-215) |
| Type(s) of source work(s) | passages from published literary, dramatic or musical works |
| Entity exercising reproduction | by or on behalf of an educational establishment |
| Purpose of educational reproduction | instruction |
| Qualification(s) | no copying if, or to extent that, licences under licensing scheme are available authorizing copying and person making copies knows or ought to have been aware of licences  reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[216]](#footnote-216) |
| Frequency/Multiple copies and Limits | not more than 5% in any quarter of the year |
| Collective Licence/remuneration | any collective licence granted not to derogate from this provision |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 61 |
| Scope of anthologies/compilations limitation/exception | inclusion in collection of |
| Type(s) of source work(s) | a short passage from a published literary or dramatic work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for use in educational establishments |
| Condition of anthologies/compilations limitation/exception | collection to be described and advised as being for use in educational establishments  work was not itself published for use of educational establishments  collection consists mainly of material in which no copyright subsists  not more than 1 other such passage/part from works by same author is published by same publisher within 5 year period[[217]](#footnote-217) |
| Preclusions (not part of anthologies/compilations limitation/exception) | more than 2 extracts from works by same author[[218]](#footnote-218) are contained in collections by same publisher within 5 year period[[219]](#footnote-219) |
| Subject to Attribution | title, name of author (unless anonymous or author has previously agreed/required no acknowledgement)[[220]](#footnote-220) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 62(1) |
| Scope of school performance | performance of |
| Type(s) of source work(s) | a literary, dramatic or musical work |
| Entity exercising school performance | by a teacher or pupil, or at the establishment by any person for the purposes of instruction |
| Purpose of school performance | in the course of the activities of the establishment or for the purposes of instruction |
| Condition of school performance | audience consisting of teachers and pupils at an educational establishment and other “persons directly connected”[[221]](#footnote-221) with the activities of the establishment |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 62(2) |
| Scope of school performance | playing or showing of |
| Type(s) of source work(s) | a sound recording, film, broadcast or cable program |
| Entity exercising school performance |  |
| Purpose of school performance | for the purposes of instruction |
| Condition of school performance | audience consisting of teachers and pupils at an educational establishment and other “persons directly connected”[[222]](#footnote-222) with the activities of the establishment |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | ss 63, 127[[223]](#footnote-223) |
| Scope of broadcast/communication/recording | recording of |
| Type(s) of source work(s) | broadcast or cable programme or copy of such a recording |
| Entity exercising broadcast/communication/recording | by or on behalf of educational establishment |
| Purpose of broadcast/communication/recording | for educational purposes of educational establishment |
| Condition of broadcast/communication/recording | recording of broadcast or cable programme cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[224]](#footnote-224) |
| Preclusions (not part of broadcast/communication/recording) | no recording if, or to extent that, licensing scheme under which licences are available authorising making of such recordings or copies, and person making recordings knows or ought to have been aware[[225]](#footnote-225)  special considerations by Supreme Court regarding the licence charges payable by educational establishments[[226]](#footnote-226) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Benin

## Legislation Reviewed

Law No. 2005-30 of April 5, 2006, relating to Copyright and Related Rights of the Republic of Benin

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Article 13 |
| Scope of private/personal use | private performances of |
| Type(s) of source work(s) | a work lawfully made accessible to the public  private performances of performances, phonograms, broadcasts[[227]](#footnote-227) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusively within the family circle |
| Condition of private/personal use | no form of revenue generated |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Article 13 |
| Scope of private/personal use | copies of |
| Type(s) of source work(s) | a work lawfully made accessible to the public  performances, phonograms, broadcasts[[228]](#footnote-228) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for strictly educational or academic purposes |
| Condition of private/personal use | given free of charge in a teaching establishment  for the benefit of staff, students and their families |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Article 14 |
| Scope of private/personal use | reproductions, translations or adaptations of |
| Type(s) of source work(s) | lawfully published work, and performances, phonograms, broadcasts[[229]](#footnote-229) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for strictly personal and private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | architecture, reprographic reproduction of entire book or musical score, all or significant parts of digital databases, computer programs,[[230]](#footnote-230) any other reproduction that would prejudice the normal exploitation of the work or would cause any prejudice to legitimate interests of author |
| Subject to Attribution |  |
| Subject to Remuneration | equitable remuneration in the form of levies on physical media used for such reproduction [[231]](#footnote-231)  where reproduction is by photocopying via apparatus available to the public in schools, teaching establishments, research institutions, public libraries or establishments that make such apparatuses available against payment, author entitled to remuneration (paid to CMO) from user[[232]](#footnote-232) |

|  |  |
| --- | --- |
| Provision | Article 69 |
| Scope of private/personal use | use of |
| Type(s) of source work(s) | performances, phonograms, broadcasts |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | equitable remuneration in the form of levies on physical media used for such reproduction [[233]](#footnote-233)  where reproduction is by photocopying via apparatus available to the public in schools, teaching establishments, research institutions, public libraries or establishments that make such apparatuses available against payment, author entitled to remuneration (paid to CMO) from user[[234]](#footnote-234) |

|  |  |
| --- | --- |
| Provision | Article 69 |
| Scope of private/personal use | use of |
| Type(s) of source work(s) | performances, phonograms, broadcasts |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | solely for purposes of teaching or scientific research |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Article 15 |
| Scope of quotation | analyses and short quotations from |
| Type(s) of source work(s) | a work already lawfully made accessible to the public, and their translations |
| Entity exercising quotation |  |
| Purpose of quotation | intended scientific, critical, polemic, educational or informatory purpose |
| Condition of quotation | compatible with fair practice |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title of work, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Article 69 |
| Scope of quotation | use of |
| Type(s) of source work(s) | performances, phonograms, broadcasts |
| Entity exercising quotation |  |
| Purpose of quotation | quotation, in the form of short fragments |
| Condition of quotation | quotations are compatible with fair practice and justified by their informatory purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 21 |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) | individual articles lawfully published in a newspaper or periodical, and short extracts from a lawfully published work or a lawfully published short work, and  performances, phonograms, broadcasts[[235]](#footnote-235) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for teaching or for examinations  within teaching establishments whose activities are not directly or indirectly profitmaking, |
| Qualification(s) | to the extent justified by intended purpose |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source and name of author if such name is given in source |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 21 |
| Scope of anthologies/compilations limitation/exception | use as an illustration in publications, broadcasts or sound or visual recordings |
| Type(s) of source work(s) | a lawfully published work, and  performances, phonograms, broadcasts[[236]](#footnote-236) |
| Entity exercising anthologies/compilations limitation/exception | by or on behalf of an educational establishment |
| Purpose of anthologies/compilations limitation/exception | intended for teaching |
| Condition of anthologies/compilations limitation/exception |  |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source and name of author if such name is given in source |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 21 |
| Scope of broadcast/communication/recording | use as an illustration in publications, broadcasts or sound or visual recordings |
| Type(s) of source work(s) | a lawfully published work, and  performances, phonograms, broadcasts[[237]](#footnote-237) |
| Entity exercising broadcast/communication/recording | by or on behalf of an educational establishment |
| Purpose of broadcast/communication/recording | intended for teaching |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source and name of author if such name is given in source |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Bhutan

## Legislation Reviewed

Copyright Act of the Kingdom of Bhutan, 2001

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 10 |
| Scope of private/personal use | reproduction of |
| Type(s) of source work(s) | a published work |
| Entity exercising private/personal use | a physical person |
| Purpose of private/personal use | exclusively for his own personal purposes |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | architecture, reprographic reproduction of whole book or substantial part of musical work in graphic form, database, a computer program, any work where reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author of, or other owner of the copyright in, the work |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 27a |
| Scope of private/personal use | use of |
| Type(s) of source work(s) | fixation of performance, sound recording or broadcast |
| Entity exercising private/personal use | a physical person |
| Purpose of private/personal use | exclusively for his own personal purposes |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

Note: s 13 permits the reprographic reproduction by library or archive to make a single copy of a published article or short work or short extract by reprographic reproduction, on the request of a physical person, for his study, scholarship or private research.

## Quotations

|  |  |
| --- | --- |
| Provision | ss 11, 27d |
| Scope of quotation | reproduction of |
| Type(s) of source work(s) | a short part of a published work, in the form of quotation, in another work  reproduction of a short part of a fixation of a performance, sound recording or broadcast[[238]](#footnote-238) |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | reproduction is compatible with fair practice  reproduction extent does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 12(1)a |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | short part of a published work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | by way of illustration, in writings or sound or visual recordings, for teaching |
| Qualification(s) | reproduction is compatible with fair practice |
| Frequency/Multiple copies and Limits | extent does not exceed extent justified by purpose |
| Collective Licence/remuneration |  |
| Attribution | source and name of author indicated on any copy, as far as practicable |

|  |  |
| --- | --- |
| Provision | s 12(1)b |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) | of a published article or other short work or short extract of a writing, with or without illustrations |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for face-to-face teaching in educational institutions whose activities do not serve direct or indirect commercial gain |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits | act of reproduction is an isolated one occurring, if repeated, on separate and unrelated occasions |
| Collective Licence/remuneration | no collective licence available for making reproduction (i.e. offered by CMO where educational institution is aware or should be aware of its availability) |
| Attribution | source and name of author indicated on any copy, as far as practicable |

|  |  |
| --- | --- |
| Provision | s 27c |
| Nature of educational reproduction | use |
| Type(s) of source work(s) | fixation of performance, sound recording or broadcast |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | solely for face-to-face teaching or for scientific research |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Bolivia (Plurinational State of)

## Legislation Reviewed

Law No.1322 of April 13, 1992, on Copyright

## Private/Personal Use

## Quotations

|  |  |
| --- | --- |
| Provision | Article 24 |
| Scope of quotation | inclusion within one’s own work of |
| Type(s) of source work(s) | short excerpts from disclosed works by others |
| Entity exercising quotation |  |
| Purpose of quotation | for quotation or for analysis, comment or critical assessment, for educational or research purposes |
| Condition of quotation | in accordance with proper practice and to the extent justified by the purpose being pursued  no infringement of law occurs |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source and name of author |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Bosnia and Herzegovina

## Legislation Reviewed

Copyright and Related Rights Law

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art 46 |
| Scope of private/personal use | reproduction of |
| Type(s) of source work(s) | a disclosed work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for purposes of research or private study |
| Condition of private/personal use | only one copy made  (on paper or similar medium) copy made by photocopying or similar technique  (on any other media) copy for private use  copies are not intended for or accessible by public  no direct or indirect economic advantage gained |
| Preclusions (not part of private/personal use) | whole of written works – unless book is out of print for at least 2 years  sheet music – except by means of handwritten transcription  electronic databases and computer programs  works of architecture  any work if such reproduction would be contrary to the ordinary exploitation of a work and detrimental to the legitimate interests of the author or copyright holder to an unreasonable extent |
| Subject to Attribution |  |
| Subject to Remuneration | remuneration for photocopying, sound and visual recording (and similar reproduction techniques), by levy on first sale or importation of new technical device, blank recording media, photocopying devices and on made photocopies intended for sale[[239]](#footnote-239) |

|  |  |
| --- | --- |
| Provision | Art 145 |
| Scope of private/personal use | use substantial parts of |
| Type(s) of source work(s) | disclosed database |
| Entity exercising private/personal use | lawful user of database |
| Purpose of private/personal use | private or another internal use of a non-electronic database  for purposes of research or private study[[240]](#footnote-240) |
| Condition of private/personal use | only one copy made  (on paper or similar medium) copy made by photocopying or similar technique  (on any other media) copy for private use  copies are not intended for or accessible by public  no direct or indirect economic advantage gained |
| Preclusions (not part of private/personal use) | whole of written works – unless book is out of print for at least 2 years  sheet music – except by means of handwritten transcription  works of architecture  any work if such reproduction would be contrary to the ordinary exploitation of a work and detrimental to the legitimate interests of the author or copyright holder to an unreasonable extent |
| Subject to Attribution |  |
| Subject to Remuneration | remuneration for photocopying, sound and visual recording (and similar reproduction techniques), by levy on first sale or importation of new technical device, blank recording media, photocopying devices and on made photocopies intended for sale[[241]](#footnote-241) |

## Quotations

|  |  |
| --- | --- |
| Provision | Article 47 |
| Scope of quotation | quote passages and quotations from |
| Type(s) of source work(s) | a disclosed work or individual disclosed works of photography, fine art, architecture, applied art and industrial and graphic design |
| Entity exercising quotation |  |
| Purpose of quotation | scientific research, critique, polemic, review, teaching and other reference |
| Condition of quotation | to the extent justified by need for the intended illustration, confrontation or referral,  in accordance with good practices |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source and authorship (if indicated on work used) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Article 145(1)(b)[[242]](#footnote-242) |
| Nature of educational reproduction | use substantial parts |
| Type(s) of source work(s) | disclosed database |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | teaching (face-to-face) |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source and authorship (if indicated on work used) |

|  |  |
| --- | --- |
| Provision | Article 41 |
| Nature of educational reproduction | reproduce in/public communication of reading books, textbooks, workbooks and examination material |
| Type(s) of source work(s) | excerpts from works and individual works of photography, fine art, architecture, applied art, industrial and graphic design and cartography as disclosed works |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | [teaching material and periodicals] |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source and authorship (if indicated on work used) |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Article 45(1)(a) |
| Scope of school performance | publicly perform |
| Type(s) of source work(s) | disclosed works |
| Entity exercising school performance |  |
| Purpose of school performance | face-to-face teaching |
| Condition of school performance |  |
| Preclusions (not part of school performance) |  |
| Subject to Remuneration |  |
| Subject to Attribution | source and authorship (if indicated on work used) |

|  |  |
| --- | --- |
| Provision | Article 45(1)(b) |
| Scope of school performance | publicly perform |
| Type(s) of source work(s) | disclosed works |
| Entity exercising school performance |  |
| Purpose of school performance | school events |
| Condition of school performance | free entrance to events  performers receive no remuneration for their performance |
| Preclusions (not part of school performance) |  |
| Subject to Remuneration |  |
| Subject to Attribution | source and authorship (if indicated on work used) |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Article 45(1)(c) |
| Scope of broadcast/communication/recording | publicly communicate |
| Type(s) of source work(s) | broadcast school programs by means of loudspeakers, screens or similar technical devices |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording |  |
| Condition of broadcast/communication/recording | loudspeakers, screens or similar technical devices to be located within educational institution |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source and authorship (if indicated on work used) |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | Art 155 |
| Scope of TPM/RMI limitation/exception | exercise substantive limitations to the rights of rightholders (by requiring right holder who uses technological measures to alter or remove the technological measure or in some other way) |
| Type(s) of source work(s) |  |
| Beneficiary exercising limitation/exception | persons having lawful access to work or subject-matter |
| Purpose of limitation/exception | [inter alia] use for purpose of teaching[[243]](#footnote-243) |
| Condition of limitation/exception |  |

# Botswana

## Legislation Reviewed

Copyright & Neighboring Rights Act, 2000 (Act No. 6 of 2006)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 13 |
| Scope of private/personal use | private reproduction of |
| Type(s) of source work(s) | a published work  a fixation of a performance, sound recording or broadcast[[244]](#footnote-244) |
| Entity exercising private/personal use | any person |
| Purpose of private/personal use | exclusively for his own personal purposes |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a database, computer [sic] program[[245]](#footnote-245),  any work where “reproduction would conflict with a normal exploitation of work or unreasonably prejudice legitimate interests of author or other copyright owner” |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 14 |
| Scope of quotation | reproduction of |
| Type(s) of source work(s) | a short part of a published work |
| Entity exercising quotation |  |
| Purpose of quotation | in the form of quotation |
| Condition of quotation | reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 15(1)(a) |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | short part of a published work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for teaching purposes by way of illustration, in writings or sound or visual recordings |
| Qualification(s) | reproduction is compatible with fair practice  reproduction does not exceed the extent justified |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author, as far as practicable on all copies |

|  |  |
| --- | --- |
| Provision | s 15(1)(b) |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) | published articles, other short works or short extracts of works  fixation of a performance, sound recording or broadcast[[246]](#footnote-246) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for face-to-face teaching in education institutions the activities of which do not serve direct or indirect commercial gain  for “scientific research”[[247]](#footnote-247) |
| Qualification(s) | act of reproduction is an isolated one occurring, if repeated, on separate and unrelated occasions; and  no collective licence available, offered by a collective administration organization of which educational institution is or should be aware, under which such reproduction can be made |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author, as far as practicable on all copies |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Brazil

## Legislation Reviewed

Law No. 9.610 of February 19, 1998 (Law on Copyright and Neighboring Rights) (all references are by default to this law)

Law No. 9.609 of February 19, 1998 (Law on Protection of Intellectual Property of Software, its Commercialization in the Country, and Other Provisions)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 46.II |
| Scope of private/personal use | reproduction of |
| Type(s) of source work(s) | short extracts from a work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for the private use of the copier |
| Condition of private/personal use | one copy |
| Preclusions (not part of private/personal use) | copy done by him  copy done without gainful intent |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 46.III |
| Scope of quotation | quotation in books, newspapers, magazines or any other medium of |
| Type(s) of source work(s) | communication of passages from a work |
| Entity exercising quotation |  |
| Purpose of quotation | for the purposes of study, criticism or debate |
| Condition of quotation | to extent justified by purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 6.II, Law No. 9.609 of February 19, 1998 (Law on Protection of Intellectual Property of Software, its Commercialization in the Country, and Other Provisions) |
| Scope of quotation | partial quotes of |
| Type(s) of source work(s) | a computer program |
| Entity exercising quotation |  |
| Purpose of quotation | for teaching purposes |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | program and title-holder of respective rights |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 46.IV |
| Nature of educational reproduction | notes taken in the course of lessons given in teaching establishments |
| Type(s) of source work(s) | [course of lessons] |
| Entity exercising reproduction | [students] persons for whom lessons are intended |
| Purpose of educational reproduction |  |
| Qualification(s) | complete or partial publication is prohibited without the express prior authorization of person who gave lessons |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 46.VI |
| Scope of school performance | stage and musical performance |
| Type(s) of source work(s) |  |
| Purpose of school performance | for exclusively teaching purposes in educational establishments |
| Condition of school performance | devoid of any profitmaking purpose |
| Entity exercising school performance |  |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Brunei Darussalam

## Legislation Reviewed

Emergency (Copyright) Order, 1999

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 33(1), (2) |
| Scope of private/personal use | fair dealing with |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work, typographical arrangement of a published edition |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research or private study |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | copying by a person other than researcher or student is not fair dealing if “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”[[248]](#footnote-248) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 34 |
| Scope of quotation | fair dealing with |
| Type(s) of source work(s) | a work[[249]](#footnote-249) |
| Entity exercising quotation |  |
| Purpose of quotation | criticism or review, of that or another work or of a performance of a work |
| Condition of quotation | reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title of work, author (unless anonymous published work, or author identity cannot be ascertained by reasonable inquiry for unpublished work)[[250]](#footnote-250) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Para. 2(a), Second Schedule |
| Scope of quotation | fair dealing with |
| Type(s) of source work(s) | a performance or recording[[251]](#footnote-251) |
| Entity exercising quotation |  |
| Purpose of quotation | criticism or review, of that or another work or of a performance of a work |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 33(1), (2) |
| Nature of educational reproduction | fair dealing with |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work, typographical arrangement of a published edition |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | research or private study |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits | copying by a person other than researcher or student is not fair dealing if “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”[[252]](#footnote-252) |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 36(1) |
| Nature of educational reproduction | copying |
| Type(s) of source work(s) | literary, dramatic, musical or artistic work |
| Entity exercising reproduction | a person giving or receiving the instruction |
| Purpose of educational reproduction | in the course of instruction, or of preparation for instruction |
| Qualification(s) | not by means of a reprographic process  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[253]](#footnote-253) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 36(3), Para 4(2), Second Schedule |
| Nature of educational reproduction | anything done [including the copying of a recording of a performance][[254]](#footnote-254) by way of setting the questions, communicating the questions to the candidates, or answering the questions |
| Type(s) of source work(s) |  |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | purpose of an examination |
| Qualification(s) | does not apply to making of a reprographic copy of a musical work for use by an examination candidate in performing the work[[255]](#footnote-255)  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[256]](#footnote-256) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 40 |
| Nature of educational reproduction | reprographic copies[[257]](#footnote-257) |
| Type(s) of source work(s) | passages from published literary, dramatic or musical works |
| Entity exercising reproduction | by or on behalf of an “educational establishment”[[258]](#footnote-258) |
| Purpose of educational reproduction | instruction |
| Qualification(s) | no copying if, or to extent that, licences are available authorizing copying and person making copies knows or ought to have been aware of licences[[259]](#footnote-259)  reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[260]](#footnote-260) |
| Frequency/Multiple copies and Limits | not more than 1% in any quarter of the year |
| Collective Licence/remuneration | any collective licence granted not to derogate from this provision[[261]](#footnote-261) |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 37 |
| Scope of anthologies/compilations limitation/exception | inclusion, in a collection, of a short passage from |
| Type(s) of source work(s) | a published literary or dramatic work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for use [for the educational purposes][[262]](#footnote-262) in an educational establishment |
| Condition of anthologies/compilations limitation/exception | collection is so described in its title and in any publisher’s advertisement  collection consists mainly of material in which no copyright subsists  work itself is not intended for use in educational establishment |
| Preclusions (not part of anthologies/compilations limitation/exception) | more than 2 excerpts from works by same author[[263]](#footnote-263) are contained in collections by same publisher within 5 year period[[264]](#footnote-264) |
| Subject to Attribution | title of work, author (unless anonymous published work, or author identity cannot be ascertained by reasonable inquiry for unpublished work)[[265]](#footnote-265) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 38(1) |
| Scope of school performance | performance of |
| Type(s) of source work(s) | a literary, dramatic or musical work |
| Entity exercising school performance | a teacher or student in the course of the activities of the establishment, or  any person at the educational establishment for purpose of instruction |
| Purpose of school performance |  |
| Condition of school performance | audience consisting of teachers and students at an educational establishment and other persons “directly connected”[[266]](#footnote-266) with its activities |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 38(2), Para 5(1), Second Schedule |
| Scope of school performance | playing or showing of |
| Type(s) of source work(s) | a sound recording, film, broadcast or cable programme |
| Entity exercising school performance |  |
| Purpose of school performance | purpose of instruction |
| Condition of school performance | audience consisting of teachers and students at an educational establishment and other persons “directly connected”[[267]](#footnote-267) with its activities |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 70, Para 15, Second Schedule |
| Scope of school performance | playing |
| Type(s) of source work(s) | a sound recording |
| Entity exercising school performance |  |
| Purpose of school performance | as part of the activities of, or for the benefit of, a club, society or other similar organisation |
| Condition of school performance | organisation is not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare  proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organisation |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 36(2), Para 4(1), Second Schedule |
| Scope of broadcast/communication/recording | copying by making a film or film sound-track, (or a recording of,)[[268]](#footnote-268) |
| Type(s) of source work(s) | sound recording, film, broadcast or cable programme, (performance)[[269]](#footnote-269) |
| Entity exercising broadcast/communication/recording | a person giving or receiving the instruction |
| Purpose of broadcast/communication/recording | in the course of instruction, or of preparation for instruction, in the making of films or film sound-tracks |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[270]](#footnote-270) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 39, Para 6(1), Second Schedule |
| Scope of broadcast/communication/recording | recording, or copy of a recording, of |
| Type(s) of source work(s) | a broadcast or cable programme |
| Entity exercising broadcast/communication/recording | by or on behalf of an educational establishment |
| Purpose of broadcast/communication/recording | for its educational purposes |
| Condition of broadcast/communication/recording | reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[271]](#footnote-271) |
| Preclusions (not part of broadcast/communication/recording) | no recording if certified licensing scheme under s 135 providing for grant of licences  special considerations by Copyright Tribunal regarding the licence charges payable by educational establishments under a s 135 licensing scheme[[272]](#footnote-272) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 36(3), Para 4(2), Second Schedule |
| Scope of broadcast/communication/recording | anything done [including the copying of a recording of a performance][[273]](#footnote-273) by way of setting the questions, communicating the questions to the candidates, or answering the questions |
| Type(s) of source work(s) |  |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | purpose of an examination |
| Condition of broadcast/communication/recording | does not apply to making of a reprographic copy of a musical work for use by an examination candidate in performing the work[[274]](#footnote-274)  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[275]](#footnote-275) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Bulgaria

## Legislation Reviewed

Law on Copyright and Neighboring Rights (as amended in 2011)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 25(1).2 |
| Scope of private/personal use | reproduction of |
| Type(s) of source work(s) | works, regardless of the carrier  reproduction of performances,[[276]](#footnote-276) phonograms,[[277]](#footnote-277) films[[278]](#footnote-278) |
| Entity exercising private/personal use | natural person |
| Purpose of private/personal use | for his own personal purposes |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | done with commercial purposes  works of architecture, computer software[[279]](#footnote-279)  where normal use of the work is hampered or legitimate interests of owner of copyright are impaired[[280]](#footnote-280) |
| Subject to Attribution |  |
| Subject to Remuneration | payment of fair compensation |

|  |  |
| --- | --- |
| Provision | Art. 25(1).1 |
| Scope of private/personal use | reproduction, on paper or other similar carrier by reprography or other technique, of |
| Type(s) of source work(s) | printed works, except note materials |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | non-commercial purposes |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | where normal use of the work is hampered or legitimate interests of owner of copyright are impaired[[281]](#footnote-281) |
| Subject to Attribution |  |
| Subject to Remuneration | payment of fair compensation |

|  |  |
| --- | --- |
| Provision | Art. 93g(1) |
| Scope of private/personal use | extraction and reutilization of |
| Type(s) of source work(s) | a substantial part of contents of non-electronic database |
| Entity exercising private/personal use | lawful user of database |
| Purpose of private/personal use | personal use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 24(1).2 |
| Scope of quotation | use of quotations from |
| Type(s) of source work(s) | works of other persons already made available to the public  films,[[282]](#footnote-282) broadcasts[[283]](#footnote-283) |
| Entity exercising quotation |  |
| Purpose of quotation | criticism or overview |
| Condition of quotation | quotation must comply with the usual practice  quotation to be in amount, justified by purpose |
| Preclusions (not part of quotation) | computer software[[284]](#footnote-284)  excludes cases where normal use of work is hampered or legitimate interests of owner of copyright are impaired[[285]](#footnote-285) |
| Subject to Attribution | source, name of author, unless impossible |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 24(1).3 |
| Nature of educational reproduction | use of parts of published works or of “not big number” of other works |
| Type(s) of source work(s) | published works and other works  published phonograms,[[286]](#footnote-286) films,[[287]](#footnote-287) broadcasts[[288]](#footnote-288) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for scientific and educational purposes |
| Qualification(s) | does not include computer software[[289]](#footnote-289)  excludes cases where normal use of work is hampered or legitimate interests of owner of copyright are impaired[[290]](#footnote-290) |
| Frequency/Multiple copies and Limits | “not big number” of unpublished works[[291]](#footnote-291)  in necessary amount for analysis, commentary or other kind of scientific research |
| Collective Licence/remuneration |  |
| Attribution | source, name of author, unless impossible |

|  |  |
| --- | --- |
| Provision | Art. 24(1).9 |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | already published works |
| Entity exercising reproduction | publicly accessible libraries, educational or other learning establishments, museums and archive institutions |
| Purpose of educational reproduction | educational purposes or with purpose of preservation of the works |
| Qualification(s) | does not include for commercial purposes  does not include computer software[[292]](#footnote-292)  excludes cases where normal use of work is hampered or legitimate interests of owner of copyright are impaired[[293]](#footnote-293) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Art. 93g.2 |
| Nature of educational reproduction | extraction and reutilization of a substantial part of contents of |
| Type(s) of source work(s) | publicly available database |
| Entity exercising reproduction | lawful user of database |
| Purpose of educational reproduction | for illustration for teaching and scientific research |
| Qualification(s) | to extent justified by the purpose |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 24(1).8 |
| Scope of school performance | public presentation and public performance of |
| Type(s) of source work(s) | published works,  performances,[[294]](#footnote-294) phonograms,[[295]](#footnote-295) films,[[296]](#footnote-296) broadcasts[[297]](#footnote-297) |
| Purpose of school performance |  |
| Condition of school performance | no pecuniary revenues are received  no compensation is paid to participants in preparation and realization of presentation or performance |
| Entity exercising school performance | in educational or other learning establishments |
| Preclusions (not part of school performance) | computer software[[298]](#footnote-298)  cases where normal use of work is hampered or legitimate interests of owner of copyright are impaired[[299]](#footnote-299) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Burkina Faso

## Legislation Reviewed

Law No. 032-99/AN of December 22, 1999, on the Protection of Literary and Artistic Property

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 21 |
| Scope of private/personal use | performances of |
| Type(s) of source work(s) | legally disclosed work, (performance, phonogram, videogram, broadcast)[[300]](#footnote-300) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private and gratuitous |
| Condition of private/personal use | held exclusively within the family circle |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 21 |
| Scope of private/personal use | copies or reproductions of |
| Type(s) of source work(s) | a work, (performance, phonogram, videogram, broadcast)[[301]](#footnote-301) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | strictly for the private use of copier |
| Condition of private/personal use | not intended for collective use |
| Preclusions (not part of private/personal use) | works of architecture (for purposes identical to original works), whole or substantial part of a database, computer programs[[302]](#footnote-302) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 22 |
| Scope of quotation | analyses and short quotations of |
| Type(s) of source work(s) | work has been legally disclosed |
| Entity exercising quotation |  |
| Purpose of quotation | justified by critical, polemic, educational, scientific or informative nature of the work in which they are incorporated |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 80, item 4 |
| Scope of quotation | citations, as short fragments, of |
| Type(s) of source work(s) | a performance, phonogram, videogram or broadcast |
| Entity exercising quotation |  |
| Purpose of quotation | citations properly used  justified by information aim |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 80, item 3 |
| Nature of educational reproduction | use |
| Type(s) of source work(s) | performance, phonogram, videogram or broadcast |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | solely for educational or scientific research |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 22 |
| Scope of anthologies/compilations limitation/exception | use by means of publication, broadcasting or audio or visual recordings |
| Type(s) of source work(s) | literary or artistic works |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | teaching examples |
| Condition of anthologies/compilations limitation/exception | use is not abusive  use devoid of any commercial purpose |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 22 |
| Scope of broadcast/communication/recording | use by means of publication, broadcasting or audio or visual recordings |
| Type(s) of source work(s) | literary or artistic works |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching examples |
| Condition of broadcast/communication/recording | use is not abusive  use devoid of any commercial purpose |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Burundi

## Legislation Reviewed

Law No. 1/021 of December 30, 2005, on the Protection of Copyright and Related Rights in Burundi

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Arts. 26.1(a), 82(a) |
| Scope of private/personal use | reproduction, translation, adaptation, arrangement or other transformation of |
| Type(s) of source work(s) | any work that has been lawfully published, and (a performance, phonogram and broadcast)[[303]](#footnote-303) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | user’s own personal or private use |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or major parts of a digital database, computer programs[[304]](#footnote-304),  any work where “reproduction would conflict with a normal use of the work or would unreasonably prejudice legitimate interests of author” |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 34 |
| Scope of private/personal use | reproduction of |
| Type(s) of source work(s) | legally published audiovisual work or a sound recording |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | user’s private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | equitable remuneration[[305]](#footnote-305) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 26.1(b) |
| Scope of quotation | inclusion of quotations from |
| Type(s) of source work(s) | any lawfully published work in another work, newspaper articles and periodicals in the form of press summaries |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotations is compatible with fair practice  extent does not exceed extent justified by purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 82(c) |
| Scope of quotation | reproduction, in the form of |
| Type(s) of source work(s) | quotation, of a short part of a performance, a phonogram or a broadcast |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | reproduction is compatible with fair practice  extent does not exceed extent justified by purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 26.5 |
| Nature of educational reproduction | reproduction by a photographic or similar process |
| Type(s) of source work(s) | lawfully-published literary and artistic work, and (a performance, phonogram and broadcast)[[306]](#footnote-306) |
| Entity exercising reproduction | public libraries, non-commercial documentation centers, scientific institutions and educational establishments |
| Purpose of educational reproduction |  |
| Qualification(s) | reproduction does not conflict with the normal uses of the work nor unreasonably prejudices the legitimate interests of the author |
| Frequency/Multiple copies and Limits | reproduction and number of copies made are limited to the needs of entity’s regular activities |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 26.1(c) |
| Scope of anthologies/compilations limitation/exception | use of work by way of illustration in publications, broadcasts or sound or visual recordings |
| Type(s) of source work(s) | lawfully published work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | teaching purposes of the work, broadcast or distributed by cable for use in schools, educational establishments, universities and professional training |
| Condition of anthologies/compilations limitation/exception | use is compatible with fair practice |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 82(b) |
| Scope of school performance | use |
| Type(s) of source work(s) | performance, phonogram and broadcast |
| Entity exercising school performance |  |
| Purpose of school performance | solely for teaching activities or scientific research |
| Condition of school performance | proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 26.1(c) |
| Scope of broadcast/communication/recording | use of work by way of illustration in publications, broadcasts or sound or visual recordings |
| Type(s) of source work(s) | lawfully published work |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching purposes of the work, broadcast or distributed by cable for use in schools, educational establishments, universities and professional training |
| Condition of broadcast/communication/recording | use is compatible with fair practice |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 82(b) |
| Scope of broadcast/communication/recording | use |
| Type(s) of source work(s) | performance, phonogram and broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for teaching activities or scientific research |
| Condition of broadcast/communication/recording | proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 32 |
| Nature of compulsory licence for translation for educational purposes | compulsory licence granted by competent authority |
| Type(s) of source work(s) | a work |
| Licence applicant/entity |  |
| Purpose of licence | translation of a work into Kirundi, Swahili, English or French and the publication of that translation on the territory of Burundi |
| Qualification(s) | conditions specified in the regulations on translation licences annexed to this Act |
| Compulsory licence fee(s) |  |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence |  |

|  |  |
| --- | --- |
| Provision | Art. 33 |
| Nature of compulsory licence for translation for educational purposes | compulsory licence granted by competent authority |
| Type(s) of source work(s) | a work |
| Licence applicant/entity |  |
| Purpose of licence | reproduction of a work and the publication of a particular edition of the work on the territory of Burundi |
| Qualification(s) | conditions specified in the regulations on translation licences annexed to this Act |
| Compulsory licence fee(s) |  |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence |  |

## TPM/RMI Exceptions for Educational Purposes

# Cabo Verde

## Legislation Reviewed

Decree-Law No. 1/2009 of April 27, 2009, revising the Law on Copyright

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Arts. 62.1(l), 63 |
| Scope of private/personal use | reproduction, translation, adaptation, arrangement, or any other alteration of |
| Type(s) of source work(s) | lawfully published or disclosed works |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | individual and private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of 3D arts of limited printruns, musical scores, exercise manuals and “other publications as long as people use them only once”, whole or substantial part of a database, computer program[[307]](#footnote-307),  any other reproduction which “damages its normal exploitation or causes unjustified prejudice to the legitimate interests of the author”[[308]](#footnote-308) |
| Subject to Attribution | title, name of author[[309]](#footnote-309) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 73 |
| Scope of private/personal use | reproduction of |
| Type(s) of source work(s) | lawfully published audiovisual work or sound recording |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private use by the user |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | fair remuneration[[310]](#footnote-310) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 62.1(f) |
| Scope of quotation | citation of short excerpts of |
| Type(s) of source work(s) | another author's work, whether in written, audio or visual form |
| Entity exercising quotation |  |
| Purpose of quotation | for scientific, critical or didactic reasons or for information |
| Condition of quotation | excerpts are not so extensive as to lessen interest in the work |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title, name of author[[311]](#footnote-311) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 62.1(b) |
| Nature of educational reproduction | reproduction by photographic processes or any other similar processes |
| Type(s) of source work(s) |  |
| Entity exercising reproduction | libraries, archives and non-commercial documentation centers, scientific institutes or teaching establishments |
| Purpose of educational reproduction | exclusively didactic, research or professional training purposes |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits | copies reproduced do not exceed the needs of the purpose for which they are intended |
| Collective Licence/remuneration |  |
| Attribution | title, name of author[[312]](#footnote-312) |

|  |  |
| --- | --- |
| Provision | Art. 72 |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | a single copy of works which are not yet available in trade or are impossible to obtain |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | purely scientific or humanitarian interest purposes |
| Qualification(s) | for the time necessary for their use |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 62.1(a) |
| Scope of school performance | performance, execution, cinematographic showing |
| Type(s) of source work(s) | recorded or broadcast (lawfully published or disclosed) works |
| Entity exercising school performance |  |
| Purpose of school performance |  |
| Condition of school performance | performance etc. take place in private, with no paid entry and without profit, or  in school establishments for exclusively educational, research or professional training purposes |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration | title, name of author[[313]](#footnote-313) |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 62.1(a) |
| Scope of broadcast/communication/recording | communication of |
| Type(s) of source work(s) | recorded or broadcast (lawfully published or disclosed) works |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording |  |
| Condition of broadcast/communication/recording | performance etc. take place in private, with no paid entry and without profit, or  in school establishments for exclusively educational, research or professional training purposes |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration | title, name of author[[314]](#footnote-314) |

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 75 |
| Nature of compulsory licence for translation for educational purposes | non-exclusive inalienable compulsory licence, for translation, publication and/or reproduction in Cape Verde[[315]](#footnote-315) |
| Type(s) of source work(s) | work already lawfully disclosed into Portuguese or Cape Verdean creole, which its author has not withdrawn from circulation |
| Licence applicant/entity | an audio or audiovisual broadcasting organisation with headquarters in Cape Verde |
| Purpose of licence | for exclusively teaching or scientific research purposes  exclusively for teaching or scientific research purposes, in audiovisual fixations for school or scientific use[[316]](#footnote-316) |
| Qualification(s) | work has not been previously translated and published within 1 year from first publication in original language or 3 years in Portuguese or Cape Verdean creole[[317]](#footnote-317)  licensee proves that authorization was requested but not granted from rights holder, or it was not possible to find, despite reasonable efforts, the rights holder[[318]](#footnote-318)  title and author to be indicated on all copies of published translation/reproductions[[319]](#footnote-319) |
| Compulsory licence fee(s) | beneficiary of compulsory licence to be guaranteed fair and equitable compensation[[320]](#footnote-320) |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | Government department responsible for culture sector[[321]](#footnote-321) |

## TPM/RMI Exceptions for Educational Purposes

# Cambodia

## Legislation Reviewed

Law on Copyright and Related Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 24 |
| Scope of private/personal use | private reproduction of |
| Type(s) of source work(s) | a published work, (performances, phonograms, video productions and broadcasts)[[322]](#footnote-322) |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use | exclusively for his own personal purposes |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a database, computer program[[323]](#footnote-323),  any work where “reproduction would conflict with a normal exploitation of work or unreasonably prejudice legitimate interests of author or rightholder” |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 25 |
| Scope of private/personal use | free and private representations of |
| Type(s) of source work(s) | works, (performances, phonograms, video productions and broadcasts)[[324]](#footnote-324) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusively to a close circle of people such as family or friends |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 25 |
| Scope of quotation | analyses and short quotations |
| Type(s) of source work(s) |  |
| Entity exercising quotation |  |
| Purpose of quotation | justified by the critical, polemical, pedagogical, scientific or informative nature of that work |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 28 |
| Scope of quotation | cite, in another work |
| Type(s) of source work(s) | a legitimately published work |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | citation does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if on source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 50(d) |
| Scope of quotation | quotation, in the form of |
| Type(s) of source work(s) | short citation extracted from performance, phonogram or broadcast |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotation is conformed to reasonable practice and justified by proper informative objective |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 25(c) |
| Nature of educational reproduction | use |
| Type(s) of source work(s) | work |
| Entity exercising reproduction | anyone |
| Purpose of educational reproduction | education |
| Qualification(s) | which is not for financial gain |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Art. 29(a) |
| Nature of educational reproduction | use for the purpose of illustration in publication such as book or newspaper, or by broadcasting, or by audio or visual screening |
| Type(s) of source work(s) | a legally published work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | intended for educational purposes |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (if on source) |

|  |  |
| --- | --- |
| Provision | Art. 29(b) |
| Nature of educational reproduction | reproduce (by reprographic means) |
| Type(s) of source work(s) | any separated articles, articles of the newspaper or magazine, or short extracts of any legally published works |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | used for teaching or for examinations held by any educational establishments |
| Qualification(s) | activities do not lead directly or indirectly to commercial gain and must be done with appropriate reason according to this specific objective |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (if on source) |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 50(b) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | performances, phonograms, video productions and broadcasts[[325]](#footnote-325) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 50(c) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | performances, phonograms, video productions and broadcasts[[326]](#footnote-326) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | educational purpose |
| Condition of broadcast/communication/recording | except for performances or phonograms produced for educational purposes |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Cameroon

## Legislation Reviewed

Law No. 2000/011 of December 19, 2000 on Copyright and Neighbouring Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 29(1)(c) |
| Scope of private/personal use | reproductions and transformations of |
| Type(s) of source work(s) | work published with authorization of author |
| Entity exercising private/personal use | any person |
| Purpose of private/personal use | strictly personal and private use of the person who makes them |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | any collective use or any exploitation for profit[[327]](#footnote-327)  works of architecture, reprographic reproduction of whole book or musical notation, a database, computer program[[328]](#footnote-328),  any work where reproduction would “violate the normal exploitation of work or which will be unjustifiably detrimental to the legitimate interests of the author”[[329]](#footnote-329) |
| Subject to Attribution |  |
| Subject to Remuneration | levies on recording media paid by manufacturer/importer[[330]](#footnote-330) |

|  |  |
| --- | --- |
| Provision | s 67(1)(b) |
| Scope of private/personal use | reproductions of |
| Type(s) of source work(s) | performance, phonogram, videogram, audiovisual programmes[[331]](#footnote-331) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | strictly private use of the person who makes them |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | any collective use |
| Subject to Attribution |  |
| Subject to Remuneration | levies on recording media paid by manufacturer/importer[[332]](#footnote-332) (for reproductions of phonograms, videograms) |

|  |  |
| --- | --- |
| Provision | ss 29(1)(a), 67(1)(a) |
| Scope of private/personal use | private performance of |
| Type(s) of source work(s) | work published with authorization of author, (performance, phonogram, videogram, audiovisual programmes)[[333]](#footnote-333) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | within family |
| Condition of private/personal use | no proceeds accruing |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 29(d) |
| Scope of quotation | analysis, press reviews, short quotations of |
| Type(s) of source work(s) | work published with authorization of author |
| Entity exercising quotation |  |
| Purpose of quotation | critical, pedagogic, scientific or informative nature of the work |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if on source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 67(1)(c) |
| Scope of quotation | analyses and short quotations |
| Type(s) of source work(s) |  |
| Entity exercising quotation |  |
| Purpose of quotation | necessary by the critical, controversial,  pedagogic, scientific or informative nature of the work containing them |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 29(1)(e) |
| Scope of anthologies/compilations limitation/exception | use through publication, broadcast programmes or sound or visual recordings |
| Type(s) of source work(s) | literary or artistic works |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | as teaching illustration |
| Condition of anthologies/compilations limitation/exception | use is fair and non-profit making |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 29(1(b) |
| Scope of school performance | performance of |
| Type(s) of source work(s) | work published with authorization of author |
| Entity exercising school performance |  |
| Purpose of school performance | educational and academic purposes |
| Condition of school performance | performances given free of charge  performances within premises reserved for such purposes |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 29(1)(e) |
| Scope of broadcast/communication/recording | use through publication, broadcast programmes or sound or visual recordings |
| Type(s) of source work(s) | literary or artistic works |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | as teaching illustration |
| Condition of broadcast/communication/recording | use is fair and non-profit making |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Canada

## 1. Legislation Reviewed

See the footnote 37.

# \*Central African Republic

## 1. Legislation Reviewed

Ordinance No. 85.002 on Copyrights

# Chad

## Legislation Reviewed

Law No. 005/PR/2003 of May 2nd, 2003 on the Protection of Copyright, Neighboring rights and Expressions of Folklore

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 34.1 |
| Scope of private/personal use | private performance of |
| Type(s) of source work(s) | a lawfully disclosed work, (performance, phonogram, videogram, broadcast)[[334]](#footnote-334) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusively within family circle |
| Condition of private/personal use | performance given free of charge |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 34.2 |
| Scope of private/personal use | copies or reproductions of |
| Type(s) of source work(s) | a lawfully disclosed work, (performance, phonogram, videogram, broadcast)[[335]](#footnote-335) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | strictly for private use of copier |
| Condition of private/personal use | not intended for collective use, with the exception of copies of works of art intended to be used for purposes identical to those for which original work was created |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | levies paid by manufacturer/importer of recording media that can be used for reproduction for private use of works fixed in phonograms and videograms[[336]](#footnote-336) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 34.3 |
| Scope of quotation | analyses and short quotations from |
| Type(s) of source work(s) | works, (performance, phonogram, videogram, broadcast)[[337]](#footnote-337) |
| Entity exercising quotation |  |
| Purpose of quotation | critical, polemic, educational, scientific or informative nature of the work in which they are incorporated |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 34 |
| Scope of anthologies/compilations limitation/exception | use by means of publication, broadcasting or audio or visual recording |
| Type(s) of source work(s) | lawfully disclosed literary or artistic works, (performance, phonogram, videogram, broadcast)[[338]](#footnote-338) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | teaching examples |
| Condition of anthologies/compilations limitation/exception | use is not improper and is not for profitmaking purposes |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 34 |
| Scope of broadcast/communication/recording | use by means of publication, broadcasting or audio or visual recording |
| Type(s) of source work(s) | lawfully disclosed literary or artistic works, (performance, phonogram, videogram, broadcast)[[339]](#footnote-339) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching examples |
| Condition of broadcast/communication/recording | use is not improper and is not for profitmaking purposes |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Chile

## Legislation Reviewed

Law No. 17.336 on Intellectual Property

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 71N |
| Scope of private/personal use | use of |
| Type(s) of source work(s) | a work, including phonograms |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | within the family circle |
| Condition of private/personal use | such use is not for profit |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 71S |
| Scope of private/personal use | translate |
| Type(s) of source work(s) | lawfully acquired works originally written in a foreign language |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | personal use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 71B |
| Scope of quotation | include in a work brief fragments of |
| Type(s) of source work(s) | a protected work that has been lawfully disclosed |
| Entity exercising quotation |  |
| Purpose of quotation | quotation or for the purposes of criticism, illustration, teaching or research |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, title, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 71R |
| Scope of quotation | use of |
| Type(s) of source work(s) | a protected work ( to audiovisual works of a documentary nature) |
| Entity exercising quotation |  |
| Purpose of quotation | criticism, commentary, caricature |
| Condition of quotation | use does not constitute disguised use of the protected work  use to be incidental or exceptional |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 71R |
| Nature of educational reproduction | use |
| Type(s) of source work(s) | a protected work ( to audiovisual works of a documentary nature) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | commentary, teaching, academic or research interest |
| Qualification(s) | use does not constitute disguised use of the protected work |
| Frequency/Multiple copies and Limits | use to be incidental or exceptional |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Art. 71F |
| Nature of educational reproduction | reproduction through photography, cinema, television or any other similar process, and publication of the corresponding photographs in newspapers, reviews, books and texts |
| Type(s) of source work(s) | architectural works |
| Entity exercising reproduction | anyone |
| Purpose of educational reproduction | educational purposes |
| Qualification(s) | not in a complete or partial separate collection |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Art. 71M |
| Nature of educational reproduction | reproduce and translate |
| Type(s) of source work(s) | small fragments of publicly disclosed works or isolated works of a three-dimensional, photographic or figurative nature, excluding school textbooks and university manuals |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | educational purposes, within the framework of formal education or with the consent of the Ministry of Education, solely to illustrate educational activities |
| Qualification(s) | reproduction and translation must be warranted and not for profit |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (unless infeasible) |

|  |  |
| --- | --- |
| Provision | Art. 71D |
| Nature of educational reproduction | annotating or compiling in any form |
| Type(s) of source work(s) | courses taught in institutions of higher education, high schools and schools |
| Entity exercising reproduction | to whom the courses are intended |
| Purpose of educational reproduction |  |
| Qualification(s) | no full/partial publication without authorization of lecturer |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 71F |
| Scope of anthologies/compilations limitation/exception | reproduction through photography, cinema, television or any other similar process, and publication of the corresponding photographs in newspapers, reviews, books and texts |
| Type(s) of source work(s) | architectural works |
| Entity exercising anthologies/compilations limitation/exception | anyone |
| Purpose of anthologies/compilations limitation/exception | educational purposes |
| Condition of anthologies/compilations limitation/exception | not in a complete or partial separate collection |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 71N |
| Scope of school performance | use of, [not considered public performance] |
| Type(s) of source work(s) | a work, including phonograms |
| Entity exercising school performance |  |
| Purpose of school performance | within the family circle, in educational or charitable establishments, libraries, archive centers or museums |
| Condition of school performance | such use is not for profit |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 71N |
| Scope of broadcast/communication/recording | use of, [not considered communication] |
| Type(s) of source work(s) | a work, including phonograms |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | within the family circle, in educational or charitable establishments, libraries, archive centers or museums |
| Condition of broadcast/communication/recording | such use is not for profit |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

Note:

Art. 71L enables not-for-profit libraries and archive centers to arrange for the translation of works originally written in foreign languages, for research or study purposes by users of the libraries or archive centers, wo having to remunerate the copyright holder or obtain his authorization. This is unlike the compulsory license regime for educational reproductions and translations in the Berne Convention, where remuneration has to be made.

## TPM/RMI Exceptions for Educational Purposes

# China

## Legislation Reviewed

Copyright Law of the People’s Republic of China of February 26, 2010 (amended up to the Decision of February 26, 2010, by the Standing Committee of the National People's Congress on Amending the Copyright Law of the People's Republic of China)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 22(1) |
| Scope of private/personal use | use of |
| Type(s) of source work(s) | another person’s published work, (typographical design of publisher, performance, sound recording, video recording, broadcast)[[340]](#footnote-340) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | user’s own personal study, research or appreciation |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution | title of work, name of author |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 22(2) |
| Scope of quotation | appropriate quotation from |
| Type(s) of source work(s) | another person’s published work, (typographical design of publisher, performance, sound recording, video recording, broadcast)[[341]](#footnote-341) in one’s own work |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title of work, name of author |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 22(6) |
| Nature of educational reproduction | translation, or reproduction of copies |
| Type(s) of source work(s) | a published work, (typographical design of publisher, performance, sound recording, video recording, broadcast)[[342]](#footnote-342) |
| Entity exercising reproduction | teachers or scientific researchers |
| Purpose of educational reproduction | use in classroom teaching or scientific research |
| Qualification(s) | translation or reproductions are not published for distribution |
| Frequency/Multiple copies and Limits | reproduction in a small quantity [of copies] |
| Collective Licence/remuneration |  |
| Attribution | title of work, name of author |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 23 |
| Scope of anthologies/compilations limitation/exception | passages from |
| Type(s) of source work(s) | a work, a short written work, musical work, a single work of the fine arts or photographic work which has been published, (typographical design, performance, sound recording, video recording, broadcast)[[343]](#footnote-343) may be compiled in textbooks |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | compiling and publishing textbooks for the nine-year compulsory education and for national education planning |
| Condition of anthologies/compilations limitation/exception | “other rights enjoyed by the copyright owner in accordance with this Law are not prejudiced” |
| Preclusions (not part of anthologies/compilations limitation/exception) | where author declares in advance that use of his work is not permitted |
| Subject to Attribution | title of work, name of author |
| Subject to Remuneration | remuneration is paid |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 22(9) |
| Scope of school performance | live performance of |
| Type(s) of source work(s) | a published work, (typographical design of publisher, performance, sound recording, video recording, broadcast)[[344]](#footnote-344) |
| Entity exercising school performance |  |
| Purpose of school performance |  |
| Condition of school performance | gratuitous (no fees are charged to the public, nor payments are made to the performers) |
| Preclusions (not part of school performance) |  |
| Subject to Attribution | title of work, name of author |
| Subject to Remuneration |  |

Note that limitation here is not restricted to school performances.

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 22(11) |
| Nature of compulsory licence for translation for educational purposes | translation into minority nationality languages |
| Type(s) of source work(s) | published work, (typographical design of publisher, performance, sound recording, video recording, broadcast)[[345]](#footnote-345) of a Chinese citizen, legal entity or other organization from Han language |
| Licence applicant/entity |  |
| Purpose of licence | publication and distribution in the country |
| Qualification(s) | attribution of original published work by title of work, name of author |
| Compulsory licence fee(s) |  |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence |  |

Note:

This is not a compulsory licence scheme under the Berne Convention.

## TPM/RMI Exceptions for Educational Purposes

# Colombia

## Legislation Reviewed

Law No. 23 of 1982 (January 28) - On Copyright

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 37 |
| Scope of private/personal use | reproduce, by any means, |
| Type(s) of source work(s) | a literary or scientific work, (performance, phonogram, broadcast)[[346]](#footnote-346) |
| Entity exercising private/personal use | reproduction to be arranged by party using the work |
| Purpose of private/personal use | for his private use |
| Condition of private/personal use | in one single copy  without gainful intent |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 44 |
| Scope of private/personal use | use of |
| Type(s) of source work(s) | scientific, literary and artistic works, (performance, phonogram, broadcast)[[347]](#footnote-347) |
| Entity exercising private/personal use | private residence |
| Purpose of private/personal use |  |
| Condition of private/personal use | without gainful intent |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 31 |
| Scope of quotation | quote an author by transcribing |
| Type(s) of source work(s) | the necessary passages |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | not of such length and continuity that they might reasonably be considered a simulated, substantial reproduction constituting a prejudice for author of work |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title of work, name of author (if on source) |
| Subject to Remuneration | where new work is constituted mainly by the inclusion of works of other owners, courts shall make an equitable assessment of remuneration payable to each of other owners at request of any interested party |

|  |  |
| --- | --- |
| Provision | Art.178(d) |
| Scope of quotation | quote short excerpts from |
| Type(s) of source work(s) | (performance, phonogram, broadcast)[[348]](#footnote-348) |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotations are compatible with fair practice  quotations are justified by the  informatory purpose of such quotations. |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 32 |
| Nature of educational reproduction | by way of illustration in works, (performance, phonogram, broadcast)[[349]](#footnote-349)  by means of publications, broadcasts or sound or visual recordings  by communicating works broadcast for use in schools, education, universities and professional training |
| Type(s) of source work(s) | literary or artistic works, or parts thereof |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for teaching purposes (or scientific research)  without gainful intent |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | title of work, name of author |

|  |  |
| --- | --- |
| Provision | Art. 40 |
| Nature of educational reproduction | noting and collecting |
| Type(s) of source work(s) | lectures of talks given at establishments of higher, secondary or primary education |
| Entity exercising reproduction | students, to whom lectures are addressed |
| Purpose of educational reproduction |  |
| Qualification(s) | no full/partial publication or reproduction without written authorization of lecturer |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 32 |
| Scope of anthologies/compilations limitation/exception | by way of illustration in works, (performance, phonogram, broadcast)[[350]](#footnote-350)  by means of publications, broadcasts or sound or visual recordings  by communicating works broadcast for use in schools, education, universities and professional training |
| Type(s) of source work(s) | literary or artistic works, or parts thereof |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for teaching purposes (or scientific research)  without gainful intent |
| Condition of anthologies/compilations limitation/exception |  |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | title of work, name of author |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 164 |
| Scope of school performance | public performance by any means, including broadcasting, of |
| Type(s) of source work(s) | a musical work with or without words |
| Entity exercising school performance |  |
| Purpose of school performance | for strictly educational purposes within the grounds or buildings of the educational establishments concerned |
| Condition of school performance | no admission charge whatever is made |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 32 |
| Scope of broadcast/communication/recording | by way of illustration in works, (performance, phonogram, broadcast)[[351]](#footnote-351)  by means of publications, broadcasts or sound or visual recordings  by communicating works broadcast for use in schools, education, universities and professional training |
| Type(s) of source work(s) | literary or artistic works, or parts thereof |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for teaching purposes (or scientific research)  without gainful intent |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | title of work, name of author |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 45 |
| Nature of compulsory licence for translation for educational purposes | non-exclusive, non-transferable[[352]](#footnote-352) compulsory licence, for translation into Spanish and publication (or analogous form) (and broadcasting)[[353]](#footnote-353) in Columbia[[354]](#footnote-354) |
| Type(s) of source work(s) | (lawfully acquired copy of)[[355]](#footnote-355) work or text incorporated in an audiovisual fixation that was prepared and published for sole purpose of systematic instruction[[356]](#footnote-356) |
| Licence applicant/entity |  |
| Purpose of licence | for the purpose of teaching, scholarship or research of the work to which the license relates[[357]](#footnote-357)  for use in broadcasts intended exclusively for teaching or for the dissemination of the results of specialized technical or scientific research to experts in a particular profession[[358]](#footnote-358) |
| Qualification(s) | work has not been previously translated by copyright owner into Spanish and published in Columbia within 7 years from first publication of the work, or all previous editions in that language are out of print  licence applicant has requested and been denied authorization from owner of right of translation, or applicant was unable to find such owner, after due diligence, and applicant has notified the designated national/international information center[[359]](#footnote-359)  where owner of right of translation is known or located, owner is to be given an opportunity to be heard before a licence can be granted[[360]](#footnote-360)  no licence granted if author withdraws all copies of work from circulation[[361]](#footnote-361)  all copies published have to include the original title and name of author of the work and notice in Spanish stating that copy is available for sale or distribution only within Columbia[[362]](#footnote-362)  subject to licensee’s sale of existing copies, licence nullified if right owner is publishing or has permitted the publishing of translated work under the same conditions, display, form and content or for a price similar to licensee’s edition[[363]](#footnote-363) |
| Compulsory licence fee(s) | just compensation to owner of right of translation[[364]](#footnote-364) |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | competent authority |

|  |  |
| --- | --- |
| Provision | Art. 58 |
| Nature of compulsory licence for translation for educational purposes | non-exclusive, non-transferable[[365]](#footnote-365) compulsory licence, for reproduction and publication (or analogous form) (and in audiovisual form)[[366]](#footnote-366) in Columbia[[367]](#footnote-367) and not for export |
| Type(s) of source work(s) | work, or  or text incorporated in an audiovisual fixation that was prepared and published for sole purpose of systematic instruction[[368]](#footnote-368) |
| Licence applicant/entity |  |
| Purpose of licence | for use in connection with systematic instructional activities [[369]](#footnote-369)  for use in audiovisual form in connection with systematic instructional activities[[370]](#footnote-370) |
| Qualification(s) | for works of technology and of the natural and physical sciences, including mathematics, 3 years had expired from first publication  for fictional work, 7 years had expired from first publication  for any other work, 5 years had expired from first publication  work has not been previously distributed by copyright owner in Columbia at a price for comparable works, or all copies are out of print for at least 6 months  licence applicant has requested and been denied authorization from owner of right of reproduction, or applicant was unable to find such owner, after due diligence, and applicant has notified the designated national/international information center[[371]](#footnote-371)  a further waiting period of 3 months/6 months has lapsed since licence applicant complied with conditions[[372]](#footnote-372)  no distribution or placing on sale of work has taken place during waiting period[[373]](#footnote-373)  where owner of right of reproduction is known or located, owner is to be given an opportunity to be heard before a licence can be granted[[374]](#footnote-374)  no licence granted if author withdraws all copies of work from circulation[[375]](#footnote-375)  all copies published to be at price for comparable work[[376]](#footnote-376) and have to include the original title and name of author of the work and notice in Spanish stating that copy is available for sale or distribution only within Columbia, and a reprint of original copyright notice[[377]](#footnote-377)  subject to licensee’s sale of existing copies, licence nullified if right owner is publishing or has permitted the publishing of work under the same conditions, display, form and content or for a price similar to licensee’s edition[[378]](#footnote-378) |
| Compulsory licence fee(s) | just compensation to owner of right of reproduction[[379]](#footnote-379) |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | competent authority |

## TPM/RMI Exceptions for Educational Purposes

# \*Comoros

## Legislation Reviewed

Law of March 11, 1957, on Literary and Artistic Property

# Congo

## Legislation Reviewed

Law No. 24/82 of July 7, 1982 on Copyright and Neighbouring Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 33.1(a) |
| Scope of private/personal use | reproduction, translation, adaptation, arrangement or any other transformation of |
| Type(s) of source work(s) | a lawfully published work (in original language or in translation), (performance, phonogram, broadcast)[[380]](#footnote-380) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusively for user’s own personal and private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | author entitled to remuneration for sound and visual recordings of protected works on physical media[[381]](#footnote-381) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 33.1(b) |
| Scope of quotation | inclusion, in another work, of quotations from |
| Type(s) of source work(s) | such work, including newspaper articles and periodicals in the form of press summaries |
| Entity exercising quotation |  |
| Purpose of quotation | in the form of quotation |
| Condition of quotation | quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 97 |
| Scope of quotation | quotations in the form of |
| Type(s) of source work(s) | short excerpts of a performance, of a phonogram or of a broadcast |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotation is compatible with fair practice  quotation is justified by informatory purpose of such quotations |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 33.5 |
| Nature of educational reproduction | reproduction, by photographic or similar process |
| Type(s) of source work(s) | lawfully available literary, artistic or scientific works |
| Entity exercising reproduction | public libraries, non-commercial documentation centers, scientific institutions and educational establishments |
| Purpose of educational reproduction |  |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits | reproduction and the number of copies made are limited to the needs of their activities  “do not conflict with the normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author” |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Arts. 97, 98 |
| Nature of educational reproduction | reproduction/use |
| Type(s) of source work(s) | copies of phonograms, (performances, broadcasts)[[382]](#footnote-382) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | sole purpose of teaching or of scientific research |
| Qualification(s) | phonograms: copies made and distributed on the territory of the Congo, excluding any exportation of copies |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration | phonograms: equitable remuneration for reproduction of copies of phonograms, based on number of copies made and distributed |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 33.1(c) |
| Scope of anthologies/compilations limitation/exception | utilization of work by way of illustration in publications, broadcasts or sound or visual recordings  communication of work broadcast for use in schools, education, universities and vocational training |
| Type(s) of source work(s) | work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | utilization for teaching  communication for teaching purposes |
| Condition of anthologies/compilations limitation/exception | use is compatible with fair practice |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 33.1(c) |
| Scope of broadcast/communication/recording | utilization of work by way of illustration in publications, broadcasts or sound or visual recordings  communication of work broadcast for use in schools, education, universities and vocational training |
| Type(s) of source work(s) | work |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | utilization for teaching  communication for teaching purposes |
| Condition of broadcast/communication/recording | use is compatible with fair practice |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Costa Rica

## Legislation Reviewed

Law No. 6683 on Copyright and Related Rights (as last amended by Law No. 8834 of May 3, 2010)

# Côte d'Ivoire

## Legislation Reviewed

Law No. 96-564 of July 25, 1996, on the Protection of Intellectual Works and the Rights of Authors, Performers and Phonogram and Videogram Producers

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 31 |
| Scope of private/personal use | private performances of |
| Type(s) of source work(s) | work, (performance, phonogram, videogram)[[383]](#footnote-383) lawfully made accessible to the public |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusively in a family circle |
| Condition of private/personal use | do not generate any form of income |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 31 |
| Scope of private/personal use | reproductions, translations and adaptations of |
| Type(s) of source work(s) | works, (performance, phonogram, videogram)[[384]](#footnote-384) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | strictly personal and private use, and not for collective use, with the exception of works of art |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | remuneration to authors and performers for reproduction of works fixed on phonograms, videograms, as levy on manufacturer/importer of recording material suitable for reproduction for private use of works fixed on phonograms/videograms[[385]](#footnote-385) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 31 |
| Scope of quotation | analyses, press reviews and short quotations of |
| Type(s) of source work(s) | works, (performance, phonogram, videogram)[[386]](#footnote-386) |
| Entity exercising quotation |  |
| Purpose of quotation | justified by the critical, polemic, educational, scientific or informatory character of the work |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if on source) |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 31 |
| Scope of anthologies/compilations limitation/exception | use through publication, radio or television broadcasting or sound or visual recordings |
| Type(s) of source work(s) | literary, artistic or scientific works, (performance, phonogram, videogram)[[387]](#footnote-387) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | illustration in teaching |
| Condition of anthologies/compilations limitation/exception | use is not improper and is devoid of any gainful intent |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author (if on source) |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 31 |
| Scope of broadcast/communication/recording | use through publication, radio or television broadcasting or sound or visual recordings |
| Type(s) of source work(s) | literary, artistic or scientific works, (performance, phonogram, videogram)[[388]](#footnote-388) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | illustration in teaching |
| Condition of broadcast/communication/recording | use is not improper and is devoid of any gainful intent |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (if on source) |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Croatia

## Legislation Reviewed

Copyright and Related Rights Act and Acts on Amendments to the Copyright and Related Rights Act (OG Nos. 167/2003, 79/2007, 80/2011, 141/2013 & 127/2014)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 82 |
| Scope of private/personal use | reproduce |
| Type(s) of source work(s) | a copyright work, (performances, phonograms, videograms, broadcasts, publishers’ publications and databases)[[389]](#footnote-389) |
| Entity exercising private/personal use | natural person |
| Purpose of private/personal use | for private use |
| Condition of private/personal use | in any medium or  in the form of photocopying and other personal use if this copy is not intended for or accessible to the public and has no direct or indirect commercial purpose |
| Preclusions (not part of private/personal use) | works of architecture, reproduction of whole book (unless copies have been sold out for at least two years), musical notation, electronic database, cartographic works,  only “such uses of a copyright work which do not conflict with regular use of the work and do not unreasonably prejudice the legitimate interests of the author”[[390]](#footnote-390) |
| Subject to Attribution |  |
| Subject to Remuneration | author whose works are expected to be reproduced by (photocopying, recording on sound, visual or text fixation media) entitled to appropriate remuneration by levy on sale of technical appliances and blank audio, video or text fixation media[[391]](#footnote-391) from manufacturers/importers[[392]](#footnote-392), and remuneration from person who provides paid photocopying services[[393]](#footnote-393) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 90 |
| Scope of quotation | quotations of |
| Type(s) of source work(s) | excerpts from a lawfully available copyright work, (performances, phonograms, videograms, broadcasts, publishers’ publications and databases)[[394]](#footnote-394) |
| Entity exercising quotation |  |
| Purpose of quotation | scientific research, teaching, criticism, polemics, revision, review |
| Condition of quotation | extent justified by the purpose to be achieved and in accordance with fair practice |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 84 |
| Nature of educational reproduction | reproduce to any media |
| Type(s) of source work(s) | work, (performances, phonograms, videograms, broadcasts, publishers’ publications and databases)[[395]](#footnote-395) |
| Entity exercising reproduction | public archives, public libraries, educational and scientific institutions, preschool educational institutions and social (charitable) institutions pursuing non-commercial purposes |
| Purpose of educational reproduction |  |
| Qualification(s) | from their own copy [of the work] |
| Frequency/Multiple copies and Limits | not more than one copy |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 85 |
| Scope of anthologies/compilations limitation/exception | reproduce on paper or any similar medium and distribute particular portions (parts) of |
| Type(s) of source work(s) | lawfully disclosed works, or integral short works from the domain of science, literature and music, as well as disclosed individual works of visual arts, architecture, applied arts and industrial design, photographic or cartographic works, and presentations of scientific or technical nature, in the form of a collection which contains contributions of several authors,  *and* (performances, phonograms, videograms, broadcasts, publishers’ publications and databases)[[396]](#footnote-396) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | by its contents, and systematisation exclusively intended for teaching or scientific research |
| Condition of anthologies/compilations limitation/exception |  |
| Preclusions (not part of anthologies/compilations limitation/exception) | unless expressly prohibited by author |
| Subject to Attribution | source |
| Subject to Remuneration | authors entitled to equitable remuneration[[397]](#footnote-397) |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 88 |
| Scope of school performance | publicly perform or to present it at stage in the form of direct teaching or at school events |
| Type(s) of source work(s) | a work, (performances, phonograms, videograms, broadcasts, publishers’ publications and databases)[[398]](#footnote-398) |
| Entity exercising school performance |  |
| Purpose of school performance | to extent justified by educational purpose |
| Condition of school performance | works are not used for direct or indirect economic or commercial benefit by the educational institution, the organizers or third persons  the performers receive no payment (remuneration) for their performance  where the tickets are free of charge |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 84 |
| Scope of broadcast/communication/recording | reproduce to any media |
| Type(s) of source work(s) | work, (performances, phonograms, videograms, broadcasts, publishers’ publications and databases)[[399]](#footnote-399) |
| Entity exercising broadcast/communication/recording | public archives, public libraries, educational and scientific institutions, preschool educational institutions and social (charitable) institutions pursuing non-commercial purposes |
| Purpose of broadcast/communication/recording |  |
| Condition of broadcast/communication/recording | from their own copy [of the work] |
| Preclusions (not part of broadcast/communication/recording) | not more than one copy |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | Art. 98 |
| Scope of TPM/RMI limitation/exception | exception to oblige authors or other persons who applied technological measures to works to enable access to such works |
| Type(s) of source work(s) |  |
| Beneficiary exercising limitation/exception | users who use or access of the work is allowed under Arts. 82-87 are prevented by the application of technological measures from so accessing the works |
| Purpose of limitation/exception | to such works and use thereof in accordance with Arts. 82-87 (limitations of copyright) |
| Condition of limitation/exception | works are not “made available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them”[[400]](#footnote-400) |

# \*Cuba

## Legislation Reviewed

Law on Copyright (Law No. 14 of 1977)

# Cyprus

## Legislation Reviewed

Copyright Laws 1976 to 1993 (Law No. 59 of December 3, 1976, as amended by Law No. 18(I), 1993)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 7(1)(a) |
| Scope of private/personal use | reproduction, sale, rental, distribution, lending, advertising, exhibiting in public, communication to the public, broadcasting, translation, adaptation and other arrangement, of |
| Type(s) of source work(s) | the whole (literary, musical or artistic work or cinematograph film), (sound recording, broadcast),[[401]](#footnote-401) or a substantial part by way of fair dealing |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research, private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution | (if use in public) title of work and author of work, except where work is incidentally included in a broadcast |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 7(1)(a) |
| Scope of quotation | reproduction, sale, rental, distribution, lending, advertising, exhibiting in public, communication to the public, broadcasting, translation, adaptation and other arrangement, of |
| Type(s) of source work(s) | the whole (literary, musical or artistic work or cinematograph film), (sound recording, broadcast),[[402]](#footnote-402) or a substantial part by way of fair dealing |
| Entity exercising quotation |  |
| Purpose of quotation | criticism or review |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | (if use in public) title of work and author of work, except where work is incidentally included in a broadcast |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 7(1)(f) |
| Scope of quotation | quotation of |
| Type(s) of source work(s) | passages from published works, (sound recording, broadcast),[[403]](#footnote-403) including extracts from newspaper articles and magazines in the form of press summaries |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotation compatible with fair practice  quotation does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 7(1)(j) |
| Nature of educational reproduction | any use made of |
| Type(s) of source work(s) | a work, (sound recording, broadcast)[[404]](#footnote-404) |
| Entity exercising reproduction | public libraries, non-commercial collection and documentation centres and scientific institutions as may be prescribed |
| Purpose of educational reproduction | use is in the public interest |
| Qualification(s) | no revenue is derived therefrom  no admission fee is charged for the communication, if any, to the public of the work |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 7(1)(e) |
| Scope of broadcast/communication/recording | inclusion of |
| Type(s) of source work(s) | a work, (sound recording, broadcast),[[405]](#footnote-405) in a broadcast, communication to the public, sound recording, cinematograph film or collection of works |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | illustration for teaching purposes |
| Condition of broadcast/communication/recording | compatible with fair practice |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (if on source) |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Czech Republic

## Legislation Reviewed

Consolidated Version of Act No. 121/2000 Coll., on Copyright and Rights Related to Copyright and on Amendment to Certain Acts (the Copyright Act, as amended by Act No. 81/2005 Coll., Act No. 61/2006 Coll. and Act No. 216/2006 Coll.)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Arts. 25(1)(a), 30(2), (3) |
| Scope of private/personal use | reproduction of |
| Type(s) of source work(s) | a work, (computer program, electronic database),[[406]](#footnote-406) (work of architecture in the form of building),[[407]](#footnote-407) made public |
| Entity exercising private/personal use | natural person/legal person/sole trader |
| Purpose of private/personal use | natural person: for personal use  legal person/sole trader: for own internal use |
| Condition of private/personal use | using a device for making printed reproductions on paper or other similar base  without seeking to achieve direct or indirect economic benefit[[408]](#footnote-408)  reproduction may not be used for any other purpose[[409]](#footnote-409) |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution | reproduction or imitation of work of fine arts made by natural person for personal use: to be “visibly designated as such” |
| Subject to Remuneration | printed reproductions: remuneration payable to author by producer/importer/consignee/carrier[[410]](#footnote-410) of technical devices for making printed reproductions and provider of paid reproduction services,[[411]](#footnote-411) at time of import/receipt/first sale[[412]](#footnote-412) |

|  |  |
| --- | --- |
| Provision | Arts. 20(1), 25(1)(b), 30(2) |
| Scope of private/personal use | reproduction, by transfer by device to blank record carrier, of |
| Type(s) of source work(s) | a work, (computer program, electronic database),[[413]](#footnote-413) (work of architecture in the form of building),[[414]](#footnote-414) fixation of an audio, audiovisual work,[[415]](#footnote-415) (while it is performed from a fixation or during its transmission)[[416]](#footnote-416) or other fixation or broadcasting |
| Entity exercising private/personal use | natural person |
| Purpose of private/personal use | for personal use |
| Condition of private/personal use | without seeking to achieve direct or indirect economic benefit[[417]](#footnote-417)  reproduction may not be used for any other purpose[[418]](#footnote-418) |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | fixation by transfer: remuneration payable to author by producer/importer/consignee/carrier[[419]](#footnote-419) of technical devices for making reproductions of fixations, blank record carriers and provider of paid reproduction services,[[420]](#footnote-420) at time of import/receipt/first sale[[421]](#footnote-421) |

|  |  |
| --- | --- |
| Provision | Arts. 30a |
| Scope of private/personal use | printed reproduction of |
| Type(s) of source work(s) | a work on paper or other similar base by photographic technique or by any other process with similar effects, (computer program, electronic database),[[422]](#footnote-422) (work of architecture in the form of building),[[423]](#footnote-423) made public |
| Entity exercising private/personal use | anybody, who upon order, for personal use by a natural person or for a legal person/sole trader’s own internal use |
| Purpose of private/personal use |  |
| Condition of private/personal use | reproduction may not be used for any other purpose[[424]](#footnote-424) |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution | reproduction or imitation of work of fine arts made by natural person for personal use: to be “visibly designated as such” |
| Subject to Remuneration | printed reproductions: remuneration payable to author by provider of paid reproduction services,[[425]](#footnote-425) at time of first sale[[426]](#footnote-426) |

|  |  |
| --- | --- |
| Provision | Arts. 30a |
| Scope of private/personal use | printed reproduction of |
| Type(s) of source work(s) | a work on paper or other similar base by photographic technique or by any other process with similar effects, (computer program, electronic database),[[427]](#footnote-427) (work of architecture in the form of building),[[428]](#footnote-428) made public |
| Entity exercising private/personal use | natural person, legal person/sole trader |
| Purpose of private/personal use | natural person: for personal use  legal person/sole trader: for own internal use |
| Condition of private/personal use | reproduction may not be used for any other purpose[[429]](#footnote-429) |
| Preclusions (not part of private/personal use) | printed reproduction is made of musical notation of a musical work or musical – dramatical work |
| Subject to Attribution | reproduction or imitation of work of fine arts made by natural person for personal use: to be “visibly designated as such” |
| Subject to Remuneration | printed reproductions: remuneration payable to author by producer/importer/consignee/carrier[[430]](#footnote-430) of technical devices for making printed reproductions at time of import/receipt/first sale[[431]](#footnote-431) |

|  |  |
| --- | --- |
| Provision | Art. 92(a) |
| Scope of private/personal use | extracts or re-utilises a substantial part of |
| Type(s) of source work(s) | the content of the database |
| Entity exercising private/personal use | lawful user of database |
| Purpose of private/personal use | for personal purposes |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 92(b) |
| Scope of private/personal use | extracts or re-utilises a substantial part of |
| Type(s) of source work(s) | the content of the database |
| Entity exercising private/personal use | lawful user of database |
| Purpose of private/personal use | for scientific or educational purposes |
| Condition of private/personal use | within the scope justified by the pursued non-gainful purpose |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution | source |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 31(1)(a) |
| Scope of quotation | uses excerpts from |
| Type(s) of source work(s) | works of other authors which were made public |
| Entity exercising quotation | author of own work |
| Purpose of quotation |  |
| Condition of quotation | use of excerpts to a justified extent |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title, source, name of author (unless anonymous or pseudonym is used) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 31(1)(b) |
| Scope of quotation | uses excerpts from |
| Type(s) of source work(s) | works, or small works in their entirety |
| Entity exercising quotation | author of own work |
| Purpose of quotation | critique or review related to such a work and for the purposes of scientific or technical work |
| Condition of quotation | use of excerpts to extent complying with fair practices and required by specific purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title, source, name of author (unless anonymous or pseudonym is used) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 31(1)(c) |
| Nature of educational reproduction | use |
| Type(s) of source work(s) | work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | while teaching for illustration purposes or during scientific research |
| Qualification(s) | without seeking to achieve direct or indirect economic or commercial advantage |
| Frequency/Multiple copies and Limits | without exceeding extent adequate to given purpose |
| Collective Licence/remuneration |  |
| Attribution | title, source, name of author (unless anonymous or pseudonym is used) |

|  |  |
| --- | --- |
| Provision | Art. 35(3) |
| Nature of educational reproduction | use |
| Type(s) of source work(s) | a work created by a pupil or student as part of his school or educational assignments ensuing from his legal relationship to his school or the school-related or educational establishment (school work) |
| Entity exercising reproduction | a school or school-related or educational establishment |
| Purpose of educational reproduction | use for teaching purposes or to meet their own internal needs a work |
| Qualification(s) | not done for the purpose of any direct or indirect economic or commercial advantage |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 35(2) |
| Scope of school performance | uses, during school performances, |
| Type(s) of source work(s) | a work |
| Entity exercising school performance | anyone |
| Purpose of school performance | performed exclusively by the pupils, students or teachers of the school or of the school-related or educational establishment |
| Condition of school performance | not done for the purpose of any direct or indirect economic or commercial advantage |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | Art. 43(4) |
| Scope of TPM/RMI limitation/exception | exception to require author who used technical measures in respect of his work to make work available to lawful users |
| Type(s) of source work(s) |  |
| Beneficiary exercising limitation/exception | lawful users: users who use work for personal use or internal use (Art. 30a), or for critique, review, scientific or technical work (Art. 31(1)(b)) |
| Purpose of limitation/exception | to the extent necessary to fulfil the purpose of the stated exploitation of work [pursuant to exception] |
| Condition of limitation/exception |  |

# \*Democratic People's Republic of Korea

## Legislation Reviewed

Copyright Law of the Democratic People's Republic of Korea (as amended by Decree No. 1532 of February 1, 2006, of the Presidium of the Supreme People's Assembly)

## Private/Personal Use

## Quotations

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Democratic Republic of the Congo

## Legislation Reviewed

Ordinance-Law No. 86-033 of April 5, 1986 on the Protection of Copyright and Related Rights of Apr. 5, 1986

## Private/Personal Use

## Quotations

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 24 |
| Nature of educational reproduction | reproduce quotations or excerpts of |
| Type(s) of source work(s) | protected works |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | cultural, scientific, teaching, critical or polemic purposes |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, title, name of author |

|  |  |
| --- | --- |
| Provision | Art. 27 |
| Nature of educational reproduction | reproduction or summarization of |
| Type(s) of source work(s) | lessons delivered as part of teaching |
| Entity exercising reproduction | the people to whom [lessons] are addressed |
| Purpose of educational reproduction |  |
| Qualification(s) | may not be published, in part or in full, without the written authorization of the authors or their successors |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 25 |
| Scope of anthologies/compilations limitation/exception | reproduce, in anthologies intended for teaching use and in scientific works |
| Type(s) of source work(s) | photographs |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | to illustrate a text |
| Condition of anthologies/compilations limitation/exception |  |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

Art.28.The reproduction of an architectural work by means of photography, cinematography, television or any other similar procedure, as well as the publication of the corresponding photographs in newspapers, journals and school textbooks, shall be lawful and may not give rise to payment of copyright.

|  |  |
| --- | --- |
| Provision | Art. 28 |
| Scope of anthologies/compilations limitation/exception | reproduction, by publication of corresponding photographs in school textbooks |
| Type(s) of source work(s) | an architectural work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception |  |
| Condition of anthologies/compilations limitation/exception |  |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 31 |
| Scope of school performance | carrying out performances |
| Type(s) of source work(s) | a work already disseminated |
| Entity exercising school performance |  |
| Purpose of school performance |  |
| Condition of school performance | performance given free of charge in in a teaching establishment during school hours and have a direct bearing on the subject of the lesson |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Denmark

## Legislation Reviewed

Consolidated Act on Copyright 2014 (Consolidate Act No. 1144 of October 23, 2014, on Copyright)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 12 |
| Scope of private/personal use | make or have made single copies of |
| Type(s) of source work(s) | works, (performances,[[432]](#footnote-432) sound recordings,[[433]](#footnote-433) recordings of moving pictures,[[434]](#footnote-434) radio and television broadcasts,[[435]](#footnote-435) phonographic pictures,[[436]](#footnote-436) catalogues, tables, databases etc.[[437]](#footnote-437)) which have been made public |
| Entity exercising private/personal use | anyone |
| Purpose of private/personal use | private purposes; not done for commercial purposes |
| Condition of private/personal use | copies must not be used for any other purpose |
| Preclusions (not part of private/personal use) | construct works of architecture, copy of art by casting, printing from original negative or base, or “any other manner implying that the copy can be considered as an original”, copies in digital form of a digital database, copies of computer program, make single copies in digital form of other works (that are not lent or hired)[[438]](#footnote-438) than computer programs and databases unless this is done exclusively for the personal use of the copying person himself or his household[[439]](#footnote-439)  no rights to engage another to make copies of musical works, cinematographic works, literary works if the other person assists for commercial purposes, works of applied art and works of art if copying is in the form of artistic reproduction[[440]](#footnote-440)  no entitlement to make copies of musical and cinematographic works using technical equipment made available to the public in libraries, on business premises, or in other places accessible to the public, or copies of literary works from technical equipment provided for commercial purposes[[441]](#footnote-441) |
| Subject to Attribution | if “work is used publicly”[[442]](#footnote-442), source indicated in accordance with requirements of proper usage[[443]](#footnote-443) |
| Subject to Remuneration | levy payable by producer or importer of tapes etc. onto which are copied works broadcast on radio or television or published on phonogram, film, videogram[[444]](#footnote-444) |

## Quotations

|  |  |
| --- | --- |
| Provision | s 22 |
| Scope of quotation | quote from |
| Type(s) of source work(s) | a work, (performance,[[445]](#footnote-445) sound recording,[[446]](#footnote-446) recording of moving pictures,[[447]](#footnote-447) radio and television broadcast,[[448]](#footnote-448) catalogue, table, database etc.[[449]](#footnote-449)) which has been made public |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | in accordance with proper usage and to extent required for the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | if “work is used publicly”[[450]](#footnote-450), source indicated in accordance with requirements of proper usage[[451]](#footnote-451) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 13(1) |
| Nature of educational reproduction | copies (including recordings) |
| Type(s) of source work(s) | published works, works broadcast in radio and television (not applicable to cinematographic works which are part of general cinema repertoire of feature films except brief excerpts,[[452]](#footnote-452) not applicable to computer programs[[453]](#footnote-453)), (performances,[[454]](#footnote-454) sound recordings,[[455]](#footnote-455) recordings of moving pictures,[[456]](#footnote-456) radio and television phonographic pictures,[[457]](#footnote-457) catalogues, tables, databases etc.[[458]](#footnote-458)) |
| Entity exercising reproduction | anyone |
| Purpose of educational reproduction | only in educational activities comprised by collective licence presumed in section 50 |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration | “extended collective license”[[459]](#footnote-459) |
| Attribution | if “work is used publicly”[[460]](#footnote-460), source indicated in accordance with requirements of proper usage[[461]](#footnote-461) |

|  |  |
| --- | --- |
| Provision | s 23(1) |
| Nature of educational reproduction | use works of art and works of a descriptive nature (i.e. maps, drawings)[[462]](#footnote-462), (phonographic pictures[[463]](#footnote-463)) |
| Type(s) of source work(s) |  |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | in critical or scientific presentations in connection with the text |
| Qualification(s) | no reproduction for commercial purposes |
| Frequency/Multiple copies and Limits | in accordance with proper usage and to extent required for the purpose |
| Collective Licence/remuneration |  |
| Attribution | if “work is used publicly”[[464]](#footnote-464), source indicated in accordance with requirements of proper usage[[465]](#footnote-465) |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 18 |
| Scope of anthologies/compilations limitation/exception | minor portions, used in composite works comprising contributions by a large number of authors of, |
| Type(s) of source work(s) | literary works (including maps, drawings and other works of a descriptive nature executed in graphic or plastic form considered as literary works),[[466]](#footnote-466) musical works, (performances,[[467]](#footnote-467) sound recordings,[[468]](#footnote-468) recordings of moving pictures,[[469]](#footnote-469) phonographic pictures,[[470]](#footnote-470) catalogues, tables, databases etc.[[471]](#footnote-471)) or such works of small proportions |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | educational activities |
| Condition of anthologies/compilations limitation/exception | 5 years have lapsed since year of first publication |
| Preclusions (not part of anthologies/compilations limitation/exception) | works prepared for use in educational activities or if use is for commercial purposes |
| Subject to Attribution | if “work is used publicly”[[472]](#footnote-472), source indicated in accordance with requirements of proper usage[[473]](#footnote-473) |
| Subject to Remuneration | author entitled to remuneration[[474]](#footnote-474) |

|  |  |
| --- | --- |
| Provision | s 18(3) |
| Scope of anthologies/compilations limitation/exception | used in song booklets |
| Type(s) of source work(s) | a few published songs |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | solely for use of participants in a particular meeting |
| Condition of anthologies/compilations limitation/exception | not more than 300 copies of each booklet may be produced |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | if “work is used publicly”[[475]](#footnote-475), source indicated in accordance with requirements of proper usage[[476]](#footnote-476) |
| Subject to Remuneration | free |

## School Performances

|  |  |
| --- | --- |
| Provision | s 21 |
| Scope of school performance | public performance of |
| Type(s) of source work(s) | a published work, which is not a dramatic work or a cinematographic work, or (performances,[[477]](#footnote-477) sound recordings,[[478]](#footnote-478) radio and television broadcasts,[[479]](#footnote-479) phonographic pictures,[[480]](#footnote-480) catalogues, tables, databases etc.[[481]](#footnote-481)) |
| Entity exercising school performance |  |
| Purpose of school performance | divine services or educational activities |
| Condition of school performance | audience is admitted free of charge, performance is not the main feature of the event, and where event does not occur for commercial purposes |
| Preclusions (not part of school performance) | does not apply to performances on radio or television and to performances in educational activities which occur for commercial purposes |
| Subject to Attribution | if “work is used publicly”[[482]](#footnote-482), source indicated in accordance with requirements of proper usage[[483]](#footnote-483) |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 13(1) |
| Scope of broadcast/communication/recording | copies (including recordings) |
| Type(s) of source work(s) | published works, works broadcast in radio and television (not applicable to cinematographic works which are part of general cinema repertoire of feature films except brief excerpts,[[484]](#footnote-484) not applicable to computer programs[[485]](#footnote-485)), (performances,[[486]](#footnote-486) sound recordings,[[487]](#footnote-487) recordings of moving pictures,[[488]](#footnote-488) radio and television phonographic pictures,[[489]](#footnote-489) catalogues, tables, databases etc.[[490]](#footnote-490)) |
| Entity exercising broadcast/communication/recording | anyone |
| Purpose of broadcast/communication/recording | only in educational activities comprised by collective licence presumed in section 50 |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | if “work is used publicly”[[491]](#footnote-491), source indicated in accordance with requirements of proper usage[[492]](#footnote-492) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 13(4) |
| Scope of broadcast/communication/recording | recordings |
| Type(s) of source work(s) | [teachers and students] own performances of works, (performances,[[493]](#footnote-493) sound recordings,[[494]](#footnote-494) recordings of moving pictures,[[495]](#footnote-495) phonographic pictures,[[496]](#footnote-496) catalogues, tables, databases etc.[[497]](#footnote-497)) |
| Entity exercising broadcast/communication/recording | teachers and students |
| Purpose of broadcast/communication/recording | not done for commercial purposes; recordings may not be used for any other purpose |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration | if “work is used publicly”[[498]](#footnote-498), source indicated in accordance with requirements of proper usage[[499]](#footnote-499) |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Djibouti

## Legislation Reviewed

Law No. 154/AN/06 of 23 July 2006 on the Protection of Copyright and Neighboring Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Arts. 54(a), 65(d) |
| Scope of private/personal use | reproduction, translation, adaptation, arrangement or other transformation of |
| Type(s) of source work(s) | a lawfully published protected work, (a performance, phonogram or broadcast)[[500]](#footnote-500) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusively for producer’s own personal or private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | (reproduction of sound, visual, audiovisual recording on physical media of works, performance or phonograms) remuneration for Djiboutian authors, performers and phonogram producers, of a sum to be based on the nature and recording length of these physical media[[501]](#footnote-501), by producers or importers of physical media |

|  |  |
| --- | --- |
| Provision | Art 54(i) |
| Scope of private/personal use | production of |
| Type(s) of source work(s) | a copy or adaptation of software |
| Entity exercising private/personal use | legitimate owner |
| Purpose of private/personal use | archiving/backup or necessary for use of computer program |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 54(b) |
| Scope of quotation | inclusion of |
| Type(s) of source work(s) | nonsubstantial quotations from another lawfully published work, including quotations from newspaper articles and periodicals in the form of press summaries, |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotations are compatible with fair practice and their extent does not exceed that justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 65(e) |
| Scope of quotation | reproduction, in the form of, quotation, of |
| Type(s) of source work(s) | a performance, a phonogram or a broadcast[[502]](#footnote-502) |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | “short fragments” a performance, a phonogram or a broadcast  quotations are compatible with fair practice and their extent does not exceed that justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 54(e) |
| Nature of educational reproduction | reproduction by photographic or similar process |
| Type(s) of source work(s) | literary, artistic or scientific works which have already been lawfully made available to the public  use of a performance, a phonogram or a broadcast[[503]](#footnote-503) |
| Entity exercising reproduction | public libraries, noncommercial documentation centers, scientific institutions and educational establishments |
| Purpose of educational reproduction |  |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits | number of copies made is limited to the needs of their regular activities  such reproduction “does not conflict with the normal uses of the work nor unreasonably prejudices the legitimate interests of the author” |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 54(c) |
| Scope of anthologies/compilations limitation/exception | use, by way of illustration in publications, broadcasts or sound or visual recordings, or  communication of work broadcasted, |
| Type(s) of source work(s) | a work, (a performance, a phonogram or a broadcast[[504]](#footnote-504)) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for teaching/for teaching purposes for use in schools, educational establishments, universities and vocational training |
| Condition of anthologies/compilations limitation/exception |  |
| Preclusions (not part of anthologies/compilations limitation/exception) | work by way of illustration etc.: to the extent justified by the intended purpose  use to be compatible with fair practice |
| Subject to Attribution | source, name of author (in publication, broadcast, recording) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 54(d) |
| Scope of school performance | public performance of |
| Type(s) of source work(s) | a work, (a performance, a phonogram or a broadcast)[[505]](#footnote-505) |
| Entity exercising school performance | teaching establishment |
| Purpose of school performance | teaching activities |
| Condition of school performance |  |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 65(b) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | a performance, phonogram or broadcast[[506]](#footnote-506) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 54(c) |
| Scope of broadcast/communication/recording | use, by way of illustration in publications, broadcasts or sound or visual recordings, or  communication of work broadcasted, |
| Type(s) of source work(s) | a work, (a performance, a phonogram or a broadcast[[507]](#footnote-507)) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for teaching/for teaching purposes for use in schools, educational establishments, universities and vocational training |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) | work by way of illustration etc.: to the extent justified by the intended purpose  use to be compatible with fair practice |
| Subject to Attribution | source, name of author (in publication, broadcast, recording) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 56 |
| Scope of broadcast/communication/recording | licence to translate |
| Type(s) of source work(s) | any work, and any text incorporated in an audiovisual work that is itself prepared and published for school and university use |
| Entity exercising broadcast/communication/recording | Djibouti Radio and Television |
| Purpose of broadcast/communication/recording | translation is used only in broadcasts intended exclusively for teaching or for the dissemination of the result of specialized research to experts in a particular profession |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 55 |
| Nature of compulsory licence for translation for educational purposes | non-exclusive compulsory licence, for translation and publication of work in Djibouti |
| Type(s) of source work(s) | a writing |
| Licence applicant/entity |  |
| Purpose of licence | license intended for school, university or research use |
| Qualification(s) | written publication has not been previously translated and published in Djibouti within 1 year from first publication by owner or with his authorization, or if all previous editions of a translation are out of print  applicant establishes that, after due diligence on his part, he was unable to find the owner of the right of translation or to obtain his authorization |
| Compulsory licence fee(s) | owner of translation right to receive just and equitable compensation |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | Ministry responsible for culture |

|  |  |
| --- | --- |
| Provision | Art. 57 |
| Nature of compulsory licence for translation for educational purposes | non-exclusive compulsory licence for reproduction and publication in Djibouti |
| Type(s) of source work(s) | literary, scientific or artistic work published in print or as an audiovisual reproduction or in any other analogous form of reproduction |
| Licence applicant/entity |  |
| Purpose of licence | school teaching and university requirements |
| Qualification(s) | work in print/audiovisual reproduction was not offered for sale at a price comparable to that in use for similar works, or all previous editions are out of print, after:   * 5 years from first publication * 3 years from first publication of a work of natural and physical sciences and technology * 7 years from first publication of works that belong to the realm of the imagination, such as novels and poetic, dramatic and musical works, as well as art books, encyclopaedias and anthologies |
| Compulsory licence fee(s) | owner of reproduction right to receive just and equitable compensation |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | Ministry responsible for culture |

## TPM/RMI Exceptions for Educational Purposes

# Dominica

## Legislation Reviewed

Copyright Act 2003 (Act 5 of 2003)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 63 |
| Scope of private/personal use | private reproduction of |
| Type(s) of source work(s) | a published work, (performance, sound recording, broadcast)[[508]](#footnote-508) |
| Entity exercising private/personal use | any person |
| Purpose of private/personal use | exclusively for his own personal purposes |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction by electronic means of whole or substantial part of book or recording of musical work, whole or substantial part of a digital database, a computer program,  any work where “reproduction would conflict with a normal exploitation of work or unreasonably prejudice legitimate interests of author or other copyright owner” |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 65 |
| Scope of quotation | reproduction, in the form of quotation, of |
| Type(s) of source work(s) | a short part of a published work that has been made available, (a performance, sound recording, broadcast)[[509]](#footnote-509) |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | reproduction is compatible with “fair practice”[[510]](#footnote-510)  reproduction does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 67(1)(b) |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) | published articles, other short works or short extracts of work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | face-to-face teaching in educational institutions |
| Qualification(s) | activities of which do not serve direct or indirect commercial gain |
| Frequency/Multiple copies and Limits | to the extent justified by the purpose  isolated one; if repeated, each occurrence be separate and unrelated |
| Collective Licence/remuneration | no collective licence available by CMO of which educational institution is or should be aware |
| Attribution | source, name of author (on all copies made as far as practicable)[[511]](#footnote-511) |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 67(1)(a) |
| Scope of anthologies/compilations limitation/exception | reproduction, by way of illustration, in writing or sound or visual recordings |
| Type(s) of source work(s) | short part of a published work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | teaching purposes |
| Condition of anthologies/compilations limitation/exception |  |
| Preclusions (not part of anthologies/compilations limitation/exception) | reproduction is compatible with fair practice and does not exceed the extent justified by the purpose |
| Subject to Attribution | source, name of author (on all copies made as far as practicable)[[512]](#footnote-512) |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 67(1)(a) |
| Scope of broadcast/communication/recording | reproduction, by way of illustration, in writing or sound or visual recordings |
| Type(s) of source work(s) | short part of a published work |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching purposes |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) | reproduction is compatible with fair practice and does not exceed the extent justified by the purpose |
| Subject to Attribution | source, name of author (on all copies made as far as practicable)[[513]](#footnote-513) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 30(b) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | a performance, sound recording, broadcast[[514]](#footnote-514) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 30(c) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | a performance, sound recording, broadcast[[515]](#footnote-515) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for face-to-face teaching activities |
| Condition of broadcast/communication/recording | except for performances and phonograms which have been published as teaching or instructional materials |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Dominican Republic

## Legislation Reviewed

Law No. 65-00 on Copyright

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 37 |
| Scope of private/personal use | reproduce |
| Type(s) of source work(s) | a literary or scientific work, (performance, phonogram, broadcast)[[516]](#footnote-516) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | personal use and not for profitmaking purposes |
| Condition of private/personal use | once and in a single copy |
| Preclusions (not part of private/personal use) | computer program[[517]](#footnote-517) |
| Subject to Attribution |  |
| Subject to Remuneration | sound or audiovisual recording, as established in the Regulations |

|  |  |
| --- | --- |
| Provision | Art. 44(4) |
| Scope of private/personal use | private communications of |
| Type(s) of source work(s) | works, (performance, phonogram, broadcast)[[518]](#footnote-518) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | domestic environment |
| Condition of private/personal use | without being reproduced  not for profitmaking purposes |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 31 |
| Scope of quotation | quote an author by transcribing the necessary passages of |
| Type(s) of source work(s) | works, (performance, phonogram, broadcast)[[519]](#footnote-519) |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | they are not of such length and continuity that they might reasonably be considered a simulated, substantial reproduction of the content of his work that causes injury to the author thereof |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source (other info identifying the work quoted), title, name of author |
| Subject to Remuneration | (where inclusion of works of others constitutes main part of the new work) equitable award of proportional amount to each of holders of rights in included works |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 32 |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) | articles lawfully published in newspapers or magazines, or brief extracts from lawfully published works, (performances, phonograms, broadcasts)[[520]](#footnote-520) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for teaching or for the holding of examinations in educational establishments |
| Qualification(s) | such use is carried out in accordance with “fair practice”  use does not entail sale or any other transaction for payment  no direct or indirect profitmaking purposes |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Art. 40 |
| Nature of educational reproduction | noting down and collection |
| Type(s) of source work(s) | lectures or talks delivered at establishments of higher, secondary or primary education |
| Entity exercising reproduction | students to whom lectures/talks are addressed |
| Purpose of educational reproduction |  |
| Qualification(s) | full or partial reproduction, distribution or communication of notes prohibited without written authorization of lecturer/speaker |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 44(1) |
| Scope of broadcast/communication/recording | communications of |
| Type(s) of source work(s) | works, (performances, phonograms, broadcasts)[[521]](#footnote-521) |
| Entity exercising broadcast/communication/recording | within the grounds or buildings of educational institutions |
| Purpose of broadcast/communication/recording | strictly educational purposes |
| Condition of broadcast/communication/recording | without being reproduced  no charge whatsoever is made for admission |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 45 |
| Nature of compulsory licence for translation for educational purposes | non-exclusive, non-transferable compulsory licence, for translation and reproduction |
| Type(s) of source work(s) | foreign works, (performances, phonograms, broadcasts)[[522]](#footnote-522) |
| Licence applicant/entity |  |
| Purpose of licence |  |
| Qualification(s) | to ensure a correct translation of the work or an accurate reproduction of the edition |
| Compulsory licence fee(s) | holder of compulsory licence to pay a equitable remuneration to right owner[[523]](#footnote-523) |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence |  |

## TPM/RMI Exceptions for Educational Purposes

# Ecuador

## Legislation Reviewed

Intellectual Property Law (Consolidation No. 2006-13)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 108 |
| Scope of private/personal use | “private copying” – the domestic copying, or reprographic reproduction in a single copy by the original acquirer of |
| Type(s) of source work(s) | (lawfully circulating) phonogram or videogram or literary work |
| Entity exercising private/personal use | natural person who carries out reproduction |
| Purpose of private/personal use | exclusively for nonprofitmaking purposes by natural person |
| Condition of private/personal use | copies may not be used in a manner contrary to fair use |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | compensatory remuneration to accrue to author, performer and phonogram producer,[[524]](#footnote-524) by levy on manufacturer/importer of tapes, material carriers and reproduction equipment,[[525]](#footnote-525) for use of media or reproduction equipment; otherwise will be copyright and related rights infringement |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 83(a) |
| Scope of quotation | inclusion in a given work of fragments of |
| Type(s) of source work(s) | other already-disclosed works, by other people, in written, aural or audiovisual form, or individual three dimensional, photographic, figurative or analogous works |
| Entity exercising quotation |  |
| Purpose of quotation | inclusion thereof is by way of quotation or for the purpose of analysis, comment or critical assessment, for teaching or research purposes |
| Condition of quotation | extent justified by the purpose of the inclusion  fair use is respected[[526]](#footnote-526)  normal exploitation of the work is not adversely affected or injury caused to the right holder[[527]](#footnote-527) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 83(k) |
| Nature of educational reproduction | annotation and collection of |
| Type(s) of source work(s) | lessons and lectures given at universities, polytechnic schools and higher technical and technological institutes, colleges, schools, and teaching and training centers in general |
| Entity exercising reproduction | those to whom they are addressed |
| Purpose of educational reproduction | personal use |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Egypt

## Legislation Reviewed

Law No. 82 of 2002 on the Protection of Intellectual Property Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 171(2) |
| Scope of private/personal use | make a copy |
| Type(s) of source work(s) | work |
| Entity exercising private/personal use | any person |
| Purpose of private/personal use | one's exclusive personal use |
| Condition of private/personal use | a single copy |
| Preclusions (not part of private/personal use) | such a copy shall not hamper the normal exploitation of the work nor cause undue prejudice to the legitimate interests of the author or copyright holders  author or successor may prevent third parties from reproducing/copying the following: works of fine, applied or plastic arts (unless displayed in a public place), works of architecture, all or a substantial part of the notes of a musical work, a database or computer program |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 171(3) |
| Scope of private/personal use | make copy or adaptation of |
| Type(s) of source work(s) | a computer program |
| Entity exercising private/personal use | any person (with consent of legitimate owner of the program) |
| Purpose of private/personal use | archiving purposes or replace lost/destroyed/invalid original copy, even if exceeding the extent necessary for the use of the program inasmuch as it remains within the limits of the purpose for which consent was initially granted |
| Condition of private/personal use | a single copy or adaptation |
| Preclusions (not part of private/personal use) | original/adapted copy to be destroyed upon expiration of property title |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 171(8) 1st item |
| Scope of private/personal use | making a copy of |
| Type(s) of source work(s) | a work as a published article, a short work or an extract of a work |
| Entity exercising private/personal use | through the intermediary of a documentation and archiving center or through a bookshop not aiming at making any direct or indirect profit |
| Purpose of private/personal use | copy used only for study or research purposes |
| Condition of private/personal use | a single copy made or at different occasions |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 171(4) |
| Scope of quotation | make an analysis of, or excerpts or quotations therefrom, |
| Type(s) of source work(s) | the work |
| Entity exercising quotation |  |
| Purpose of quotation | for the purpose of criticism, discussion or information |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 171(7) |
| Nature of educational reproduction | reproduction of |
| Type(s) of source work(s) | an article, a short work or extracts therefrom |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | if necessary for teaching purposes in educational institutes |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits | reproduction is made once or on different separate occasions |
| Collective Licence/remuneration |  |
| Attribution | title, name of author indicated on all copies |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 171(1) |
| Scope of school performance | perform |
| Type(s) of source work(s) | a publicly available work |
| Entity exercising school performance |  |
| Purpose of school performance | in family context or student gathering within an educational institution |
| Condition of school performance | no direct or indirect financial remuneration is obtained |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 170 |
| Nature of compulsory licence for translation for educational purposes | a personal licence for the reproduction, translation or both, of |
| Type(s) of source work(s) | any work |
| Licence applicant/entity | any person |
| Purpose of licence | meeting teaching requirements of all kinds and levels |
| Qualification(s) | “to the extent that such license is not in contradiction with the normal exploitation of the work or does not unduly prejudice the legitimate interests of the author or the copyright holders”[[528]](#footnote-528) |
| Compulsory licence fee(s) | equitable remuneration to author or his successor; fees due to not exceed 1,000 pounds for each work[[529]](#footnote-529) |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | competent ministry |

## TPM/RMI Exceptions for Educational Purposes

# El Salvador

## Legislation Reviewed

Law on the Promotion and Protection of Intellectual Property Rights (Legislative Decree No. 604 of 15 July 1993)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 45(a) |
| Scope of private/personal use | production of work |
| Type(s) of source work(s) |  |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | personal and exclusive benefit of the user |
| Condition of private/personal use | one copy |
| Preclusions (not part of private/personal use) | user made copy himself with his own facilities  the normal exploitation of the work is not affected and the legitimate interests of the author are not unjustifiably prejudiced thereby |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 44(a) |
| Scope of private/personal use | communication[[530]](#footnote-530) |
| Type(s) of source work(s) |  |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | made in family circle |
| Condition of private/personal use | no direct or indirect gainful intent |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 45(b) |
| Scope of private/personal use | photomechanical reproduction, such as photocopying and microfilming |
| Type(s) of source work(s) |  |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusive personal use |
| Condition of private/personal use | confined to small parts of a protected work or to works that are out of print |
| Preclusions (not part of private/personal use) | any use of parts reproduced for other than personal purposes, made by any means or process and in competition with author’s exclusive right to exploit his work, shall be treated as unlawful reproduction |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 85(c).1 |
| Scope of private/personal use | reproduction of recordings of |
| Type(s) of source work(s) | broadcasts |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | use for private purposes |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 46 |
| Scope of quotation | make brief quotations from |
| Type(s) of source work(s) | lawfully published works |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotations are made in accordance with proper practice and to extent justified by purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 41 |
| Nature of educational reproduction | reproduction (and optionally translation) of |
| Type(s) of source work(s) | short fragments of literary, scientific or artistic works |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | teaching, science or literary criticism or research |
| Qualification(s) | texts reproduced are not altered  reproduction does not adversely affect the normal exploitation of the work or prejudice the legitimate interests of the author |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source unmistakably specified |

|  |  |
| --- | --- |
| Provision | Art. 45(c) |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) | articles, brief extracts or lawfully published short works |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | teaching or the holding of examinations at educational institutions |
| Qualification(s) | no gainful intent and that such use is made in accordance with proper practice |
| Frequency/Multiple copies and Limits | extent justified by the purpose |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Art. 85(c).4 |
| Nature of educational reproduction | reproduction of |
| Type(s) of source work(s) | recordings of broadcasts |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | used solely for teaching or research purposes |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Art. 45(c) |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) |  |
| Entity exercising reproduction | by or on behalf of an educational establishment |
| Purpose of educational reproduction | for its educational purposes |
| Qualification(s) | no recording if certified licensing scheme under s 135 providing for grant of licences  reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[531]](#footnote-531) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 41 |
| Scope of anthologies/compilations limitation/exception | reproduce (and optionally translate), in publications or chrestomathies, |
| Type(s) of source work(s) | short fragments of literary, scientific or artistic works |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for use [for the educational purposes][[532]](#footnote-532) in an educational establishment |
| Condition of anthologies/compilations limitation/exception | texts reproduced are not altered  reproduction does not adversely affect the normal exploitation of the work or prejudice the legitimate interests of the author |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source unmistakably specified |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 44(c) |
| Scope of school performance | communication[[533]](#footnote-533) |
| Type(s) of source work(s) |  |
| Entity exercising school performance |  |
| Purpose of school performance | exclusively educational purposes |
| Condition of school performance | take place in teaching establishments  no gainful intent |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 77 |
| Nature of compulsory licence for translation for educational purposes | compulsory licence, for educational reproductions and translations |
| Type(s) of source work(s) |  |
| Licence applicant/entity |  |
| Purpose of licence |  |
| Qualification(s) | subject to compliance with the requirements laid down in the international conventions |
| Compulsory licence fee(s) |  |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | competent court |

## TPM/RMI Exceptions for Educational Purposes

# \*Equatorial Guinea

## Legislation Reviewed

Law of January 10, 1879 on Intellectual Property

# Eritrea

## Legislation Reviewed

Provisional Commercial Code of Eritrea and Provisional Civil Code of Eritrea of 1993 (Extracts relating to Intellectual Property rights)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 1656 |
| Scope of private/personal use | private performances |
| Type(s) of source work(s) | a work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | a family gathering |
| Condition of private/personal use | free of charge |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 1660 |
| Scope of private/personal use | copies or reproductions of |
| Type(s) of source work(s) | a work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private use only |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 1660 |
| Scope of quotation | analyses and press reviews |
| Type(s) of source work(s) | work |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 1660 |
| Scope of quotation | short quotations (in work in which they are included) |
| Type(s) of source work(s) | work |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | do not exceed, in work in which they are included, forty lines (a poetical work) or ten thousand letters (any other work) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 1656 |
| Scope of school performance | private performances |
| Type(s) of source work(s) |  |
| Entity exercising school performance |  |
| Purpose of school performance | in a school |
| Condition of school performance | free of charge |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 1673 |
| Nature of compulsory licence for translation for educational purposes | authorization of presentation or reproduction of a work of its adaptation, notwithstanding the author’s opposition |
| Type(s) of source work(s) | after such work has been published by its author or his heirs |
| Licence applicant/entity |  |
| Purpose of licence | presentation or reproduction in the general interest |
| Qualification(s) | conditions and forms of authorisation shall be determined by a special law  public authorities may not authorize the alteration of a work |
| Compulsory licence fee(s) | fair compensation to the author |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | public authorities |

## TPM/RMI Exceptions for Educational Purposes

# \*Estonia

## Legislation Reviewed

# Ethiopia

## Legislation Reviewed

Copyright and Neighboring Rights Protection Proclamation No. 410/2004

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 9 |
| Scope of private/personal use | private reproduction of |
| Type(s) of source work(s) | a published work, (performance, sound recording, broadcast)[[534]](#footnote-534) |
| Entity exercising private/personal use | a physical person |
| Purpose of private/personal use | exclusively for his own personal purposes |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | works of architecture, musical notation, original or copy of fine art made and signed by author, whole or substantial part of a digital database, computer program[[535]](#footnote-535),  reproduction “would conflict with or unreasonable [sic] harm the normal exploitation of the work or the legitimate interests of the author” |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 16 |
| Scope of private/personal use | private performance |
| Type(s) of source work(s) | a work, (performance, sound recording, broadcast)[[536]](#footnote-536) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | family gathering |
| Condition of private/personal use | given free of charge |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 10 |
| Scope of quotation | reproduction of quotation of |
| Type(s) of source work(s) | a published work, (performance, sound recording, broadcast)[[537]](#footnote-537) |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 11 |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | a published work or sound recording, (performance, broadcast)[[538]](#footnote-538) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | teaching |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits | without exceeding fair practice and the extent justified by the purpose |
| Collective Licence/remuneration |  |
| Attribution | source (of work/sound recording) and name of author |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 16 |
| Scope of school performance | private performance |
| Type(s) of source work(s) | work, (performance, sound recording, broadcast)[[539]](#footnote-539) |
| Entity exercising school performance |  |
| Purpose of school performance | in a school |
| Condition of school performance | free of charge |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 11 |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | a published work or sound recording, (performance, broadcast)[[540]](#footnote-540) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) | without exceeding fair practice and the extent justified by the purpose |
| Subject to Attribution | source (of work/sound recording) and name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 32(c) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | performance, sound recording, broadcast[[541]](#footnote-541) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 32(d) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | performance, sound recording, broadcast[[542]](#footnote-542), except for performances and sound recordings which have been published as teaching or instructional materials |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for the purpose of face-to-face teaching activities |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 17 |
| Nature of compulsory licence for translation for educational purposes | compulsory licence, for reproduction or translation or broadcasting |
| Type(s) of source work(s) | a published work, (performance, sound recording, broadcast)[[543]](#footnote-543) |
| Licence applicant/entity |  |
| Purpose of licence |  |
| Qualification(s) | conditions to be determined by regulations  Office may not authorize the alteration of a work |
| Compulsory licence fee(s) |  |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | Ethiopian Intellectual Property Office |

## TPM/RMI Exceptions for Educational Purposes

# Fiji

## Legislation Reviewed

Copyright Act, 1999

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 42 |
| Scope of private/personal use | copying |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work, (published edition)[[544]](#footnote-544) |
| Entity exercising private/personal use | by an individual |
| Purpose of private/personal use | research or private study |
| Condition of private/personal use | book: one copy of the same work, or the same part of a work, on any one occasion[[545]](#footnote-545)  article in periodical: whole or part of work or edition and any artistic work therein, but not if another article dealing with a different subject matter is copied on the same occasion from the same issue of the periodical[[546]](#footnote-546)  other literary, dramatic, musical work or published edition: not more than 10% of the work/edition (including any artistic work)[[547]](#footnote-547)  others: may include copying the whole or part of the work, having regard to: the purpose of the copying, nature of the item copied, whether the item could have been obtained within a reasonable time at an ordinary commercial price, the effect of the copying on the potential market for, or value of, the work, and the amount and substantiality of the part copied taken in relation to the whole item[[548]](#footnote-548) |
| Preclusions (not part of private/personal use) | there is a collective licence available of which the individual is or should be aware under which the copying can be done  does not include a computer program[[549]](#footnote-549)  works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a database, computer [sic] program[[550]](#footnote-550),  any work where “reproduction would conflict with a normal exploitation of work or unreasonably prejudice legitimate interests of author or other copyright owner” |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 41(1) |
| Scope of quotation | copying |
| Type(s) of source work(s) | a work |
| Entity exercising quotation |  |
| Purpose of quotation | criticism or review of that or another work, or of a performance of a work |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title of work, name of author (unless anonymous or not possible to ascertain its author if unpublished)[[551]](#footnote-551) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 43 |
| Nature of educational reproduction | copying the whole or part of |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work (not a computer program)[[552]](#footnote-552) |
| Entity exercising reproduction | school (includes a kindergarten, a primary school, an intermediate school, a secondary school, a special school)[[553]](#footnote-553)  educational establishment may apply to Minister for a certificate of exemption to entitle establishment to this [s 43] exemption[[554]](#footnote-554) |
| Purpose of educational reproduction | research or private study by an individual – for supply to any student or staff member of the school |
| Qualification(s) | no collective licence available of which school is or should be aware[[555]](#footnote-555)  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[556]](#footnote-556) |
| Frequency/Multiple copies and Limits | no more than one copy of the copied material to any student or staff member of that school[[557]](#footnote-557)  if payment required, no higher than cost of production with reasonable contribution to general expenses of school[[558]](#footnote-558) |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 44(1) |
| Nature of educational reproduction | copying the whole or part of |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work (not a computer program)[[559]](#footnote-559) |
| Entity exercising reproduction | educational establishment (means a tertiary institution, a private training institution or a government training institute)[[560]](#footnote-560) |
| Purpose of educational reproduction | “research or private study” by an individual – for supply to any student or staff member of educational establishment  test for “research or private study”: having regard to the purpose of the copying, nature of the item copied, price, the effect of the copying on the potential market for, or value of, the work, and the amount and substantiality of the part copied taken in relation to the whole item |
| Qualification(s) | no collective licence available of which school is or should be aware[[561]](#footnote-561)  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[562]](#footnote-562) |
| Frequency/Multiple copies and Limits | not more than one chapter of work, or 10% of work, whichever is less[[563]](#footnote-563) |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 47 |
| Nature of educational reproduction | anything done |
| Type(s) of source work(s) |  |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | purposes of an examination, whether by way of setting the questions, communicating the questions to the candidates or answering the questions |
| Qualification(s) | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[564]](#footnote-564) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | s 45(1) |
| Scope of school performance | performance |
| Type(s) of source work(s) | a literary, dramatic, or musical work |
| Entity exercising school performance | (a) by a student or staff member in the course of the activities of the school or establishment; or  (b) by any person at the school or establishment for the purposes of instruction |
| Purpose of school performance | an audience consisting of persons who are students or staff members at a school or educational establishment or are “directly connected”[[565]](#footnote-565) with the activities of the school or establishment |
| Condition of school performance |  |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 45(2) |
| Scope of school performance | playing or showing |
| Type(s) of source work(s) | a sound recording, audio visual work, broadcast, or cable programme |
| Entity exercising school performance |  |
| Purpose of school performance | for the purposes of instruction, to  an audience consisting of persons who are students or staff members at a school or educational establishment or are “directly connected”[[566]](#footnote-566) with the activities of the school or establishment |
| Condition of school performance |  |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 173 |
| Scope of school performance | public performance |
| Type(s) of source work(s) | a sound recording, audio visual work, broadcast or cable programme |
| Entity exercising school performance | an educational establishment |
| Purpose of school performance | instruction |
| Condition of school performance | before an audience consisting of persons who are students or staff members at the establishment or persons “directly connected”[[567]](#footnote-567) with the activities of the establishment |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | ss 75, 181 |
| Scope of school performance | play |
| Type(s) of source work(s) | sound recording |
| Entity exercising school performance |  |
| Purpose of school performance | part of the activities of, or for the benefit of, a club, society, or other organisation |
| Condition of school performance | club/society/organisation is not established or conducted for profit  main objects of club/society/organisation are charitable or are concerned with the advancement of religion, education or social welfare  proceeds of any charge for admissible to place where recording is to be heard are applied solely for purposes of club/society/organisation |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 44(5) |
| Scope of broadcast/communication/recording | copying by making an audio visual work or audio visual soundtrack |
| Type(s) of source work(s) | sound recording, audio visual work or audio visual soundtrack, broadcast or cable programme |
| Entity exercising broadcast/communication/recording | a person giving or receiving instruction |
| Purpose of broadcast/communication/recording | in the course of instruction, or of preparation for instruction, in the making of an audio visual work or audio visual soundtrack |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[568]](#footnote-568) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 46 |
| Scope of broadcast/communication/recording | recording, or a copy of a recording of |
| Type(s) of source work(s) | a broadcast or cable programme |
| Entity exercising broadcast/communication/recording | made by or on behalf of a school or educational establishment |
| Purpose of broadcast/communication/recording | educational purposes of that school or establishment |
| Condition of broadcast/communication/recording | unless there is a collective licence available of which the school or educational establishment is or should or be aware under which copying can be done  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[569]](#footnote-569)  special considerations by Copyright Tribunal regarding the licence charges payable by educational establishments under a Part X licensing scheme[[570]](#footnote-570) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 172(1) |
| Scope of broadcast/communication/recording | copying of a recording of |
| Type(s) of source work(s) | a performance |
| Entity exercising broadcast/communication/recording | copying is done by or on behalf of a person who is to give, is giving, or has given the lesson, or by or on behalf of a person who is to receive, is receiving, or has received the lesson |
| Purpose of broadcast/communication/recording | in preparing a course of instruction, for use during the course of instruction, during a course of instruction, or after a course of instruction, in the making of an audio visual work or audio visual soundtrack, or relates to language learning or is conducted by correspondence |
| Condition of broadcast/communication/recording | no charge made for supply of copy[[571]](#footnote-571)  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[572]](#footnote-572) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 174 |
| Scope of broadcast/communication/recording | recording, or a copy of a recording of |
| Type(s) of source work(s) | a broadcast or cable programme |
| Entity exercising broadcast/communication/recording | made by or on behalf of an educational establishment |
| Purpose of broadcast/communication/recording | for its educational purposes |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[573]](#footnote-573) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 172(2)(a) |
| Scope of broadcast/communication/recording | copying of a recording of |
| Type(s) of source work(s) | a performance |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | purposes of setting or answering the questions in an examination |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[574]](#footnote-574) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 172(2)(b) |
| Scope of broadcast/communication/recording | anything done |
| Type(s) of source work(s) | a performance, recording, audiovisual work, broadcast, or cable programme |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | purposes of an examination by way of communicating the questions to the candidates |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[575]](#footnote-575) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Finland

## Legislation Reviewed

Copyright Act (Act No. 404 of July 8, 1961, as amended up to April 30, 2010)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 12(1) |
| Scope of private/personal use | making copy of |
| Type(s) of source work(s) | a work that has been made public, (performance,[[576]](#footnote-576) sound recording,[[577]](#footnote-577) video recording[[578]](#footnote-578)) |
| Entity exercising private/personal use | anyone |
| Purpose of private/personal use | for private use |
| Condition of private/personal use | single copy  copy may not be used for other purposes |
| Preclusions (not part of private/personal use) | work of architecture, a computer-readable database, a computer-readable computer program[[579]](#footnote-579) |
| Subject to Attribution |  |
| Subject to Remuneration | levy payable by producer or importer to author on audio or video tape or any other device on which sound or image can be recorded and which to a substantial extent is used for the reproduction of a work for private use[[580]](#footnote-580) |

|  |  |
| --- | --- |
| Provision | s 12(2) |
| Scope of private/personal use | making copy of |
| Type(s) of source work(s) | a work that has been made public, (performance,[[581]](#footnote-581) sound recording,[[582]](#footnote-582) video recording[[583]](#footnote-583)) |
| Entity exercising private/personal use | a third party |
| Purpose of private/personal use | for private use of party ordering the copies |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | work of architecture, a computer-readable database, a computer-readable computer program,[[584]](#footnote-584) musical work, cinematographic work, utility article or sculpture, any other work of art by artistic means[[585]](#footnote-585) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 22 |
| Scope of quotation | quotation |
| Type(s) of source work(s) | a work made public, (performance,[[586]](#footnote-586) sound recording,[[587]](#footnote-587) video recording,[[588]](#footnote-588) audio recording of performance and music recording containing images[[589]](#footnote-589)) |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | in accordance with proper usage to the extent necessary for the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 14(1) |
| Nature of educational reproduction | reproduction (not by photocopying or corresponding means) and communication to the public (not by transmitting on radio or television) |
| Type(s) of source work(s) | a work, (performance,[[590]](#footnote-590) sound recording,[[591]](#footnote-591) video recording[[592]](#footnote-592)), made public (but not a work (other than that transmitted on radio or television) whose author has prohibited the reproduction or communication of the work)[[593]](#footnote-593) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | educational activities or in scientific research |
| Qualification(s) | educational activities are not to be conducted for purpose of gain[[594]](#footnote-594) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration | extended collective licence under s 26[[595]](#footnote-595) |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 14(2) |
| Nature of educational reproduction | reproduction by direct recording of sound or image |
| Type(s) of source work(s) | a work, (performance,[[596]](#footnote-596) sound recording,[[597]](#footnote-597) video recording[[598]](#footnote-598)), made public, performed by a teacher or a student |
| Entity exercising reproduction | anyone |
| Purpose of educational reproduction | temporary use in educational activities |
| Qualification(s) | copy thus made may not be used for other purposes  educational activities are not to be conducted for purpose of gain[[599]](#footnote-599) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 14(3) |
| Nature of educational reproduction | incorporation of |
| Type(s) of source work(s) | parts of a literary work or (performance,[[600]](#footnote-600) sound recording,[[601]](#footnote-601) video recording[[602]](#footnote-602)) that has been made public or, when the work is not extensive, the whole work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | a test constituting part of the matriculation examination or into any other corresponding test |
| Qualification(s) | educational activities are not to be conducted for purpose of gain[[603]](#footnote-603) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 16c(3) |
| Nature of educational reproduction | used |
| Type(s) of source work(s) | a work, (performance,[[604]](#footnote-604) sound recording,[[605]](#footnote-605) video recording,[[606]](#footnote-606)) in the collections of the National Audiovisual Archive, with the exception of a cinematographic work deposited by a foreign producer |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | research and higher education in cinematography |
| Qualification(s) | educational activities are not to be conducted for purpose of gain[[607]](#footnote-607) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 18 |
| Scope of anthologies/compilations limitation/exception | incorporation into a literary or artistic work of compilation consisting of works by several authors which is printed or produced by corresponding means |
| Type(s) of source work(s) | minor parts of literary or musical works, or, if not extensive, the entire work, and work of art made public in connection with text, but not a work created for use in education |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | use in education |
| Condition of anthologies/compilations limitation/exception | five years have elapsed from year of publication |
| Preclusions (not part of anthologies/compilations limitation/exception) | educational activities are not to be conducted for purpose of gain[[608]](#footnote-608) |
| Subject to Attribution |  |
| Subject to Remuneration | author has right of remuneration |

## School Performances

|  |  |
| --- | --- |
| Provision | s 21(1) |
| Scope of school performance | public performance |
| Type(s) of source work(s) | a published work, (performance,[[609]](#footnote-609) sound recording,[[610]](#footnote-610) audio recording of performance and music recording containing images[[611]](#footnote-611)), but not dramatic or cinematographic works |
| Entity exercising school performance |  |
| Purpose of school performance | education (and divine services) |
| Condition of school performance |  |
| Preclusions (not part of school performance) | educational activities are not to be conducted for purpose of gain[[612]](#footnote-612) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

See also s 16c(3) (use of a work in the collections of the National Audiovisual Archive for purposes of research and higher education in cinematography).

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 14(1) |
| Scope of broadcast/communication/recording | reproduction (not by photocopying or corresponding means) and communication to the public (not by transmitting on radio or television) |
| Type(s) of source work(s) | a work, (performance,[[613]](#footnote-613) sound recording,[[614]](#footnote-614) video recording[[615]](#footnote-615)), made public (but not a work (other than that transmitted on radio or television) whose author has prohibited the reproduction or communication of the work)[[616]](#footnote-616) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | educational activities or in scientific research |
| Condition of broadcast/communication/recording | educational activities are not to be conducted for purpose of gain[[617]](#footnote-617) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration | extended collective licence under s 26[[618]](#footnote-618) |

|  |  |
| --- | --- |
| Provision | s 14(2) |
| Scope of broadcast/communication/recording | reproduction by direct recording of sound or image |
| Type(s) of source work(s) | a work, (performance,[[619]](#footnote-619) sound recording,[[620]](#footnote-620) video recording[[621]](#footnote-621)), made public, performed by a teacher or a student |
| Entity exercising broadcast/communication/recording | anyone |
| Purpose of broadcast/communication/recording | temporary use in educational activities |
| Condition of broadcast/communication/recording | copy thus made may not be used for other purposes  educational activities are not to be conducted for purpose of gain[[622]](#footnote-622) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 14(3) |
| Scope of broadcast/communication/recording | incorporation of |
| Type(s) of source work(s) | parts of a literary work or (performance,[[623]](#footnote-623) sound recording,[[624]](#footnote-624) video recording[[625]](#footnote-625)) that has been made public or, when the work is not extensive, the whole work |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | a test constituting part of the matriculation examination or into any other corresponding test |
| Condition of broadcast/communication/recording | educational activities are not to be conducted for purpose of gain[[626]](#footnote-626) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | s 50a(3) |
| Scope of TPM/RMI limitation/exception | exception for circumventing effective technological protection measure |
| Type(s) of source work(s) | not a technological measure protecting a computer program |
| Beneficiary exercising limitation/exception |  |
| Purpose of limitation/exception | course of research or education relating to encryptology |
| Condition of limitation/exception | work in which the technological measure has been circumvented for the purposes of listening or viewing shall not be reproduced  educational activities are not to be conducted for purpose of gain[[627]](#footnote-627) |

# \*France

## Legislation Reviewed

Intellectual Property Code (consolidated version of February 23, 2015)

# Gabon

## Legislation Reviewed

Law No. 1/87 of July 29, 1987, instituting Protection for Copyright and Neighboring Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 33 |
| Scope of private/personal use | reproductions, translations and adaptations |
| Type(s) of source work(s) | work, (performance, phonogram, radio or television broadcast),[[628]](#footnote-628) that has been lawfully made available to the public |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | strictly personal and private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 33 |
| Scope of private/personal use | communication such as private performance, execution, diffusion |
| Type(s) of source work(s) | work, (performance, phonogram, radio or television broadcast),[[629]](#footnote-629) that has been lawfully made available to the public |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | made exclusively within a family circle |
| Condition of private/personal use | generate no receipts of any kind |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 34 |
| Scope of quotation | analyses and short quotations taken from |
| Type(s) of source work(s) | a work, (short fragments of a performance, phonogram or radio or television broadcast),[[630]](#footnote-630) already made lawfully available to the public, including quotations from newspaper articles and periodicals in the form of press reviews |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | comply with fair use and to the extent that they are justified by the scientific, critical, polemic, teaching or informatory purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title of work, name of author |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 33 |
| Scope of school performance | communications such as performance, execution |
| Type(s) of source work(s) | work has been lawfully made available to the public |
| Entity exercising school performance |  |
| Purpose of school performance | strictly educational or welfare purposes |
| Condition of school performance | made free of charge  [in premises reserved for that purpose][[631]](#footnote-631) |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 33 |
| Scope of broadcast/communication/recording | communications such as diffusion[[632]](#footnote-632) |
| Type(s) of source work(s) | work has been lawfully made available to the public |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | strictly educational or welfare purposes |
| Condition of broadcast/communication/recording | made free of charge  [in premises reserved for that purpose][[633]](#footnote-633) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 85 item 3 |
| Scope of broadcast/communication/recording | use |
| Type(s) of source work(s) | a performance, phonogram, radio or television broadcast[[634]](#footnote-634) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for the purposes of teaching and scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 40 |
| Nature of compulsory licence for translation for educational purposes | non-exclusive, non-assignable compulsory licence, for translation, in Gabon |
| Type(s) of source work(s) | foreign works already made lawfully available to the public and their publication |
| Licence applicant/entity |  |
| Purpose of licence | school, university or research use, needs of school arid post-university teaching[[635]](#footnote-635) |
| Qualification(s) | grant of a license shall not prejudice the author's moral rights[[636]](#footnote-636) |
| Compulsory licence fee(s) |  |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence |  |

|  |  |
| --- | --- |
| Provision | Art. 40 |
| Nature of compulsory licence for translation for educational purposes | non-exclusive, non-assignable compulsory licence, for reproduction and publication, in Gabon |
| Type(s) of source work(s) | foreign works already made lawfully available to the public and their publication |
| Licence applicant/entity |  |
| Purpose of licence | school, university or research use, needs of school arid post-university teaching[[637]](#footnote-637) |
| Qualification(s) | grant of a license shall not prejudice the author's moral rights[[638]](#footnote-638) |
| Compulsory licence fee(s) |  |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence |  |

## TPM/RMI Exceptions for Educational Purposes

# Gambia

## Legislation Reviewed

Copyright Act, 2004

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 27 |
| Scope of private/personal use | private reproduction of |
| Type(s) of source work(s) | a published work |
| Entity exercising private/personal use | an individual |
| Purpose of private/personal use | exclusively for his own personal purposes |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a database, computer program[[639]](#footnote-639),  any work where “reproduction would conflict with a normal exploitation of work or would otherwise unreasonably prejudice legitimate interests of author or other copyright owner”[[640]](#footnote-640) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 43 |
| Scope of private/personal use | private use |
| Type(s) of source work(s) | a performance, broadcast, sound recording, audiovisual work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use |  |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | (sound recording or audiovisual work published for commercial purposes, production of a sound recording or audiovisual work for broadcasting or communication to the public, or public performance of a sound recording) reasonable remuneration payable to producer and performers[[641]](#footnote-641) |

|  |  |
| --- | --- |
| Provision | s 14(a) |
| Scope of private/personal use | use, involving the reproduction in any material form, the communication to the public or the broadcasting of, |
| Type(s) of source work(s) | the whole signal or a substantial part of the programme-carrying signal,[[642]](#footnote-642) either in its original form or in any form recognisably derived from the original |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | fair dealing for the purpose of scientific research, private use, criticism or review or the reporting of current events |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 29 |
| Scope of quotation | reproduction of |
| Type(s) of source work(s) | a short part of a published work |
| Entity exercising quotation |  |
| Purpose of quotation | in the form of quotation |
| Condition of quotation | reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author or other owner (if indicated on source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 43 |
| Scope of quotation | quotation, of short excerpts of, |
| Type(s) of source work(s) | a performance, sound recording, audio visual work or broadcast |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | compatible with fair practice, and justified by informative purpose of those quotations |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 30(1)(b) |
| Nature of educational reproduction | reprographic reproduction, of |
| Type(s) of source work(s) | published articles, other short works or short extracts of works |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | face-to-face teaching in educational institutions |
| Qualification(s) | whose activities do not serve direct or indirect commercial gain |
| Frequency/Multiple copies and Limits | reproduction does not exceed the extent justified by the purpose  isolated one; if repeated, occurrence on separate and unrelated occasions |
| Collective Licence/remuneration | no collective licence offered by a Collecting Society of which educational institution is or should be aware |
| Attribution | source, name of work indicated on all copies |

|  |  |
| --- | --- |
| Provision | s 14(c) |
| Nature of educational reproduction | use, involving the reproduction of a broadcast of, |
| Type(s) of source work(s) | programme-carrying signals[[643]](#footnote-643) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | in an educational institution or for the systematic instructional activities in any educational institution |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 30(1)(a) |
| Scope of anthologies/compilations limitation/exception | reproduction, by way of illustration, in writing or sound or visual recording, of |
| Type(s) of source work(s) | short part of a published work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for teaching purposes |
| Condition of anthologies/compilations limitation/exception |  |
| Preclusions (not part of anthologies/compilations limitation/exception) | reproduction is compatible with fair practice and does not exceed the extent justified by the purpose  isolated one; if repeated, occurrence on separate and unrelated occasions |
| Subject to Attribution | source, name of work indicated on all copies |
| Subject to Remuneration | no collective licence offered by a Collecting Society of which educational institution is or should be aware |

## School Performances

|  |  |
| --- | --- |
| Provision | s 43 |
| Scope of school performance | [use] |
| Type(s) of source work(s) | a performance, broadcast, sound recording, audiovisual work |
| Entity exercising school performance |  |
| Purpose of school performance | teaching or scientific research |
| Condition of school performance |  |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration | (sound recording or audiovisual work “published for commercial purposes”, production of a sound recording or audiovisual work for broadcasting or communication to the public, or public performance of a sound recording) reasonable remuneration payable to producer and performers[[644]](#footnote-644) |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 30(1)(a) |
| Scope of broadcast/communication/recording | reproduction, by way of illustration, in writing or sound or visual recording, of |
| Type(s) of source work(s) | short part of a published work |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for teaching purposes |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) | reproduction is compatible with fair practice and does not exceed the extent justified by the purpose  isolated one; if repeated, occurrence on separate and unrelated occasions |
| Subject to Attribution | source, name of work indicated on all copies |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 43 |
| Scope of broadcast/communication/recording | [use] |
| Type(s) of source work(s) | a performance, broadcast, sound recording, audiovisual work |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching or scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration | (sound recording or audiovisual work “published for commercial purposes”, production of a sound recording or audiovisual work for broadcasting or communication to the public, or public performance of a sound recording) reasonable remuneration payable to producer and performers[[645]](#footnote-645) |

|  |  |
| --- | --- |
| Provision | s 14(b) |
| Scope of broadcast/communication/recording | use, involving the broadcast of, |
| Type(s) of source work(s) | programme-carrying signals[[646]](#footnote-646) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | purposes of systematic instructional activities |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Georgia

## Legislation Reviewed

Law of Georgia on Copyright and Neighboring Rights (last amended as of May 4, 2010)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 21(1) |
| Scope of private/personal use | reproduce |
| Type(s) of source work(s) | a work made available to the public by means of lawful publication or making available to the public [sic] |
| Entity exercising private/personal use | natural person |
| Purpose of private/personal use | only for personal use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of whole of book or musical notation or work of fine art, electronic databases,[[647]](#footnote-647) computer programs[[648]](#footnote-648), audiovisual work or work fixed in phonogram or videogram |
| Subject to Attribution |  |
| Subject to Remuneration | (audiovisual work, phonogram) author or other copyright owner entitled to remuneration, paid by producers and importers of equipment (audio- and video recorders and other equipment) and of material carriers (audio and video tapes, cassettes, laser disks, compact disks, and other material carriers)[[649]](#footnote-649), and collected by CMO |

|  |  |
| --- | --- |
| Provision | Art. 51(3) |
| Scope of private/personal use | use |
| Type(s) of source work(s) | a performance, broadcast of a broadcasting organization and records thereof, and reproduction of a phonogram or videogram |
| Entity exercising private/personal use | natural persons |
| Purpose of private/personal use | personal use |
| Condition of private/personal use | reproduction carried out pursuant to Art. 21 |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | subject to payment of remuneration |

Note: Art. 22(b) provides that a library or archive may, by reprographic reproduction, make a single copy of lawfully published individual articles and other small-volume works, or excerpts from written works (other than computer programs), at the request of natural persons, for educational, scientific or personal purposes.

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 23(a) |
| Scope of quotation | quotations |
| Type(s) of source work(s) | original works made available to the public by means of lawful publication or making available to the public, including reproduction of short extracts from newspapers and journals for a printed survey |
| Entity exercising quotation |  |
| Purpose of quotation | research, criticism or review |
| Condition of quotation | to the extent justified for the purpose of quotation |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 23(b) |
| Scope of quotation | illustrations of short extracts |
| Type(s) of source work(s) | works made available to the public by means of lawful publication, in printed matter, radio and television programs, sound and visual recordings of educational character |
| Entity exercising quotation |  |
| Purpose of quotation | extent justified by the purpose to be achieved |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 51(2)(a) |
| Scope of quotation | quotations |
| Type(s) of source work(s) | a performance, phonogram, videogram and broadcast of a broadcasting organization and recordings thereof |
| Entity exercising quotation |  |
| Purpose of quotation | purposes such as research, criticism or review, and informatory purposes |
| Condition of quotation | to the extent justified for the purpose of quotation  shall not conflict with normal exploitation of the related rights and shall not unreasonably prejudice the lawful interests of the owners of the related rights[[650]](#footnote-650) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 51(2)(b) |
| Scope of quotation | use of extracts, excerpts and illustrations |
| Type(s) of source work(s) | a performance, phonogram, videogram and broadcast of a broadcasting organization |
| Entity exercising quotation |  |
| Purpose of quotation | teaching and scientific research |
| Condition of quotation | to the extent justified for the purpose  shall not conflict with normal exploitation of the related rights and shall not unreasonably prejudice the lawful interests of the owners of the related rights[[651]](#footnote-651) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 22(c) |
| Nature of educational reproduction | reprographic copies[[652]](#footnote-652) |
| Type(s) of source work(s) | short extracts from the lawfully published individual articles and other small-volume works, or written works (other than computer programs) |
| Entity exercising reproduction | educational institutions |
| Purpose of educational reproduction | teaching purposes |
| Qualification(s) | without receiving direct or indirect profit  to the extent justified by the set aim |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Germany

## Legislation Reviewed

Act on Copyright and Related Rights (Copyright Act, as amended up to Law of October 1, 2013)

# Ghana

## Legislation Reviewed

Copyright Act, 2005 (Act 690)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | ss 19(1)(a), 35(e) |
| Scope of private/personal use | reproduction, translation, adaptation, arrangement or other transformation |
| Type(s) of source work(s) | a literary or artistic work, either in the original language or in translation, and work has been made public, and a performance or broadcast[[653]](#footnote-653) |
| Entity exercising private/personal use | an individual |
| Purpose of private/personal use | exclusive personal use of a person |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | works of architecture, reprography of whole or substantial part of book or musical notation, whole or substantial part of a digital database, computer program[[654]](#footnote-654),[[655]](#footnote-655) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 35(a) |
| Scope of private/personal use | private use |
| Type(s) of source work(s) | a performance or broadcast[[656]](#footnote-656) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use |  |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | ss 19(1)(b), 35(e) |
| Scope of quotation | inclusion of quotations in another work, from |
| Type(s) of source work(s) | work, including quotations from articles in newspapers or periodicals in the form of press summaries, and a performance or broadcast[[657]](#footnote-657)  work has been made public |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotations referred to in that paragraph are compatible with fair practice  the extent of the quotations does not exceed what is justified for the purpose of the work in which the quotations are used[[658]](#footnote-658) |
| Preclusions (not part of quotation) | [[659]](#footnote-659) |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 35(d) |
| Scope of quotation | quotations in the form of short excerpts of |
| Type(s) of source work(s) | a performance, sound recording, audio- visual work or broadcast |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | compatible with fair practice and  justified by the informative purpose of those quotations |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | ss 19(1)(c)(iii), 35(e) |
| Nature of educational reproduction | utilization |
| Type(s) of source work(s) | a work, if made public, and a performance or broadcast[[660]](#footnote-660) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | professional training or public education |
| Qualification(s) | use is compatible with fair practice |
| Frequency/Multiple copies and Limits | to the extent justified for the purposes |
| Collective Licence/remuneration |  |
| Attribution | source, name of author |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | ss 19(1)(c)(i), 35(e) |
| Scope of anthologies/compilations limitation/exception | utilization, by way of illustration in publications, broadcasts of sound or visual recordings, of |
| Type(s) of source work(s) | a work, if made public, and a performance or broadcast[[661]](#footnote-661) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | teaching |
| Condition of anthologies/compilations limitation/exception | use is compatible with fair practice |
| Preclusions (not part of anthologies/compilations limitation/exception) | to the extent justified for the purposes |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 35(c) |
| Scope of school performance |  |
| Type(s) of source work(s) | a performance or broadcast[[662]](#footnote-662) |
| Entity exercising school performance |  |
| Purpose of school performance | teaching or scientific research |
| Condition of school performance |  |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 35(c) |
| Scope of broadcast/communication/recording | a performance or broadcast[[663]](#footnote-663) |
| Type(s) of source work(s) |  |
| Entity exercising broadcast/communication/recording | teaching or scientific research |
| Purpose of broadcast/communication/recording |  |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | ss 19(1)(c)(ii), 35(e) |
| Scope of broadcast/communication/recording | “communication”[[664]](#footnote-664) by broadcast, |
| Type(s) of source work(s) | work, if made public, and a performance or broadcast[[665]](#footnote-665) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | use in educational institutions |
| Condition of broadcast/communication/recording | use is compatible with fair practice |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | ss 19(1)(c)(i), 35(e) |
| Scope of broadcast/communication/recording | utilization, by way of illustration in publications, broadcasts of sound or visual recordings, of |
| Type(s) of source work(s) | a work, if made public, and a performance or broadcast[[666]](#footnote-666) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching |
| Condition of broadcast/communication/recording | use is compatible with fair practice |
| Preclusions (not part of broadcast/communication/recording) | to the extent justified for the purposes |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | ss 19(1)(c)(iii), 35(e) |
| Scope of broadcast/communication/recording | utilization |
| Type(s) of source work(s) | a work, if made public, and a performance or broadcast[[667]](#footnote-667) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | professional training or public education |
| Condition of broadcast/communication/recording | use is compatible with fair practice |
| Preclusions (not part of broadcast/communication/recording) | to the extent justified for the purposes |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Greece

## Legislation Reviewed

Law No. 2121/1993 on Copyright, Related Rights and Cultural Matters (as amended up to Law No. 4281/2014)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 18 |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | a lawfully published work, (performance, phonogram, broadcast, printed matter)[[668]](#footnote-668) |
| Entity exercising private/personal use | a person |
| Purpose of private/personal use | own private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | “private use” shall not include use by an enterprise, a service or an organization[[669]](#footnote-669)  where “is likely to conflict with normal exploitation of the work or to prejudice the author’s legitimate interests”[[670]](#footnote-670), including: works of architecture, using technical means to reproduce a fine art work which has limited circulation, reproduction of musical notation |
| Subject to Attribution |  |
| Subject to Remuneration | use of (recording equipment for sound/image, computer peripherals (not printers) used solely for digital reproduction or transcription to/from analogue media, magnetic/optical tapes/media/devices for reproduction of sound/image, photocopy machines, photocopy paper): equitable remuneration due to creator and beneficiaries of related rights, payable by importers/producers, collected by CMOs[[671]](#footnote-671) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 19 |
| Scope of quotation | quotation of short extracts of |
| Type(s) of source work(s) | a lawfully published work, (performance, phonogram, broadcast, printed matter)[[672]](#footnote-672) |
| Entity exercising quotation |  |
| Purpose of quotation | providing support for a case advanced by the person making the quotation or a critique of the position of the author |
| Condition of quotation | quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author, name of publisher (if names indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 21 |
| Nature of educational reproduction | reproduction of |
| Type(s) of source work(s) | articles lawfully published in a newspaper or periodical, short extracts of a work or parts of a short work or a lawfully published work of fine art work, (performance, phonogram, broadcast, printed matter)[[673]](#footnote-673) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | exclusively for teaching or examination purposes at an educational establishment |
| Qualification(s) | in such measure as is compatible with the aforementioned purpose  reproduction is effected in accordance with fair practice and does not conflict with the normal exploitation |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author, name of publisher (if names indicated on source) |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 20(1) |
| Scope of anthologies/compilations limitation/exception | reproduction (by printing) |
| Type(s) of source work(s) | lawfully published literary works, (performances, phonograms, broadcasts, printed matter)[[674]](#footnote-674) of one or more writers |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | in educational textbooks approved for use in primary and secondary education by the Ministry of National Education and Religions or another competent ministry, according to the official detailed syllabus |
| Condition of anthologies/compilations limitation/exception | reproduction shall encompass only a small part of the total output of each of the writers  reproduction shall not conflict with the normal exploitation of the work from which the texts are taken[[675]](#footnote-675) |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author, name of publisher (if names indicated on source)[[676]](#footnote-676) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 20(2) |
| Scope of anthologies/compilations limitation/exception | reproduction |
| Type(s) of source work(s) | lawfully published literary works, (performances, phonograms, broadcasts, printed matter)[[677]](#footnote-677) of one or more writers/authors |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | in lawfully published anthology of literary works of more than one writer |
| Condition of anthologies/compilations limitation/exception | after death of writer/author  reproduction shall encompass only a small part of the total output of each of the writers  reproduction shall not conflict with the normal exploitation of the work from which the texts are taken[[678]](#footnote-678) |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author, name of publisher (if names indicated on source)[[679]](#footnote-679) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 27(b) |
| Scope of school performance | public performance or presentation |
| Type(s) of source work(s) | a work, (performance, phonogram, broadcast, printed matter)[[680]](#footnote-680) |
| Entity exercising school performance | at an educational establishment |
| Purpose of school performance | within the framework of staff and pupil or student activities |
| Condition of school performance | audience is composed exclusively of the aforementioned persons, the parents of the pupils or students, persons responsible for the care of the pupils or students, or persons directly involved in the activities of the establishment |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 21 |
| Scope of broadcast/communication/recording | reproduction of |
| Type(s) of source work(s) | articles lawfully published in a newspaper or periodical, short extracts of a work or parts of a short work or a lawfully published work of fine art work, (performance, phonogram, broadcast, printed matter)[[681]](#footnote-681) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | exclusively for teaching or examination purposes at an educational establishment |
| Condition of broadcast/communication/recording | in such measure as is compatible with the aforementioned purpose  reproduction is effected in accordance with fair practice and does not conflict with the normal exploitation |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author, name of publisher (if names indicated on source) |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | Art. 66A(5) |
| Scope of TPM/RMI limitation/exception | exception to require rightholder who used effective technological measures in respect of his work to take voluntary measures to ensure for the “beneficiaries” the benefit of the exception |
| Type(s) of source work(s) | work/subject-matter (but not applicable to works/subject-matter available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them[[682]](#footnote-682)) |
| Beneficiary exercising limitation/exception | users who reproduce work/subject-matter for, *inter alia*, private use (Art. 18), for teaching purposes (Art. 21) |
| Purpose of limitation/exception | to the extent necessary and to have legal access to the protected work or subject-matter |
| Condition of limitation/exception |  |

# Grenada

## Legislation Reviewed

Copyright Act (Cap 67, Act No. 21 of 2011)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 9 |
| Scope of private/personal use | private reproduction of |
| Type(s) of source work(s) | a published work |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use | exclusively for his own personal purposes |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a database, computer program[[683]](#footnote-683),  any work where “reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the owner of copyright” |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 27(1)(a) |
| Scope of private/personal use | use |
| Type(s) of source work(s) | a performance, sound recording or broadcast |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use | exclusively for his own personal purposes |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | not extend to the reproduction of any performance, sound recording or broadcast, in cases where reproduction would conflict with a normal exploitation of the performance, sound recording, or broadcast, or would otherwise unreasonably prejudice the legitimate interests of the owner of neighbouring rights |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 10 |
| Scope of quotation | reproduction of |
| Type(s) of source work(s) | a short part of a published work, (a performance, sound recording, broadcast)[[684]](#footnote-684) |
| Entity exercising quotation |  |
| Purpose of quotation | in the form of quotation |
| Condition of quotation | reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 11(1)(a) |
| Nature of educational reproduction | utilisation by way of illustration, including the making available of such works in computer networks |
| Type(s) of source work(s) | a work that has lawfully been made available to the public, in publications, broadcasting or sound or visual recordings |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | teaching, or scientific research purposes |
| Qualification(s) | utilisation is compatible with fair practice  utilisation by making available: access to the works is only available to enrolled pupils or students and their teachers |
| Frequency/Multiple copies and Limits | does not exceed the extent justified by the purpose |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (if indicated on source) on all copies or in reasonable connection with work |

|  |  |
| --- | --- |
| Provision | s 11(1)(b) |
| Nature of educational reproduction | reprographic copies[[685]](#footnote-685) |
| Type(s) of source work(s) | published articles, other short works or short extracts of works |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | face-to-face teaching in educational institutions |
| Qualification(s) | activities of which do not serve direct or indirect commercial gain  no copying if licences are available authorizing copying and educational institution knows or ought to have been aware of licences |
| Frequency/Multiple copies and Limits | extent justified by the purpose  reproduction of any particular work is an isolated act occurring, if repeated, on separate and unrelated occasions  no more than a single copy for each pupil or student and the teacher is made |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (if indicated on source) on all copies or in reasonable connection with work |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 27(1)(c) |
| Scope of broadcast/communication/recording | use |
| Type(s) of source work(s) | a performance, sound recording, broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for the purpose of face-to-face teaching activities or for scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | s 46(2) |
| Scope of TPM/RMI limitation/exception | exception to require rightholder who used effective technological measures in respect of his work to take necessary means to ensure that “beneficiary” may enjoy or apply the exception or limitation |
| Type(s) of source work(s) | work/subject-matter (but not applicable to works/subject-matter available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them[[686]](#footnote-686)) |
| Beneficiary exercising limitation/exception | “beneficiary”: users who reproduce work/subject-matter for, *inter alia*, private use (s 9), quotations (s 10), educational reproduction (s 11) |
| Purpose of limitation/exception | to the extent required |
| Condition of limitation/exception |  |

# \*Guatemala

## Legislation Reviewed

Law on Copyright and Related Rights

# Guinea

## Legislation Reviewed

Act No. 043/APN/CP of August 9, 1980, adopting Provisions Relating to Copyright and Neighboring Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 10(ii) |
| Scope of private/personal use | reproductions, translations and adaptations |
| Type(s) of source work(s) | a work that has been lawfully made available to the public, (a performance, phonogram or broadcast)[[687]](#footnote-687) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | strictly personal and private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 10(i)(a) |
| Scope of private/personal use | communications such as performance or broadcasting, in private |
| Type(s) of source work(s) | a work that has been lawfully made available to the public, (a performance, phonogram or broadcast)[[688]](#footnote-688) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusively within a family circle |
| Condition of private/personal use | do not give rise to receipts of any kind |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 11 |
| Scope of quotation | make analyses of and short quotations from |
| Type(s) of source work(s) | a work (in original form or in translation) that has already been lawfully made available to the public, including quotations from newspaper articles and periodicals in the form of press summaries |
| Entity exercising quotation |  |
| Purpose of quotation | in the form of quotation |
| Condition of quotation | compatible with fair practice and justified by the scientific, critical, polemic, educational or informatory purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 74(iv) |
| Scope of quotation | quotations in the form of short excerpts |
| Type(s) of source work(s) | a performance, phonogram or broadcast |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | compatible with fair practice and justified by the informatory purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 10(i)(b) |
| Scope of school performance | communications such as performance |
| Type(s) of source work(s) | a work, (a performance, phonogram or broadcast)[[689]](#footnote-689) |
| Entity exercising school performance | a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare |
| Purpose of school performance | strictly educational or scholastic purposes |
| Condition of school performance | free of charge |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 10(i)(b) |
| Scope of broadcast/communication/recording | communications such as broadcasting |
| Type(s) of source work(s) | a work, (a performance, phonogram or broadcast)[[690]](#footnote-690) |
| Entity exercising broadcast/communication/recording | a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare |
| Purpose of broadcast/communication/recording | strictly educational or scholastic purposes |
| Condition of broadcast/communication/recording | free of charge |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 74(iii) |
| Scope of broadcast/communication/recording | use |
| Type(s) of source work(s) | a performance, phonogram or broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for the purposes of teaching or scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | Name of author and title of work indicated on all copies |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 15(i) |
| Nature of compulsory licence for translation for educational purposes | licence, for translation and publication in printed or analogous forms of reproduction on the territory of the Revolutionary People's Republic of Guinea |
| Type(s) of source work(s) | foreign works already lawfully made available to the public |
| Licence applicant/entity | any natural person or legal entity residing on the territory of the Revolutionary People's Republic of Guinea |
| Purpose of licence |  |
| Qualification(s) | subject to, and under the conditions specified in, the Appendix to the Paris Act (1971) of the Berne Convention for the Protection of Literary and Artistic Works  no derogation from the rights conferred on the author by Art. 3 above |
| Compulsory licence fee(s) | licensee to pay equitable remuneration to author[[691]](#footnote-691) |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | Minister for Higher Education and Scientific Research |

|  |  |
| --- | --- |
| Provision | Art. 15(ii) |
| Nature of compulsory licence for translation for educational purposes | licence, for reproduction and publication in printed or analogous forms of reproduction on the territory of the Revolutionary People's Republic of Guinea |
| Type(s) of source work(s) | foreign works already lawfully made available to the public |
| Licence applicant/entity | any natural person or legal entity residing on the territory of the Revolutionary People's Republic of Guinea |
| Purpose of licence |  |
| Qualification(s) | licenses may not be granted for the publication of literary or scientific works of which a French edition is available abroad unless such publication on the national territory affords good conditions for the desired dissemination  subject to, and under the conditions specified in, the Appendix to the Paris Act (1971) of the Berne Convention for the Protection of Literary and Artistic Works  no derogation from the rights conferred on the author by Article 3 above |
| Compulsory licence fee(s) | licensee to pay equitable remuneration to author[[692]](#footnote-692) |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | Minister for Higher Education and Scientific Research |

## TPM/RMI Exceptions for Educational Purposes

# Guinea-Bissau

## Legislation Reviewed

Copyright Code (approved by Decree-Law No. 46.980 of March 28, 1972)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 103(2) |
| Scope of private/personal use | performance |
| Type(s) of source work(s) | a published work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use |  |
| Condition of private/personal use | not-for-profit basis and in a family home |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 63 |
| Scope of private/personal use | reproduction of extracts of |
| Type(s) of source work(s) | works which have not yet fallen into the public domain |
| Entity exercising private/personal use | those requesting reproduction by public entities, libraries, archives and scientific institutions |
| Purpose of private/personal use | private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | reproductions may not be used commercially without the consent of the authors |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 185(1) |
| Scope of quotation | transcribe or summarize, extracts of |
| Type(s) of source work(s) | others’ works |
| Entity exercising quotation | authors of any text |
| Purpose of quotation | in support of their own doctrines or for the purposes of criticism, discussion or teaching |
| Condition of quotation | extracts are distinguished from their own text and the works from which the transcribed or summarized texts are taken  transcribed or summarized texts may not be so extensive that they prejudice interest in the work cited |
| Preclusions (not part of quotation) | not permitted to reproduce the work of another under the “pretext of commentary or annotation”, but it is lawful to refer to chapters, paragraphs or pages of another author’s work in one’s own separate comments or annotations[[693]](#footnote-693) |
| Subject to Attribution | name of author |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 63 |
| Nature of educational reproduction | reproduction of extracts of |
| Type(s) of source work(s) | works which have not yet fallen into the public domain |
| Entity exercising reproduction | public entities, libraries, archives and scientific institutions |
| Purpose of educational reproduction | (entity’s own use) |
| Qualification(s) | reproductions may not be used commercially without the consent of the authors |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Art. 151 |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | photographs |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | in scientific or educational works |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration | payment to author(s) of fair compensation |
| Attribution | name of photographer and year of production (if indicated in original) |

|  |  |
| --- | --- |
| Provision | Art. 183 |
| Nature of educational reproduction | any use, including reproduction of, |
| Type(s) of source work(s) | lectures delivered by academics, including lectures obtained through stenographic notetaking |
| Entity exercising reproduction | students |
| Purpose of educational reproduction |  |
| Qualification(s) | any use for an audience other than students to require special authorization  lectures may only be published by third parties with author’s authorization |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 185(2) |
| Scope of anthologies/compilations limitation/exception | transcription of extracts or fragments from |
| Type(s) of source work(s) | literary or musical works of others |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | in anthologies for use in schools |
| Condition of anthologies/compilations limitation/exception | extracts are distinguished from their own text and the works from which the transcribed or summarized texts are taken  transcribed or summarized texts may not be so extensive that they prejudice interest in the work cited[[694]](#footnote-694) |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | name of author[[695]](#footnote-695) |
| Subject to Remuneration | (transcription that exceeds limits) author has right to fair recompense |

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 164 |
| Nature of compulsory licence for translation for educational purposes | non-exclusive, non-transferable compulsory licence, for translation and publication |
| Type(s) of source work(s) | a written work published in a foreign language, or a translation already published in Portuguese |
| Licence applicant/entity | any person |
| Purpose of licence |  |
| Qualification(s) | work has not been previously published by holder of translation rights or authorised person in Portuguese after 7 years from first publication, or if copies of the translated work have been exhausted  title and name of author of original work to be printed on all copies of published translation[[696]](#footnote-696)  licence applicant has requested and been denied authorization from holder of translation right, or applicant was unable to find such owner, despite due diligence, after notifying the publisher/diplomatic or consular representative of state of holder of translation rights/organization designated by government of that state, and 3 months have lapsed since request[[697]](#footnote-697)  no licence granted if author has withdrawn copies of work from circulation[[698]](#footnote-698) |
| Compulsory licence fee(s) | beneficiary of licence to pay a fair compensation to the right owner[[699]](#footnote-699) |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | courts |

## TPM/RMI Exceptions for Educational Purposes

# Guyana

## Legislation Reviewed

Copyright Act 1956 (4 & 5 Eliz. 2, Cap. 74)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | ss 6(1), 9(1) |
| Scope of private/personal use | fair dealing |
| Type(s) of source work(s) | a literary, dramatic or musical work, (or its adaptation)[[700]](#footnote-700), an artistic work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research or private study |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | ss 6(2), 9(2) |
| Scope of quotation | fair dealing |
| Type(s) of source work(s) | a literary, dramatic or musical work, (or its adaptation)[[701]](#footnote-701) or an artistic work |
| Entity exercising quotation |  |
| Purpose of quotation | purposes of criticism or review, whether of that work or of another work |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title (or other description), name of author (unless anonymous or author has agreed otherwise)[[702]](#footnote-702) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 41(1)(a) |
| Nature of educational reproduction | reproduction (otherwise than by the use of a “duplicating process”[[703]](#footnote-703)) or making of an adaptation, of |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work |
| Entity exercising reproduction | by a teacher or pupil |
| Purpose of educational reproduction | in the course of instruction, whether at a school[[704]](#footnote-704) or elsewhere |
| Qualification(s) | reproduction or adaptation shall not be published[[705]](#footnote-705) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 41(1)(b) |
| Nature of educational reproduction | reproduction (otherwise than by the use of a duplicating process) or making of an adaptation, of |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | as part of the questions to be answered in an examination, or in an answer to such a question |
| Qualification(s) | reproduction or adaptation shall not be published[[706]](#footnote-706) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 6(6) |
| Scope of anthologies/compilations limitation/exception | inclusion of a short passage in a collection, from |
| Type(s) of source work(s) | a published literary or dramatic work, (or its adaptation)[[707]](#footnote-707) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for use of schools |
| Condition of anthologies/compilations limitation/exception | collection is so described in its title and in any publisher’s advertisement  [source] work was not published for use of schools  collection consists mainly of material in which no copyright subsists |
| Preclusions (not part of anthologies/compilations limitation/exception) | 2 or more excerpts from works by same author[[708]](#footnote-708) are contained in that collection, or that collection with every similar collection by same publisher within 5 year period[[709]](#footnote-709) |
| Subject to Attribution | title (or other description), name of author (unless anonymous or author has agreed otherwise)[[710]](#footnote-710) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 12(7) |
| Scope of school performance | causing to be heard in public |
| Type(s) of source work(s) | a sound recording |
| Entity exercising school performance | a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare |
| Purpose of school performance | as part of the activities of, or for the benefit of |
| Condition of school performance | proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 41(3), (5) |
| Scope of school performance | performance [of a work]  causing to be heard or seen, the sounds or visual images [of a sound recording, cinematograph film, a television broadcast] |
| Type(s) of source work(s) | a literary, dramatic or musical work  a sound recording, cinematograph film, a television broadcast |
| Entity exercising school performance | by a person who is a teacher in, or a pupil in attendance at, the school[[711]](#footnote-711) |
| Purpose of school performance | in the course of the activities of a school |
| Condition of school performance | performance in class, or otherwise in the presence of an audience  audience is limited to persons who are teachers in, or pupils in attendance at, the school, or are otherwise “directly connected”[[712]](#footnote-712) with the activities of the school |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Haiti

## Legislation Reviewed

Decree of January 9, 1968 relating to Copyright in Literary, Scientific and Artistic Works

Decree of October 12, 2005 on the Creation of the Office of Haitian Copyright (BHDA)

## Private/Personal Use

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 32 |
| Scope of quotation | borrowings |
| Type(s) of source work(s) | works of other persons |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation |  |
| Preclusions (not part of quotation) | plagiarism which amount to abuse – when borrowings are considerable and damaging, without mention of source |
| Subject to Attribution | source |
| Subject to Remuneration | courts enjoy considerable freedom in making appraisement |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Holy See

## Legislation Reviewed

Law No. 132 of March 19, 2011 on Copyright and Related Rights

# \*Honduras

## Legislation Reviewed

Copyright and Neighboring Rights Law (approved by Decree No. 4-99-E)

# Hungary

## Legislation Reviewed

Act No. LXXVI of 1999 on Copyright (consolidated text as of January 1, 2007)

Government Decree No. 117 of 2004 (IV. 28.) Korm. on the Determination of the Manner & Conditions of the Communication & Making Available to the Public in the Case of Free Use Provided for in Article 38(5) of Act LXXVI of 1999 on Copyright

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 35(1) |
| Scope of private/personal use | copy |
| Type(s) of source work(s) | work, (performance, sound recording, radio or television programme, film)[[713]](#footnote-713) disclosed to the public[[714]](#footnote-714) |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use | for private purposes |
| Condition of private/personal use | not intended for earning or increasing income even in an indirect way  use “does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use”[[715]](#footnote-715) |
| Preclusions (not part of private/personal use) | works of architecture, engineering structures, reprographic reproduction of musical notation, a database, a computer program, a fixation of public performance of a work on video or sound carrier  to have work copied by someone else by means of a computer and/or on an electronic data carrier[[716]](#footnote-716) |
| Subject to Attribution |  |
| Subject to Remuneration | (on the private purpose copying of their works, performances, films and sound recordings) fair and equitable remuneration[[717]](#footnote-717) due to authors, performers, producers, payable to CMO by manufacturer/importer/carrier of blank video and audio carriers,[[718]](#footnote-718) and by manufacturer/importer/carrier and operator with consideration of reprographic device.[[719]](#footnote-719) |

|  |  |
| --- | --- |
| Provision | Art. 35(2) |
| Scope of private/personal use | copying |
| Type(s) of source work(s) | complete book or whole of periodical or daily (work has been disclosed to the public[[720]](#footnote-720)), (performance, sound recording, radio or television programme, film)[[721]](#footnote-721) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private purpose |
| Condition of private/personal use | only by handwriting or typing  use “does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use”[[722]](#footnote-722) |
| Preclusions (not part of private/personal use) | to have work copied by someone else by means of a computer and/or on an electronic data carrier[[723]](#footnote-723) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 34(1) |
| Scope of quotation | cite any part of |
| Type(s) of source work(s) | a published work (work has been disclosed to the public[[724]](#footnote-724)), (performance, sound recording, radio or television programme, film)[[725]](#footnote-725) |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | citation to be true to original  scope of citation to be justified by nature and purpose of the borrowing work  use “does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use”[[726]](#footnote-726) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 35(4)(a) |
| Nature of educational reproduction | a copy |
| Type(s) of source work(s) | a work (has been disclosed to the public[[727]](#footnote-727)), (performance, sound recording, radio or television programme, film)[[728]](#footnote-728) |
| Entity exercising reproduction | publicly accessible libraries, educational establishments,[[729]](#footnote-729) museums and archives as well as audio and audiovisual archives |
| Purpose of educational reproduction | internal institutional purposes and  required for scientific research |
| Qualification(s) | outside the scope of entrepreneurial activity - not intended for earning or increasing income even in an indirect way  copy “does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use”[[730]](#footnote-730) |
| Frequency/Multiple copies and Limits | to the extent and in the way justified by such a purpose |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Art. 35(4)(c) |
| Nature of educational reproduction | a copy of a minor part of |
| Type(s) of source work(s) | a work made public or of an article published in a newspaper or periodical, (performance, sound recording, radio or television programme, film)[[731]](#footnote-731) |
| Entity exercising reproduction | publicly accessible libraries, educational establishments,[[732]](#footnote-732) museums and archives as well as audio and audiovisual archives |
| Purpose of educational reproduction | internal institutional purposes |
| Qualification(s) | outside the scope of entrepreneurial activity - not intended for earning or increasing income even in an indirect way  copy “does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use”[[733]](#footnote-733) |
| Frequency/Multiple copies and Limits | to the extent and in the way justified by such a purpose |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Art. 35(5) |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | a work published as a book, newspaper, periodical article, (performance, sound recording, radio or television programme, film)[[734]](#footnote-734) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | school education or exams in public and higher education |
| Qualification(s) | reproduction “does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use”[[735]](#footnote-735) |
| Frequency/Multiple copies and Limits | specific parts of the work  in a number corresponding to the number of pupils in a class/necessary for purpose |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Art. 34(2) |
| Nature of educational reproduction | borrowing (using of a work in another work to an extent that goes beyond citation)[[736]](#footnote-736) part of |
| Type(s) of source work(s) | a literary or musical work or such a type of an entire work of a minor volume (has been disclosed to the public[[737]](#footnote-737)), (performance, sound recording, radio or television programme, film)[[738]](#footnote-738) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | illustration for teaching and scientific research |
| Qualification(s) | borrowing work is not used for commercial purposes  no author’s authorization required where borrowing work qualifies as a textbook/reference book and school education purposes is indicated on its front page[[739]](#footnote-739)  reproduction “does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use”[[740]](#footnote-740) |
| Frequency/Multiple copies and Limits | to the extent justified by the purpose |
| Collective Licence/remuneration |  |
| Attribution | source, name of author |

|  |  |
| --- | --- |
| Provision | Art. 68(2) |
| Nature of educational reproduction | picture of |
| Type(s) of source work(s) | a fine art, architectural, applied art and industrial design creation, artistic photographs, (performance, sound recording, radio or television programme, film)[[741]](#footnote-741) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | scientific educational lectures as well as school education |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 38(1)(b) |
| Scope of school performance | performance |
| Type(s) of source work(s) | a work (that has been disclosed to the public[[742]](#footnote-742)), (performance, sound recording, radio or television programme, film)[[743]](#footnote-743) |
| Entity exercising school performance |  |
| Purpose of school performance | school education or at celebrations held at school |
| Condition of school performance | not designed to earn or increase income even in an indirect manner  participants do not receive remuneration  performance “does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use”[[744]](#footnote-744) |
| Preclusions (not part of school performance) | dancing party held at a school is not “performance for purposes of school education”[[745]](#footnote-745) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 35(4)(a) |
| Scope of broadcast/communication/recording | a copy |
| Type(s) of source work(s) | a work (has been disclosed to the public[[746]](#footnote-746)), (performance, sound recording, radio or television programme, film)[[747]](#footnote-747) |
| Entity exercising broadcast/communication/recording | publicly accessible libraries, educational establishments,[[748]](#footnote-748) museums and archives as well as audio and audiovisual archives |
| Purpose of broadcast/communication/recording | internal institutional purposes and  required for scientific research |
| Condition of broadcast/communication/recording | outside the scope of entrepreneurial activity - not intended for earning or increasing income even in an indirect way  copy “does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use”[[749]](#footnote-749) |
| Preclusions (not part of broadcast/communication/recording) | to the extent and in the way justified by such a purpose |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 35(4)(c) |
| Scope of broadcast/communication/recording | a copy of a minor part of |
| Type(s) of source work(s) | a work made public or of an article published in a newspaper or periodical, (performance, sound recording, radio or television programme, film)[[750]](#footnote-750) |
| Entity exercising broadcast/communication/recording | publicly accessible libraries, educational establishments,[[751]](#footnote-751) museums and archives as well as audio and audiovisual archives |
| Purpose of broadcast/communication/recording | internal institutional purposes |
| Condition of broadcast/communication/recording | outside the scope of entrepreneurial activity - not intended for earning or increasing income even in an indirect way  copy “does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use”[[752]](#footnote-752) |
| Preclusions (not part of broadcast/communication/recording) | to the extent and in the way justified by such a purpose |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 35(5) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | a work published as a book, newspaper, periodical article, (performance, sound recording, radio or television programme, film)[[753]](#footnote-753) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | school education or exams in public and higher education |
| Condition of broadcast/communication/recording | reproduction “does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use”[[754]](#footnote-754) |
| Preclusions (not part of broadcast/communication/recording) | specific parts of the work  in a number corresponding to the number of pupils in a class/necessary for purpose |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 34(2) |
| Scope of broadcast/communication/recording | borrowing (using of a work in another work to an extent that goes beyond citation)[[755]](#footnote-755) part of |
| Type(s) of source work(s) | a literary or musical work or such a type of an entire work of a minor volume (has been disclosed to the public[[756]](#footnote-756)), (performance, sound recording, radio or television programme, film)[[757]](#footnote-757) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | illustration for teaching and scientific research |
| Condition of broadcast/communication/recording | borrowing work is not used for commercial purposes  no author’s authorization required where borrowing work qualifies as a textbook/reference book and school education purposes is indicated on its front page[[758]](#footnote-758)  reproduction “does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use”[[759]](#footnote-759) |
| Preclusions (not part of broadcast/communication/recording) | to the extent justified by the purpose |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 38(5) |
| Scope of broadcast/communication/recording | free display, communicate or make available, to individual members of the public on screens of dedicated terminals on the premises of such entities[[760]](#footnote-760) |
| Type(s) of source work(s) | works, (performances, sound recordings, radio or television programmes, films)[[761]](#footnote-761) forming part of the collection, of |
| Entity exercising broadcast/communication/recording | publicly accessible libraries, educational establishments[[762]](#footnote-762), museums, archives, as well as audio and audiovisual archives |
| Purpose of broadcast/communication/recording | research or private study |
| Condition of broadcast/communication/recording | not for direct or indirect earning or increasing income  beneficiary entity to apply a safe technical solution which hinders the modification/ reproduction/communication to the public of the works in its collection to non-users[[763]](#footnote-763)  beneficiary entity to provide info that the work made available can only be used for purposes of research or private study in Art. 38(5) [this article][[764]](#footnote-764)  beneficiary entity to require user’s statement, as a precondition of access, that user will use the terminals for purposes of research or private study in Art. 38(5) [this article][[765]](#footnote-765) |
| Preclusions (not part of broadcast/communication/recording) | in the absence of a contractual provision to the contrary |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | Art. 95/A |
| Scope of TPM/RMI limitation/exception | exception to require rightholder who used technological measures in respect of his work, (performance, sound recording, radio or television programme, film, database)[[766]](#footnote-766) to make free use possible for the “beneficiary” who has lawful access to the work |
| Type(s) of source work(s) | (not applicable to a work, (performance, sound recording, radio or television programme, film, database)[[767]](#footnote-767) made available to the public on basis of a contract in such a way that members of the public may access the work from a place and at a time individually chosen by them[[768]](#footnote-768)) |
| Beneficiary exercising limitation/exception | “beneficiary” of limitation/exception for reprographic reproduction for [purposes] |
| Purpose of limitation/exception | private purposes (Arts. 21(1), 35(1)), illustration for teaching and scientific research (Art. 34(2)), copy of work for internal purposes of educational establishments (Art. 35(4)) |
| Condition of limitation/exception |  |

# Iceland

## Legislation Reviewed

The 1972 Copyright Act as amended in 1984, 1991 and 1992

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 11 |
| Scope of private/personal use | reproductions |
| Type(s) of source work(s) | a published work (including photos[[769]](#footnote-769) and databases[[770]](#footnote-770)), (a performance,[[771]](#footnote-771) an audio-visual recording,[[772]](#footnote-772) a broadcast[[773]](#footnote-773)) |
| Entity exercising private/personal use | individuals |
| Purpose of private/personal use | exclusively for private use |
| Condition of private/personal use | not done for commercial purposes  reproductions may not be used for any other purpose |
| Preclusions (not part of private/personal use) | works of architecture, sculptures, applied art or drawing, if assistance of others is sought, musical and literary works, if assistance of others who carry out such reproduction on a commercial basis is sought, electronic databases, computer programs[[774]](#footnote-774) |
| Subject to Attribution |  |
| Subject to Remuneration | (recording for private use on tape, disk, CD-ROM or other means, by which audio/video material may be recorded) authors of works which have been broadcast or issued on audio/video recording entitled to special compensation for media and for equipment intended for such recording, payable by producer/importer and collected by CMOs for distribution to authors[[775]](#footnote-775) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 14 |
| Scope of quotation | quotation of |
| Type(s) of source work(s) | any presented literary work, including dramatic works and presented cinematographic or musical works, presentations of pictures and drawings of presented works of art and documents, (a photo,[[776]](#footnote-776) a database[[777]](#footnote-777)), (a performance,[[778]](#footnote-778) an audio-visual recording,[[779]](#footnote-779) a broadcast[[780]](#footnote-780)) |
| Entity exercising quotation |  |
| Purpose of quotation | in the context of a critical or scientific public discussion, or other recognised purpose |
| Condition of quotation | quotation is correct and of reasonable length  no commercial purpose is involved |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration | author to be remunerated where pictures or drawings of two or more works by the same author are presented in a text intended as general information |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 17 |
| Scope of anthologies/compilations limitation/exception | presentations in composite works, consisting of selections from |
| Type(s) of source work(s) | works by many authors (but not works created and published for use in classroom instruction without the author’s consent), (including photos[[781]](#footnote-781) and databases[[782]](#footnote-782)) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | compiled for use in religious services, classroom instruction or educational broadcasting |
| Condition of anthologies/compilations limitation/exception | no commercial purpose is involved  lapse of 5 years from year in which work was published/presented  individual literary or musical works, if they are of limited size, and chapters taken from longer works  pictures or drawings of works of art or documents, in connection with aforesaid texts |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | author of work presented in composition entitled to remuneration |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 21(1) |
| Scope of school performance | public performance |
| Type(s) of source work(s) | a published work (not dramatic or cinematographic work)[[783]](#footnote-783), (including a photo[[784]](#footnote-784) and a database[[785]](#footnote-785)), (a performance,[[786]](#footnote-786) an audio recording,[[787]](#footnote-787) a broadcast[[788]](#footnote-788)) |
| Entity exercising school performance |  |
| Purpose of school performance | educational purposes |
| Condition of school performance |  |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration | if admission is charged especially for this performance, author is entitled to remuneration |

|  |  |
| --- | --- |
| Provision | Art. 21(2) |
| Scope of school performance | public performance |
| Type(s) of source work(s) | a published work (not dramatic or cinematographic work)[[789]](#footnote-789), (including a photo[[790]](#footnote-790) and a database[[791]](#footnote-791)), (a performance,[[792]](#footnote-792) an audio recording,[[793]](#footnote-793) a broadcast[[794]](#footnote-794)) |
| Entity exercising school performance |  |
| Purpose of school performance | at gatherings held for purposes of charity, at public gatherings, for the promotion of culture or education, or in support of causes otherwise favourable to the common good |
| Condition of school performance | no remuneration is made for the performance |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 21(3) |
| Scope of school performance | public performance |
| Type(s) of source work(s) | a published work (not dramatic or cinematographic work)[[795]](#footnote-795), (including a photo[[796]](#footnote-796) and a database[[797]](#footnote-797)), (a performance,[[798]](#footnote-798) an audio recording,[[799]](#footnote-799) a broadcast[[800]](#footnote-800)) |
| Entity exercising school performance |  |
| Purpose of school performance | at gatherings not organised for commercial purposes or financial gain, such as meetings of schools or societies, and other similar occasions |
| Condition of school performance | no remuneration is made for the performance  admission charges no higher than necessary to cover direct costs incurred |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 18 |
| Scope of broadcast/communication/recording | audio recording of |
| Type(s) of source work(s) | presented works (but not gramophone records or other audio recordings which are produced for commercial sale), (photos,[[801]](#footnote-801) databases[[802]](#footnote-802)), (performances,[[803]](#footnote-803) audio-visual recordings,[[804]](#footnote-804) broadcasts[[805]](#footnote-805)) |
| Entity exercising broadcast/communication/recording | public educational institutions |
| Purpose of broadcast/communication/recording | temporary instructional use |
| Condition of broadcast/communication/recording | audio recordings may not be used for any other purposes |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | Art. 50b |
| Scope of TPM/RMI limitation/exception | exception for circumventing technological measures |
| Type(s) of source work(s) |  |
| Beneficiary exercising limitation/exception |  |
| Purpose of limitation/exception | study of encryption |
| Condition of limitation/exception |  |

|  |  |
| --- | --- |
| Provision | Art. 50c |
| Scope of TPM/RMI limitation/exception | exception to require the rightholder applying technological measures to grant user access to means necessary for the user to employ the limitations to copyright, failing which user may ignore the technological measures[[806]](#footnote-806) |
| Type(s) of source work(s) | work/other materials (but not applicable to works/other materials made accessible to the public under an agreement on an ‘on-demand’ basis[[807]](#footnote-807)) |
| Beneficiary exercising limitation/exception | users who, *inter alia*, present pictures/drawings of presented works of art/documents (Art. 12(2)), present individual literary/musical works in composite works for classroom instruction or educational broadcasting (Art. 17(1)), publicly perform works for educational purposes (Art. 21(1) item 1) |
| Purpose of limitation/exception | [to have legal access to the work/other materials pursuant to the copyright limitations] |
| Condition of limitation/exception | user has legal access to the work/material in question[[808]](#footnote-808)  rightholder has not voluntarily taken measures which would ensure that the user is not able to invoke this exception[[809]](#footnote-809) |

# India

## Legislation Reviewed

Copyright Act, 1957 (as consolidated up to Act No. 49 of 1999), as revised by the Copyright (Amendment) Act, 2012

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 52(1)(a)(i) |
| Scope of private/personal use | a fair dealing |
| Type(s) of source work(s) | any work, not being a computer programme |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private or personal use, including research |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 52(1)(p) |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | an unpublished literary, dramatic or musical work kept in a library, museum or other institution to which the public has access, (a broadcast, a performance)[[810]](#footnote-810) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research or private study or with a view to publication |
| Condition of private/personal use | if identity of author/any of joint authors is known to library, museum or institution, reproduction can only be made more than 60 years from date of death of author/author whose identity is known/ author who dies last |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 39(a) |
| Scope of private/personal use | making of sound recording or visual recording of |
| Type(s) of source work(s) | a broadcast, a performance |
| Entity exercising private/personal use | a person |
| Purpose of private/personal use | private use of person making such recording |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 52(1)(a)(ii) |
| Scope of quotation | a fair dealing |
| Type(s) of source work(s) | a work, not being a computer programme |
| Entity exercising quotation |  |
| Purpose of quotation | criticism or review, whether of that work or of any other work |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 51(1)(i) |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | any work, (a broadcast, a performance)[[811]](#footnote-811) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | by a teacher or a pupil in the course of instruction, or  as part of the questions to be answered in an examination, or  in answers to such questions |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 52(1)(h) |
| Scope of anthologies/compilations limitation/exception | publication in a collection, of short passages from |
| Type(s) of source work(s) | published literary or dramatic works, (broadcasts, performances)[[812]](#footnote-812) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | bona fide intended for instructional use |
| Condition of anthologies/compilations limitation/exception | collection is so described in its title and in any publisher’s advertisement  collection consists mainly of non-copyright matter  source works themselves not published for instructional use |
| Preclusions (not part of anthologies/compilations limitation/exception) | more than 2 excerpts from works by same author[[813]](#footnote-813) are published by same publisher within 5 year period[[814]](#footnote-814) |
| Subject to Attribution | title of work, author (unless anonymous published work, or author identity cannot be ascertained by reasonable inquiry for unpublished work)[[815]](#footnote-815) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 52(1)(j) |
| Scope of school performance | performance |
| Type(s) of source work(s) | a literary, dramatic or musical work, or  a cinematograph film or a sound recording, or (a broadcast, a performance)[[816]](#footnote-816) |
| Entity exercising school performance | staff and students of the institution |
| Purpose of school performance | course of the activities of an educational institution |
| Condition of school performance | audience is limited to such staff and students, the parents and guardians of the students and persons connected with the activities of the institution or the communication to such an audience of a cinematograph film or sound recording |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 51(1)(i) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | any work, (a broadcast, a performance)[[817]](#footnote-817) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | by a teacher or a pupil in the course of instruction, or  as part of the questions to be answered in an examination, or  in answers to such questions |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 39(a) |
| Scope of broadcast/communication/recording | making of any sound recording or visual recording |
| Type(s) of source work(s) | a broadcast, performance |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for purposes of bona fide teaching or research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 39(b) |
| Scope of broadcast/communication/recording | use of excerpts of |
| Type(s) of source work(s) | a broadcast, performance |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for bona fide review, teaching or research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | s 32(1A) |
| Nature of compulsory licence for translation for educational purposes | non-exclusive compulsory licence, for production, translation and publication, in any language in general use in India, in printed or analogous forms of reproduction in India[[818]](#footnote-818) |
| Type(s) of source work(s) | a literary or dramatic work, other than an Indian work |
| Licence applicant/entity | any person |
| Purpose of licence | translation is required for the purposes of teaching, scholarship or research |
| Qualification(s) | licence application may be made:  7 years from first publication,[[819]](#footnote-819) or  3 years from first publication (if required for teaching, scholarship or research),[[820]](#footnote-820) or  1 year from first publication (where translation is in language not in general use in any developed country)[[821]](#footnote-821)  work has not been previously translated into the language in the licence application and published by the copyright owner/authorised person, within 7/3/1 year of first publication, or if translation has been so published, it has been out of print[[822]](#footnote-822)  licence applicant has requested and been denied authorisation by copyright owner, or was unable to find copyright owner after due diligence, despite sending request to publisher[[823]](#footnote-823)  name of author and title of particular edition proposed to be translated are printed on all copies of the translation[[824]](#footnote-824)  licence applicant to satisfy Copyright Board that it is competent to produce and publish a correct translation and possesses the means to pay copyright royalties[[825]](#footnote-825)  author has not withdrawn from circulation copies of the work[[826]](#footnote-826)  opportunity to be heard is given, wherever practicable, to copyright owner[[827]](#footnote-827)  subject to licensee’s sale of existing copies, licence nullified if copyright owner is publishing or has permitted the publishing of translated work in the same language and substantially the same in content at a price normally charged for translation of works of the same standard[[828]](#footnote-828) |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay royalties to owner of copyright in the work in respect of copies of translation sold to the public[[829]](#footnote-829) |
| Price of publication | licence application to state in licence application proposed retail price of a copy of the translation of the work[[830]](#footnote-830) |
| Distribution conditions |  |
| Grantor of Collective Licence | Copyright Board |

|  |  |
| --- | --- |
| Provision | s 32(5) |
| Nature of compulsory licence for translation for educational purposes | non-exclusive compulsory licence, for production, translation, publication and broadcasting of such translation in India[[831]](#footnote-831) |
| Type(s) of source work(s) | a literary or dramatic work, other than an Indian work, or any text incorporated in audiovisual fixations prepared and published solely for the purpose of systematic instructional activities[[832]](#footnote-832) |
| Licence applicant/entity | any broadcasting authority |
| Purpose of licence | for the purposes of teaching or for the dissemination of the results of specialised, technical or scientific research to the experts in any particular field[[833]](#footnote-833) |
| Qualification(s) | licence application may be made:  7 years from first publication,[[834]](#footnote-834) or  3 years from first publication (if required for teaching, scholarship or research),[[835]](#footnote-835) or  1 year from first publication (where translation is in language not in general use in any developed country)[[836]](#footnote-836)  work has not been previously translated into the language in the licence application and published by the copyright owner/authorised person, within 7/3/1 year of first publication, or if translation has been so published, it has been out of print[[837]](#footnote-837)  licence applicant has requested and been denied authorisation by copyright owner, or was unable to find copyright owner after due diligence, despite sending request to publisher[[838]](#footnote-838)  name of author and title of particular edition proposed to be translated are printed on all copies of the translation[[839]](#footnote-839)  licence applicant to satisfy Copyright Board that it is competent to produce and publish a correct translation and possesses the means to pay copyright royalties[[840]](#footnote-840)  author has not withdrawn from circulation copies of the work[[841]](#footnote-841)  opportunity to be heard is given, wherever practicable, to copyright owner[[842]](#footnote-842)  translation is made from a lawfully acquired work[[843]](#footnote-843)  broadcast is made through the medium of sound and visual recordings[[844]](#footnote-844)  such recordings have been lawfully and exclusively made for the purpose of broadcasting in India by the licence applicant or by any other broadcasting agency[[845]](#footnote-845)  the translation and broadcasting of such translation are not used for any commercial purposes[[846]](#footnote-846) |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay royalties to owner of copyright in the work[[847]](#footnote-847) |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | Copyright Board |

|  |  |
| --- | --- |
| Provision | s 32A |
| Nature of compulsory licence for reproduction for educational purposes | non-exclusive compulsory licence, for:  \* reproduction and publication, in printed or analogous forms of reproduction in India[[848]](#footnote-848) [of a work]  \* reproduction and publication, or translation into a language in general use in India[[849]](#footnote-849) [of an audiovisual fixation] |
| Type(s) of source work(s) | \* an edition of a literary, scientific or artistic work[[850]](#footnote-850)  \* any text incorporated in audiovisual fixations prepared and published solely for the purpose of systematic instructional activities[[851]](#footnote-851) |
| Licence applicant/entity | any person |
| Purpose of licence | systematic instructional activities |
| Qualification(s) | licence application may be made:  any work of, or relating to, fiction, poetry, drama, music or art - 7 years from first publication, or  any work of, or relating to, natural science, physical science, mathematics or technology - 3 years from first publication, or  any other work - 1 year from first publication[[852]](#footnote-852)  work has not been previously reproduced and published by the copyright owner/authorised person, within 3/6 months of licence application[[853]](#footnote-853)  licence applicant has requested and been denied authorisation by copyright owner, or was unable to find copyright owner after due diligence, despite sending request to publisher[[854]](#footnote-854)  name of author and title of particular edition proposed to be reproduced are printed on all copies of the translation[[855]](#footnote-855)  licence applicant to satisfy Copyright Board that it is competent to produce and publish an accurate reproduction and possesses the means to pay copyright royalties[[856]](#footnote-856)  author has not withdrawn from circulation copies of the work[[857]](#footnote-857)  opportunity to be heard is given, wherever practicable, to copyright owner[[858]](#footnote-858)  no licence to reproduce and publish the translation of a work under this section unless translation has been published by owner of translation right/authorised person and translation is not in a language in general use in India[[859]](#footnote-859)  subject to licensee’s sale of existing copies, licence nullified if copyright owner is publishing or has permitted the publishing of work in the same language and substantially the same in content at a price normally charged for works of the same standard[[860]](#footnote-860) |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay royalties to owner of copyright in the work in respect of copies of reproduction sold to the public[[861]](#footnote-861) |
| Price of publication | retail price to be proposed by licence applicant,[[862]](#footnote-862) at price as may be fixed by Copyright Board, reasonably related to price normally charged in India for works of the same standard on the same or similar subjects[[863]](#footnote-863) |
| Grantor of Collective Licence | Copyright Board |

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | s 65A(2)(b) |
| Scope of TPM/RMI limitation/exception | exception to do anything to circumvent an effective technological measure |
| Type(s) of source work(s) | a work, (a broadcast, a performance)[[864]](#footnote-864) |
| Beneficiary exercising limitation/exception | a person |
| Purpose of limitation/exception | necessary to conduct encryption research |
| Condition of limitation/exception | using a lawfully obtained encrypted copy [of a work] |

# \*Indonesia

## Legislation Reviewed

Law of the Republic of Indonesia No. 28 of September 16, 2014, on Copyright

# Iran (Islamic Republic of)

## Legislation Reviewed

Act for Protection of Authors, Composers and Artists Rights (Copyright Law)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 11 |
| Scope of private/personal use | reproduction, recording |
| Type(s) of source work(s) | [reproduction] a work,  [recording] radio and television programmes |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private and non-commercial use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 7 |
| Scope of quotation | quote and refer to |
| Type(s) of source work(s) | published works |
| Entity exercising quotation |  |
| Purpose of quotation | for literary, scientific, technical or educational purposes, and in criticism or praise |
| Condition of quotation | customary limitations are observed |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source (not necessary where work is reproduced for use in educational institutions by teachers employed thereat, and no monetary gain involved) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 8 |
| Nature of educational reproduction | reproduction by photographic or similar process |
| Type(s) of source work(s) | protected works |
| Entity exercising reproduction | public libraries, documentation centers, scientific institutions and educational establishments, which are noncommercial |
| Purpose of educational reproduction | for purpose of their activities |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits | in numbers necessary |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Art. 10 |
| Nature of educational reproduction | right to use |
| Type(s) of source work(s) | any school books already printed and issued in agreement with appropriate existing laws |
| Entity exercising reproduction | Ministry of Education |
| Purpose of educational reproduction |  |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Iraq

## Legislation Reviewed

Order No. 83, Amendment to the Copyright Law; amending Copyright Law No. 3 of 1971

# Ireland

## Legislation Reviewed

Copyright and Related Rights Act, 2000 (No. 28 of 2000)

Copyright and Related Rights (Educational Establishments) Order, 2000 (S.I. No. 410 of 2000) (describing the educational establishments prescribed)

Copyright and Related Rights (Educational Establishments and Establishments to which Members of the Public have Access) Order, 2000 (S.I. No. 409 of 2000) (including libraries as educational establishments)

Copyright and Related Rights (Certification of Licensing Scheme for Reprographic Copying by Educational Establishments)(The Irish Copyright Licensing Agency Limited) Order 2002 (S.I. 514 of 2002) (establishing a licensing scheme by the ICLA for reprographic reproductions by educational establishments)

Copyright and Related Rights (Amendment) Act 2007 (S.I. No. 39 of 2007) (replacing ss 58, 226)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 50(1), (2) |
| Scope of private/personal use | fair dealing with |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work, sound recording, film, broadcast, cable programme, non-electronic database, typographical arrangement |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | purpose of research or private study |
| Condition of private/personal use | “fair dealing” means making use of the source work which has already been lawfully made available to the public, “for a purpose and to an extent which will not unreasonably prejudice the interests of the owner of the copyright”[[865]](#footnote-865) |
| Preclusions (not part of private/personal use) | copying by a person other than researcher or student is not fair dealing if “person copying knows or has reason to believe that the copying 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”[[866]](#footnote-866)  does not include converting a computer program into a higher level version, or copying a computer program in an incidental manner in the course of converting it[[867]](#footnote-867) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 51 |
| Scope of quotation | fair dealing with |
| Type(s) of source work(s) | a work |
| Entity exercising quotation |  |
| Purpose of quotation | criticism or review, of that or another work or of a performance of a work |
| Condition of quotation | reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title of work (or other description), author (unless anonymous published work, or author identity cannot be ascertained by reasonable inquiry for unpublished work)[[868]](#footnote-868) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 221 |
| Scope of quotation | fair dealing with |
| Type(s) of source work(s) | a performance or recording, lawfully made available to the public |
| Entity exercising quotation |  |
| Purpose of quotation | criticism or review, of that or another performance or recording |
| Condition of quotation | purpose and to an extent which will not unreasonably prejudice the interests of the rights owner |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 50(1), (2) |
| Nature of educational reproduction | fair dealing with |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work, sound recording, film, broadcast, cable programme, non-electronic database, typographical arrangement |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | purpose of research or private study |
| Qualification(s) | “fair dealing” means making use of the source work which has already been lawfully made available to the public, “for a purpose and to an extent which will not unreasonably prejudice the interests of the owner of the copyright”[[869]](#footnote-869) |
| Frequency/Multiple copies and Limits | copying by a person other than researcher or student is not fair dealing if “person copying knows or has reason to believe that the copying 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”[[870]](#footnote-870)  does not include converting a computer program into a higher level version, or copying a computer program in an incidental manner in the course of converting it[[871]](#footnote-871) |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 53(1) |
| Nature of educational reproduction | copying |
| Type(s) of source work(s) | literary, dramatic, musical or artistic work, typographical arrangement |
| Entity exercising reproduction | by or on behalf of a person giving or receiving the instruction |
| Purpose of educational reproduction | in the course of instruction, or of preparation for instruction |
| Qualification(s) | not by means of a reprographic process  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[872]](#footnote-872) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | title of work (or other description), author (unless anonymous published work, or author identity cannot be ascertained by reasonable inquiry for unpublished work)[[873]](#footnote-873) |

|  |  |
| --- | --- |
| Provision | s 53(3) |
| Nature of educational reproduction | copying |
| Type(s) of source work(s) | sound recording, film, broadcast or cable programme, original database |
| Entity exercising reproduction | by or on behalf of a person giving or receiving the instruction |
| Purpose of educational reproduction | in the course of instruction, or of preparation for instruction |
| Qualification(s) | a single copy being made  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[874]](#footnote-874) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 53(5) |
| Nature of educational reproduction | anything done |
| Type(s) of source work(s) |  |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | setting the questions, communicating the questions to the candidates, or answering the questions |
| Qualification(s) | does not apply to making of a reprographic copy of a musical work for use by an examination candidate in performing the work[[875]](#footnote-875)  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[876]](#footnote-876) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 57 |
| Nature of educational reproduction | reprographic copies[[877]](#footnote-877) |
| Type(s) of source work(s) | passages from published literary, dramatic or musical works, typographical arrangements, original databases |
| Entity exercising reproduction | by or on behalf of an educational establishment |
| Purpose of educational reproduction | educational purpose of educational establishment |
| Qualification(s) | no copying if “licencing scheme”[[878]](#footnote-878) certified under s 173 are available authorizing copying and person making copies knows or ought to have been aware of licences[[879]](#footnote-879)  reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[880]](#footnote-880) |
| Frequency/Multiple copies and Limits | not more than 5% by or on behalf of an educational establishment in any calendar year |
| Collective Licence/remuneration | any collective licence granted not to derogate from this provision[[881]](#footnote-881) |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 54 |
| Scope of anthologies/compilations limitation/exception | inclusion, in a collection, of a short passage from |
| Type(s) of source work(s) | a literary, dramatic or musical work, original database, typographical arrangement which has been lawfully made available to the public |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for use in an “educational establishment”[[882]](#footnote-882), or for use “in any advertisements issued by or on behalf of the publisher” [sic] |
| Condition of anthologies/compilations limitation/exception | collection is so described in its title and in any publisher’s advertisement[[883]](#footnote-883)  consists mainly of material in which no copyright subsists  work itself is not intended for use in such establishment |
| Preclusions (not part of anthologies/compilations limitation/exception) | more than 2 excerpts from works by same author[[884]](#footnote-884) are contained in collections by same publisher within 5 year period[[885]](#footnote-885) |
| Subject to Attribution | title of work (or other description), author (unless anonymous published work, or author identity cannot be ascertained by reasonable inquiry for unpublished work)[[886]](#footnote-886) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 55(1) |
| Scope of school performance | performance of |
| Type(s) of source work(s) | a literary, dramatic or musical work |
| Entity exercising school performance | a teacher or student in the course of the activities of educational establishment, or  any person at the educational establishment for purpose of instruction |
| Purpose of school performance |  |
| Condition of school performance | audience limited to persons who are teachers and students at an educational establishment and other persons “directly connected”[[887]](#footnote-887) with its activities |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 55(2) |
| Scope of school performance | playing or showing, at an educational establishment, of |
| Type(s) of source work(s) | a sound recording, film, broadcast or cable programme |
| Entity exercising school performance |  |
| Purpose of school performance | purpose of instruction |
| Condition of school performance | audience limited to persons who are teachers and students at an educational establishment and other persons “directly connected”[[888]](#footnote-888) with its activities |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | ss 98, 247 |
| Scope of school performance | play |
| Type(s) of source work(s) | a sound recording,[[889]](#footnote-889) a sound recording of a performance[[890]](#footnote-890) |
| Entity exercising school performance |  |
| Purpose of school performance | as part of the private activities of or for the benefit of a club, society or other organisation |
| Condition of school performance | club, society or other organisation is not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare  proceeds of any charge for admission to the place where the sound recording is to be heard are applied solely for the purposes of the club, society or other organisation |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 224(1) |
| Scope of school performance | playing or showing |
| Type(s) of source work(s) | a sound recording, film, broadcast or cable programme |
| Entity exercising school performance | a teacher or student in the course of the activities of educational establishment, or  any person for purpose of instruction |
| Purpose of school performance |  |
| Condition of school performance | audience limited to persons who are teachers and students at an educational establishment and other persons “directly connected”[[891]](#footnote-891) with its activities |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 56 |
| Scope of broadcast/communication/recording | fixation, or copy of a fixation of, |
| Type(s) of source work(s) | a broadcast or cable programme |
| Entity exercising broadcast/communication/recording | by or on behalf of an educational establishment |
| Purpose of broadcast/communication/recording | for its educational purposes |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[892]](#footnote-892) |
| Preclusions (not part of broadcast/communication/recording) | no recording if certified licensing scheme under s 173 provided for grant of licences |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 223(1) |
| Scope of broadcast/communication/recording | copying of a recording of |
| Type(s) of source work(s) | a performance |
| Entity exercising broadcast/communication/recording | by or on behalf of a person giving or receiving the instruction |
| Purpose of broadcast/communication/recording | in the course of instruction, or of preparation for instruction |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 223(2) |
| Scope of broadcast/communication/recording | copying of a recording of |
| Type(s) of source work(s) | a performance |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | setting the questions, communicating the questions to the candidates, or answering the questions in an examination |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[893]](#footnote-893) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 225 |
| Scope of broadcast/communication/recording | recording, or a copy of such a recording, of |
| Type(s) of source work(s) | a broadcast or cable programme |
| Entity exercising broadcast/communication/recording | by or on behalf of an educational establishment |
| Purpose of broadcast/communication/recording | educational purposes of educational establishment |
| Condition of broadcast/communication/recording | recordings made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[894]](#footnote-894) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Israel

## Legislation Reviewed

Copyright Act, 2007 (as amended on July 28, 2011)

Copyright Regulations (Public Performance in Education Institutions), 5770-2012 (defining educational institution to permit public performance of work under s 29)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 19 |
| Scope of private/personal use | fair use |
| Type(s) of source work(s) | a work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private study, research |
| Condition of private/personal use | to take into account all factors to determine if use made of a work is fair, including:  (a) the character of the work used;  (b) the scope of the use, quantitatively and qualitatively, in relation to the whole of the work;  (c) the purpose and character of the use; and  (d) the impact of the use on the value of the work and its potential market. |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 19 |
| Scope of quotation | fair use |
| Type(s) of source work(s) | a work |
| Entity exercising quotation |  |
| Purpose of quotation | criticism, review, journalistic reporting, quotation |
| Condition of quotation | to take into account all factors to determine if use made of a work is fair, including:  (a) the character of the work used;  (b) the scope of the use, quantitatively and qualitatively, in relation to the whole of the work;  (c) the purpose and character of the use; and  (d) the impact of the use on the value of the work and its potential market. |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 19 |
| Nature of educational reproduction | fair use |
| Type(s) of source work(s) | a work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | private study, research, instruction and examination by an educational institution |
| Qualification(s) | to take into account all factors to determine if use made of a work is fair, including:  (a) the character of the work used;  (b) the scope of the use, quantitatively and qualitatively, in relation to the whole of the work;  (c) the purpose and character of the use; and  (d) the impact of the use on the value of the work and its potential market. |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | s 29 |
| Scope of school performance | public performance |
| Type(s) of source work(s) | a work |
| Entity exercising school performance | employees of the “educational institution” [[895]](#footnote-895), or by the students studying therein |
| Purpose of school performance | in the course of the educational activity of educational institutions, of the type prescribed by the Minister |
| Condition of school performance | audience limited to employees or students of the educational institution, the relatives of the students or other people directly connected with the activity of said institution, and to them alone |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 29 |
| Scope of school performance | screening |
| Type(s) of source work(s) | a cinematographic work |
| Entity exercising school performance | employees of the “educational institution”[[896]](#footnote-896), or by the students studying therein |
| Purpose of school performance | teaching and examination by an educational institution |
| Condition of school performance | audience limited to employees or students of the educational institution, the relatives of the students or other people directly connected with the activity of said institution, and to them alone |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Italy

## Legislation Reviewed

Law No. 633 of April 22, 1941, for the Protection of Copyright and Neighboring Rights (as amended up to Decree-law No. 64 of April 30, 2010)

Law No. 159 of May 22, 1993 (provisions on the improper reproduction of books and repealing the levy on well-known books referred to in articles 177, 178 and 179 and the last paragraph of article 172 of Law No. 633 of April 22, 1941)

## Private/Personal Use

## Quotations

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Jamaica

## Legislation Reviewed

Copyright Act - Act 5 of 1993

Copyright (Educational Establishments) Order, 1993 (defining an educational establishment as including institution providing tertiary education)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 52 |
| Scope of private/personal use | fair dealing |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work, typographical arrangement of a published edition |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research or private study |
| Condition of private/personal use | court to take into account all factors to determine if act done in relation to a work is fair dealing, including:  (a) the nature of the work in question;  (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work;  (c) the purpose and character of the use; and  (d) the effect of the act upon the potential market for, or the commercial value of, the work.[[897]](#footnote-897) |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 53 |
| Scope of quotation | fair dealing |
| Type(s) of source work(s) | a protected work |
| Entity exercising quotation |  |
| Purpose of quotation | criticism or review of that or another work or of a performance of a work |
| Condition of quotation | court to take into account all factors to determine if act done in relation to a work is fair dealing, including:  (a) the nature of the work in question;  (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work;  (c) the purpose and character of the use; and  (d) the effect of the act upon the potential market for, or the commercial value of, the work.[[898]](#footnote-898) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title (or other description), name of author (unless published anonymously or author’s identity unascertainable by reasonable inquiry)[[899]](#footnote-899) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 116 |
| Scope of quotation | fair dealing |
| Type(s) of source work(s) | a performance or recording |
| Entity exercising quotation |  |
| Purpose of quotation | criticism or review of that or another performance/recording or of a work |
| Condition of quotation | court to take into account all factors to determine if act done in relation to a work is fair dealing, including:  (a) the nature of the work in question;  (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work;  (c) the purpose and character of the use; and  (d) the effect of the act upon the potential market for, or the commercial value of, the work.[[900]](#footnote-900) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 56(1) |
| Nature of educational reproduction | copy (non-reprographic process) |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work |
| Entity exercising reproduction | a person giving or receiving instructions |
| Purpose of educational reproduction | in the course of instruction or of preparation for instruction |
| Qualification(s) | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[901]](#footnote-901) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 56(3) |
| Nature of educational reproduction | anything done |
| Type(s) of source work(s) | a work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | an examination by way of setting the questions, communicating the questions to candidates or answering the questions |
| Qualification(s) | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[902]](#footnote-902) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 59 |
| Nature of educational reproduction | reprographic copies |
| Type(s) of source work(s) | passages from published literary, dramatic or musical works |
| Entity exercising reproduction | made by or on behalf of an educational establishment |
| Purpose of educational reproduction | instruction |
| Qualification(s) | no copying if , or to extent of, licences are available authorizing copying and person making copies knows or ought to have been aware of licences[[903]](#footnote-903)  reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[904]](#footnote-904) |
| Frequency/Multiple copies and Limits | not more than 5% of any work by or on behalf of an educational establishment in any quarter |
| Collective Licence/remuneration | any collective licence granted not to derogate from this provision[[905]](#footnote-905) |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 57 |
| Scope of anthologies/compilations limitation/exception | inclusion, in a collection, of a short passage from |
| Type(s) of source work(s) | a published literary or dramatic work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for use in educational establishments |
| Condition of anthologies/compilations limitation/exception | collection is so described in its title and in any publisher’s advertisement  collection consists mainly of material in which no copyright subsists,  work itself was not published for use of educational establishments |
| Preclusions (not part of anthologies/compilations limitation/exception) | more than 2 excerpts from works by same author[[906]](#footnote-906) are contained in collections by same publisher within 5 year period[[907]](#footnote-907) |
| Subject to Attribution | title (or other description), name of author (unless published anonymously or author’s identity unascertainable by reasonable inquiry)[[908]](#footnote-908) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | ss 79, 123 |
| Scope of school performance | play |
| Type(s) of source work(s) | a sound recording |
| Entity exercising school performance | a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare |
| Purpose of school performance | as part of the activities of, or for the benefit of [entity] |
| Condition of school performance | proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 119 |
| Scope of school performance | recording, or a copy of such recording, |
| Type(s) of source work(s) | a broadcast or cable programme |
| Entity exercising school performance | by or on behalf of an educational establishment |
| Purpose of school performance | educational purposes of educational establishment |
| Condition of school performance | recording made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[909]](#footnote-909) |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 58 |
| Scope of broadcast/communication/recording | a recording, or a copy of such a recording, of |
| Type(s) of source work(s) | a broadcast or cable programme |
| Entity exercising broadcast/communication/recording | made by or on behalf of an educational establishment |
| Purpose of broadcast/communication/recording | educational purposes of that establishment |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) | not applicable if or to the extent there is a s 102 certified licensing scheme applicable[[910]](#footnote-910) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 118(1) |
| Scope of broadcast/communication/recording | copy |
| Type(s) of source work(s) | a recording of a performance |
| Entity exercising broadcast/communication/recording | a person giving or receiving instructions |
| Purpose of broadcast/communication/recording | in the course of instruction or of preparation for instruction, in the making of films or film sound-tracks |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[911]](#footnote-911) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 56(2) |
| Scope of broadcast/communication/recording | making a film or film sound-track |
| Type(s) of source work(s) | a sound recording, film, broadcast or cable programme |
| Entity exercising broadcast/communication/recording | a person giving or receiving instruction |
| Purpose of broadcast/communication/recording | in the course of instruction, or of  preparation for instruction, in the making of films or film sound-tracks |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[912]](#footnote-912) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 118(2) |
| Scope of broadcast/communication/recording | copying of a recording of, or anything done |
| Type(s) of source work(s) | a performance |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | an examination by way of setting the questions, communicating the questions to candidates or answering the questions |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[913]](#footnote-913) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Japan

## Legislation Reviewed

Copyright Act (Act No. 48 of May 6, 1970, as last amended by Act No. 65 of December 3, 2010)

## Private/Personal Use

## Quotations

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Jordan

## Legislation Reviewed

Law No. 22 of 1992 on Copyright and its Amendments up to 2005

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 17(a) |
| Scope of private/personal use | presenting, exhibiting, accounting, performing or musically playing |
| Type(s) of source work(s) | a work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private family meeting |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 17(b) |
| Scope of private/personal use | use by reproduction, recording, photographing, translation or musical distribution |
| Type(s) of source work(s) | a work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private personal use |
| Condition of private/personal use | one copy  “does not conflict with normal exploitation of the work and does not cause unjustified injury to the legitimate interests of the author” |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art 17(d) |
| Scope of quotation | quoting paragraphs, in another work, from |
| Type(s) of source work(s) | a work |
| Entity exercising quotation |  |
| Purpose of quotation | illustration, discussion, criticism, culturing or examination |
| Condition of quotation | within limits which justify this purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title, name of author |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 17(a) |
| Nature of educational reproduction | presenting, exhibiting, accounting, performing or musically playing |
| Type(s) of source work(s) | a work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | in an educational, cultural or social institute by way of illustration for educational purposes |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 17(c) |
| Scope of anthologies/compilations limitation/exception | illustration through publications, programs and sound, audio and visual recordings |
| Type(s) of source work(s) | a work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | educational, cultural, religious or vocational purposes |
| Condition of anthologies/compilations limitation/exception | within the parameters necessary for achieving these purposes  “does not conflict with the regular exploitation of the work”  “relying on this work in this case does not aim to achieve any financial gain” |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | title, name of author |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 17(c) |
| Scope of broadcast/communication/recording | illustration through publications, programs and sound, audio and visual recordings |
| Type(s) of source work(s) | a work |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | educational, cultural, religious or vocational purposes |
| Condition of broadcast/communication/recording | within the parameters necessary for achieving these purposes  “does not conflict with the regular exploitation of the work”  “relying on this work in this case does not aim to achieve any financial gain” |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | title, name of author |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Kazakhstan

## Legislation Reviewed

Law on Copyright and Neighboring Rights

## Private/Personal Use

## Quotations

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Kenya

## Legislation Reviewed

Chapter 130 - The Copyright Act 2001

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 26(1)(a) |
| Scope of private/personal use | doing of those acts by way of fair dealing |
| Type(s) of source work(s) | a literary, musical or artistic work or audiovisual work, (a sound recording)[[914]](#footnote-914), (a broadcast)[[915]](#footnote-915) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | scientific research, private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | not a computer program[[916]](#footnote-916) |
| Subject to Attribution | source |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 28(3) |
| Scope of private/personal use | making |
| Type(s) of source work(s) | sound recording |
| Entity exercising private/personal use | a person |
| Purpose of private/personal use | personal and private use of person making the copy |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | copyright owner of sound recording to receive fair compensation consisting of levy on audio recording equipment or audio blank tape suitable for recording and other recording media, payable by manufacturer/importer[[917]](#footnote-917) to CMOs[[918]](#footnote-918) |

## Quotations

|  |  |
| --- | --- |
| Provision | s 26(1)(a) |
| Scope of quotation | doing of those acts by way of fair dealing |
| Type(s) of source work(s) | a literary, musical or artistic work or audiovisual work, (a sound recording)[[919]](#footnote-919), (a broadcast)[[920]](#footnote-920) |
| Entity exercising quotation |  |
| Purpose of quotation | criticism or review |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 26(1)(d) |
| Scope of anthologies/compilations limitation/exception | inclusion in a collection of |
| Type(s) of source work(s) | literary or musical works |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | collection is designed for use in a school registered under the Education Act or any university established by or under any written law |
| Condition of anthologies/compilations limitation/exception | not more than two short passages from each work |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | title of work, author |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 26(1)(e) |
| Scope of broadcast/communication/recording | broadcasting |
| Type(s) of source work(s) | a work, (a broadcast)[[921]](#footnote-921) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | broadcast intended to be used for systematic instructional activities |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) | reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[922]](#footnote-922) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 26(1)(f) |
| Scope of broadcast/communication/recording | reproduction of |
| Type(s) of source work(s) | a broadcast, (a sound recording)[[923]](#footnote-923), (a broadcast)[[924]](#footnote-924)  intended for purposes of systematic instructional activities |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | use of that reproduction in a school registered under the Education Act or any university established by or under any written law for the systematic instructional activities of any such school or university |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Kiribati

## Legislation Reviewed

Copyright Ordinance (Cap 16) (adopting the application of parts of UK Copyright Act 1956 (4 & 5 Eliz. 2, Cap. 74)[[925]](#footnote-925), but excluding s 22[[926]](#footnote-926))

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | ss 6(1), 9(1) |
| Scope of private/personal use | fair dealing |
| Type(s) of source work(s) | a literary, dramatic or musical work, (or its adaptation)[[927]](#footnote-927), an artistic work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research or private study |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | ss 6(2), 9(2) |
| Scope of quotation | fair dealing |
| Type(s) of source work(s) | a literary, dramatic or musical work, (or its adaptation)[[928]](#footnote-928) or an artistic work |
| Entity exercising quotation |  |
| Purpose of quotation | purposes of criticism or review, whether of that work or of another work |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title (or other description), name of author (unless anonymous or author has agreed otherwise)[[929]](#footnote-929) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 41(1)(a) |
| Nature of educational reproduction | reproduction (otherwise than by the use of a “duplicating process”[[930]](#footnote-930)) or making of an adaptation, of |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work |
| Entity exercising reproduction | by a teacher or pupil |
| Purpose of educational reproduction | in the course of instruction, whether at a school[[931]](#footnote-931) or elsewhere |
| Qualification(s) | reproduction or adaptation shall not be published[[932]](#footnote-932) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 41(1)(b) |
| Nature of educational reproduction | reproduction (otherwise than by the use of a duplicating process) or making of an adaptation, of |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | as part of the questions to be answered in an examination, or in an answer to such a question |
| Qualification(s) | reproduction or adaptation shall not be published[[933]](#footnote-933) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 6(6) |
| Scope of anthologies/compilations limitation/exception | inclusion of a short passage in a collection, from |
| Type(s) of source work(s) | a published literary or dramatic work, (or its adaptation)[[934]](#footnote-934) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for use of schools |
| Condition of anthologies/compilations limitation/exception | collection is so described in its title and in any publisher’s advertisement  [source] work was not published for use of schools  collection consists mainly of material in which no copyright subsists |
| Preclusions (not part of anthologies/compilations limitation/exception) | 2 or more excerpts from works by same author[[935]](#footnote-935) are contained in that collection, or that collection with every similar collection by same publisher within 5 year period[[936]](#footnote-936) |
| Subject to Attribution | title (or other description), name of author (unless anonymous or author has agreed otherwise)[[937]](#footnote-937) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 12(7) |
| Scope of school performance | causing to be heard in public |
| Type(s) of source work(s) | a sound recording |
| Entity exercising school performance | a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare |
| Purpose of school performance | as part of the activities of, or for the benefit of |
| Condition of school performance | proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 41(3), (5) |
| Scope of school performance | performance [of a work]  causing to be heard or seen, the sounds or visual images [of a sound recording, cinematograph film, a television broadcast] |
| Type(s) of source work(s) | a literary, dramatic or musical work  a sound recording, cinematograph film, a television broadcast |
| Entity exercising school performance | by a person who is a teacher in, or a pupil in attendance at, the school[[938]](#footnote-938) |
| Purpose of school performance | in the course of the activities of a school |
| Condition of school performance | performance in class, or otherwise in the presence of an audience  audience is limited to persons who are teachers in, or pupils in attendance at, the school, or are otherwise “directly connected”[[939]](#footnote-939) with the activities of the school |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Kuwait

## Legislation Reviewed

Law No. 64 of 1999 concerning Intellectual Property Rights including Explanatory Memorandum

Law No. 5 of 1999 on Intellectual Property Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 7 |
| Scope of private/personal use | presentation or performance |
| Type(s) of source work(s) | a published literary work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private meeting |
| Condition of private/personal use | no financial outcome directly or indirectly |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 8 |
| Scope of private/personal use | reproduction, modification, quotation or translation |
| Type(s) of source work(s) | a published literary work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for his own personal purposes |
| Condition of private/personal use | reproduction, modification or translation may not be published without permission from owner and author |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 9 |
| Scope of quotation | analysis and short quotations |
| Type(s) of source work(s) | a published literary work |
| Entity exercising quotation |  |
| Purpose of quotation | criticism, enlightenment, study or information |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 16 |
| Nature of compulsory licence for translation for educational purposes | compulsory licence, for translation into Arabic and publication |
| Type(s) of source work(s) | literary work in a foreign language |
| Licence applicant/entity |  |
| Purpose of licence |  |
| Qualification(s) | work has not been previously translated into Arabic and published within 1 year from first publication of the original or translation[[940]](#footnote-940) |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay a fair compensation to author or owner of translation rights |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | Minister of Information |

## TPM/RMI Exceptions for Educational Purposes

# \*Kyrgyzstan

## Legislation Reviewed

Law of the Kyrgyz Republic on Copyright and Related Rights (as amended up to Law No. 14 of January 21, 2014)

# Lao People's Democratic Republic

## Legislation Reviewed

Law No. 01/NA of December 20, 2011, on Intellectual Property (as amended)

## Private/Personal Use

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 111.1.1 |
| Scope of quotation | making quotations |
| Type(s) of source work(s) | a work which has already been lawfully made available to the public, including newspaper articles and periodicals in the form of press summaries, (a performance, phonogram, broadcast)[[941]](#footnote-941) |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | making is compatible with fair use, and  their extent does not exceed that justified by the purpose  “acts shall not conflict with a normal exploitation of the work and shall not unreasonably prejudice the legitimate interests of the author”  does not apply to reproduction of architectural works, including construction of the work, and reproduction that requires circumvention of technological measures to protect copyright or related rights, or unauthorised removal or alteration of electronic rights management information |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 111.1.2 |
| Scope of anthologies/compilations limitation/exception | utilization, by way of illustration in publications, broadcasts or sound or visual recordings |
| Type(s) of source work(s) | literary or artistic works, (performances, phonograms, broadcasts)[[942]](#footnote-942) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for teaching |
| Condition of anthologies/compilations limitation/exception | does not apply to reproduction of architectural works, including construction of the work, and reproduction that requires circumvention of technological measures to protect copyright or related rights, or unauthorised removal or alteration of electronic rights management information |
| Preclusions (not part of anthologies/compilations limitation/exception) | to the extent justified by the purpose  utilization is compatible with fair practice  “acts shall not conflict with a normal exploitation of the work and shall not unreasonably prejudice the legitimate interests of the author” |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 111.1.2 |
| Scope of broadcast/communication/recording | utilization, by way of illustration in publications, broadcasts or sound or visual recordings |
| Type(s) of source work(s) | literary or artistic works, (performances, phonograms, broadcasts)[[943]](#footnote-943) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for teaching |
| Condition of broadcast/communication/recording | does not apply to reproduction of architectural works, including construction of the work, and reproduction that requires circumvention of technological measures to protect copyright or related rights, or unauthorised removal or alteration of electronic rights management information |
| Preclusions (not part of broadcast/communication/recording) | to the extent justified by the purpose  utilization is compatible with fair practice  “acts shall not conflict with a normal exploitation of the work and shall not unreasonably prejudice the legitimate interests of the author” |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Latvia

## Legislation Reviewed

Copyright Law (as last amended on April 18, 2013)

# Lebanon

## Legislation Reviewed

Law No. 75 of 1999 on the Protection of Literary and Artistic Property

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 23 |
| Scope of private/personal use | copy, record or make a single copy |
| Type(s) of source work(s) | any work that has been legally published, (a sound recording, performance, broadcast, printed work)[[944]](#footnote-944) |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use | personal and private use |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | use of a copy copied or reproduced inside a company or at any work place is not a personal and private use  works of architecture (complete or partial construction), any work of which a limited number of original copies are published, reproduction of whole or significant part of book, compilations of data of all kinds, computer program[[945]](#footnote-945) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 25(2) |
| Scope of quotation | use a limited part of |
| Type(s) of source work(s) | any legally published work, (sound recording, performance, broadcast, printed work)[[946]](#footnote-946) |
| Entity exercising quotation |  |
| Purpose of quotation | criticism, argumentation or citation |
| Condition of quotation | part used does not exceed what is necessary and customary |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 25(2) |
| Nature of educational reproduction | use a limited part of |
| Type(s) of source work(s) | any legally published work, (sound recording, performance, broadcast, printed work)[[947]](#footnote-947) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | an educational purpose |
| Qualification(s) | part used does not exceed what is necessary and customary |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (if indicated on source) |

|  |  |
| --- | --- |
| Provision | Art. 26 |
| Nature of educational reproduction | copy or reproduce |
| Type(s) of source work(s) | articles published in newspapers and magazines or short excerpts of a work, (a sound recording, performance, broadcast, printed work)[[948]](#footnote-948) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | solely for educational purposes |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits | within the necessary limits of such purpose |
| Collective Licence/remuneration |  |
| Attribution | publisher, name of author (if indicated on source) |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 32 |
| Scope of school performance | display or perform, in public, |
| Type(s) of source work(s) | a work, (a sound recording, performance, broadcast, printed work)[[949]](#footnote-949) |
| Entity exercising school performance | teachers or students of educational institutions use the work |
| Purpose of school performance | activities carried out by educational institutions |
| Condition of school performance | audience is limited to the teachers, students, students' parents and persons directly involved in the activities of the said educational institution |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 25(2) |
| Scope of broadcast/communication/recording | use a limited part of |
| Type(s) of source work(s) | any legally published work, (sound recording, performance, broadcast, printed work)[[950]](#footnote-950) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | an educational purpose |
| Condition of broadcast/communication/recording | part used does not exceed what is necessary and customary |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 26 |
| Scope of broadcast/communication/recording | copy or reproduce |
| Type(s) of source work(s) | articles published in newspapers and magazines or short excerpts of a work, (a sound recording, performance, broadcast, printed work)[[951]](#footnote-951) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for educational purposes |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) | within the necessary limits of such purpose |
| Subject to Attribution | publisher, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Lesotho

## Legislation Reviewed

Copyright Order 1989 (Order No.13 of 1989)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 9(a)(i) |
| Scope of private/personal use | reproduction, translation, adaptation, arrangement or other transformation |
| Type(s) of source work(s) | a work (either in the original language or in translation) that has been made whether or not that work has been lawfully published |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusively for the user's personal and private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 30(1)(a) |
| Scope of private/personal use | use of |
| Type(s) of source work(s) | a performance, phonogram, broadcast |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 9(a)(ii) |
| Scope of quotation | inclusion, of quotations, in another work, from |
| Type(s) of source work(s) | a work (either in the original language or in translation) that has been made whether or not that work has been lawfully published, including quotations from newspaper articles and periodicals in the form of press summaries |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 30(1)(c) |
| Scope of quotation | use |
| Type(s) of source work(s) | a performance, phonogram, broadcast |
| Entity exercising quotation |  |
| Purpose of quotation | solely for the purpose of short excerpts |
| Condition of quotation | quotations are compatible with fair practice  justified by the informatory purposes of such quotations |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 9(f) |
| Nature of educational reproduction | reproduction, by photography, sound or video-recording, of [sic] electronic storage |
| Type(s) of source work(s) | literary artistic or scientific works which have already been lawfully made available to the public, (performances, phonograms, broadcasts)[[952]](#footnote-952) |
| Entity exercising reproduction | public libraries, national archives and museums, noncommercial documentation centres, scientific institutions and educational establishments |
| Purpose of educational reproduction | needs of the regular activities of the entity reproducing the work |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits | reproduction, number of copies made and use thereof are limited to the needs of the regular activities of the entity  reproduction etc. will “neither conflict with the normal exploitation of the work nor unreasonably prejudice the legitimate interest of the author” |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 9(a)(iii) |
| Scope of anthologies/compilations limitation/exception | utilization by way of illustration in broadcasts, distribution by cable, sound or visual recordings, communication |
| Type(s) of source work(s) | a work (either in the original language or in translation) that has been made whether or not that work has been lawfully published, including quotations from newspaper articles and periodicals in the form of press summaries, (a performance, phonogram, broadcast)[[953]](#footnote-953) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for teaching |
| Condition of anthologies/compilations limitation/exception | use is compatible with fair practice  to the extent justified by the purpose |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | title of work, author (unless anonymous published work, or author identity cannot be ascertained by reasonable inquiry for unpublished work)[[954]](#footnote-954) |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 9(a)(iii) |
| Scope of broadcast/communication/recording | communication |
| Type(s) of source work(s) | a work (either in the original language or in translation) that has been made whether or not that work has been lawfully published, including quotations from newspaper articles and periodicals in the form of press summaries, (a performance, phonogram, broadcast)[[955]](#footnote-955) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for teaching purposes of the work broadcast or distributed by cable for use in schools, education, universities and professional training |
| Condition of broadcast/communication/recording | use is compatible with fair practice |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 9(f) |
| Scope of broadcast/communication/recording | reproduction, by photography, sound or video-recording, of [sic] electronic storage |
| Type(s) of source work(s) | literary artistic or scientific works which have already been lawfully made available to the public, (performances, phonograms, broadcasts)[[956]](#footnote-956) |
| Entity exercising broadcast/communication/recording | public libraries, national archives and museums, noncommercial documentation centres, scientific institutions and educational establishments |
| Purpose of broadcast/communication/recording | needs of the regular activities of the entity reproducing the work |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) | reproduction, number of copies made and use thereof are limited to the needs of the regular activities of the entity  reproduction etc. will “neither conflict with the normal exploitation of the work nor unreasonably prejudice the legitimate interest of the author” |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 30(2) |
| Scope of broadcast/communication/recording | reproduction, by way of licences, of duplicates of |
| Type(s) of source work(s) | phonograms |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | reproduction serves the exclusive purposes of education or scientific research |
| Condition of broadcast/communication/recording | reproduction is made and distributed in Lesotho, to the exclusion of all importation of duplicates |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration | equitable remuneration for the phonogram producer, prescribed by the Ministry of Information and Broadcasting with particular reference to the number of duplicates to be made and distributed |

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | s 10, First Schedule |
| Nature of compulsory licence for translation for educational purposes | non-exclusive, non-transferable[[957]](#footnote-957) compulsory licence, for translation and publication of such translation in printed or analogous forms of reproduction in Lesotho[[958]](#footnote-958) |
| Type(s) of source work(s) | works which have been published in printed or analogous forms of reproduction, (whose country of origin is Lesotho or any other designated country)[[959]](#footnote-959)  (for domestic broadcasting organisations) any text incorporated in an audio-visual fixation that was itself prepared and published for the sole purpose of being used in connection with systematic instructional activities[[960]](#footnote-960) |
| Licence applicant/entity | licence applicant is a national of Lesotho or a domestic broadcasting organisation[[961]](#footnote-961) |
| Purpose of licence | purpose of teaching, scholarship or research[[962]](#footnote-962) |
| Qualification(s) | licence application may be made:  3 years from first publication (for translation into English),[[963]](#footnote-963) or  1 year from first publication (for translation into Sesotho)[[964]](#footnote-964)  work has not been previously translated into the language in the licence application and published by the owner of the right of translation, or if translation has been so published, all previous editions in that language are out of print[[965]](#footnote-965)  licence applicant has requested and been denied authorisation by owner of right of translation, or was unable to find owner after due diligence, despite sending request to publisher or to any designated national or international information centre[[966]](#footnote-966)  opportunity to be heard is given, to owner of right of translation, where known or located[[967]](#footnote-967)  a further period of 6/9 months has lapsed from date licence applicant complies with licence requirements[[968]](#footnote-968)  no licence shall be granted if, during further period, a translation into said language has been published by or with authorisation of owner[[969]](#footnote-969)  if work is composed mainly of illustrations, the additional conditions of the Second Schedule to the First Schedule are fulfilled[[970]](#footnote-970)  author has not withdrawn from circulation copies of the work[[971]](#footnote-971)  on all copies of the published translation are printed: the name of author and original title,[[972]](#footnote-972) a notice in the language of the translation stating that the copy is available for distribution only in Lesotho,[[973]](#footnote-973) a reprint of the original copyright notice (if available)[[974]](#footnote-974)  subject to licensee’s sale of existing copies, licence terminated if translation right owner has published or authorised the publishing of translated work, at a price reasonably related to that normally charged in Lesotho for comparable works[[975]](#footnote-975) |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay just compensation to owner of translation right in the work, consistent with normally operating standards of royalties[[976]](#footnote-976) |
| Price of publication |  |
| Distribution conditions | copies of translated work may not be exported, except if translation is into a language other than English, for Lesotho nationals, or of organizations of Lesotho nationals, residing abroad, who will use them only for purpose of teaching, scholarship or research, where the sending and distribution are without any commercial purpose, and the government of the foreign importing country has agreed to their receipt/distribution[[977]](#footnote-977) |
| Grantor of Collective Licence | Minister |

|  |  |
| --- | --- |
| Provision | s 10, First Schedule |
| Nature of compulsory licence for translation for educational purposes | compulsory licence, for broadcasting of translation for recipients in Lesotho, including broadcasts made through the medium of sound or visual recording [[978]](#footnote-978) |
| Type(s) of source work(s) | works which have been published in printed or analogous forms of reproduction, (whose country of origin is Lesotho or any other designated country)[[979]](#footnote-979) |
| Licence applicant/entity | licence applicant is a domestic broadcasting organization[[980]](#footnote-980) |
| Purpose of licence | broadcasts intended exclusively for teaching or for the dissemination of the results of specialized technical or scientific research to experts in a particular profession[[981]](#footnote-981) |
| Qualification(s) | translation is made from a lawfully made or acquired copy[[982]](#footnote-982)  the translation and broadcasting of such translation are not used for any commercial purposes[[983]](#footnote-983) |
| Compulsory licence fee(s) |  |
| Price of publication |  |
| Distribution conditions | sounds or visual recordings of the translation may not be used by broadcasting organizations other than those having their headquarters in Lesotho[[984]](#footnote-984) |
| Grantor of Collective Licence | Minister |

|  |  |
| --- | --- |
| Provision | s 11, Second Schedule |
| Nature of compulsory licence for reproduction for educational purposes | non-exclusive, non-transferable[[985]](#footnote-985) compulsory licence, for:  \* publication of particular edition, in printed or analogous forms of reproduction in Lesotho[[986]](#footnote-986) [of a work]  \* reproduction in audiovisual form, or translation of any text incorporated, into English [of an audiovisual fixation][[987]](#footnote-987) |
| Type(s) of source work(s) | [works]: which have been published in printed or analogous forms of reproduction, (whose country of origin is Lesotho or any other designated country)[[988]](#footnote-988)  [audiovisual fixations]: which have been prepared and published for the sole purpose of being used in connection with systematic instructional activities[[989]](#footnote-989) |
| Licence applicant/entity | licence applicant a national of Lesotho[[990]](#footnote-990) |
| Purpose of licence | systematic instructional activities[[991]](#footnote-991) |
| Qualification(s) | licence application may be made:  works of fiction, poetry, drama, music or art - 7 years from first publication, or  works of technology, natural and physical sciences, mathematics - 3 years from first publication, or  any other work - 5 years from first publication[[992]](#footnote-992)  work has not been previously reproduced and published by the owner/authorised person in Lesotho, to the general public or in connection with systematic instructional activities, at a price reasonably related to that charged in Lesotho for comparable works, or, under the same conditions, such copies have not been on sale in Lesotho for a continuous period of at least 6 months[[993]](#footnote-993)  licence applicant has requested and been denied authorisation by owner of right of reproduction, or was unable to owner after due diligence, despite sending request to publisher or to any designated national or international information centre [[994]](#footnote-994)  opportunity to be heard is given, to owner of right of reproduction, where known or located[[995]](#footnote-995)  a “further period” of 3/6 months has lapsed from date licence applicant complies with licence requirements[[996]](#footnote-996)  no licence shall be granted if, during “further period”, a distribution or placing on sale has taken place by or with authorisation of owner[[997]](#footnote-997)  author has not withdrawn from circulation copies of the work[[998]](#footnote-998)  if edition for reproduction is a translation, the licence shall only be granted if the translation is in a prescribed language and published by or with authorization of the owner of the right of translation[[999]](#footnote-999)  on all copies of the published reproduction are included: the name of author and original title,[[1000]](#footnote-1000) a notice in the language of the publication stating that the copy is available for distribution only in Lesotho,[[1001]](#footnote-1001) a reprint of the original copyright notice (if available)[[1002]](#footnote-1002)  subject to licensee’s sale of existing copies, licence terminated if reproduction right owner has distributed the reproduction in Lesotho or in connection with systematic instructional activities, at a price reasonably related to that normally charged in Lesotho for comparable works[[1003]](#footnote-1003) |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay just compensation to owner of reproduction right in the work, consistent with normally operating standards of royalties[[1004]](#footnote-1004) |
| Price of publication | a price reasonably related to, or lower than, that normally charged in Lesotho for comparable work[[1005]](#footnote-1005) |
| Distribution conditions | copies of reproduced work may only be published within Lesotho and not be exported[[1006]](#footnote-1006) |
| Grantor of Collective Licence | Minister |

## TPM/RMI Exceptions for Educational Purposes

# Liberia

## Legislation Reviewed

Copyright Law of the Republic of Liberia

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 2.7 |
| Scope of private/personal use | fair use, including such use by reproduction in copies or sound recordings or by any other means |
| Type(s) of source work(s) | a copyrighted work, (a performance)[[1007]](#footnote-1007) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | scholarship or research |
| Condition of private/personal use | to determine if use is fair use, consider all factors, including:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the use upon the potential market for or value of the work. |
| Preclusions (not part of private/personal use) | reproduction of a computer program[[1008]](#footnote-1008) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

Note: This includes a user requesting, for private study, scholarship or research purposes, that the library/archive make a copy of one article or contribution to a copyright collection periodical, or to a copy or sound recording of a small part of any other copyrighted work. See s 2.9(d).

## Quotations

|  |  |
| --- | --- |
| Provision | s 2.7 |
| Scope of quotation | fair use, including such use by reproduction in copies or sound recordings or by any other means |
| Type(s) of source work(s) | a copyrighted work, (a performance)[[1009]](#footnote-1009) |
| Entity exercising quotation |  |
| Purpose of quotation | criticism, comment |
| Condition of quotation | to determine if use is fair use, consider all factors, including:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the use upon the potential market for or value of the work. |
| Preclusions (not part of quotation) | reproduction of a computer program[[1010]](#footnote-1010) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | S 2.7 |
| Nature of educational reproduction | fair use, including such use by reproduction in copies or sound recordings or by any other means |
| Type(s) of source work(s) | a copyrighted work, (a performance)[[1011]](#footnote-1011) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | teaching (including multiple copies for classroom use), scholarship and research |
| Qualification(s) | to determine if use is fair use, consider all factors, including:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the use upon the potential market for or value of the work. |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | s 2.10(1) |
| Scope of school performance | performance or display |
| Type(s) of source work(s) | a work |
| Entity exercising school performance | instructors or pupils |
| Purpose of school performance | face-to-face teaching activities of a non-profit educational institution, in a classroom or similar place devoted to instruction |
| Condition of school performance | proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization |
| Preclusions (not part of school performance) | in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made under this title, and that the person responsible for the performers knew or had reason to believe was not lawfully made |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | S 2.10(4) |
| Scope of school performance | performance, otherwise than in a transmission to the public, |
| Type(s) of source work(s) | a non-dramatic literary or musical work |
| Entity exercising school performance |  |
| Purpose of school performance |  |
| Condition of school performance | without any purpose of direct or indirect commercial advantage  without payment of any fee or other compensation for the performance, performers, promoters, or organizers  no direct or indirect admission charges  proceeds, after deducting the reasonable cost of producing the performance, are used exclusively for educational, religious, or charitable purposes and not for private financial gain |
| Preclusions (not part of school performance) | unless copyright owner has served a duly signed notice of objection complying in form with regulatory requirements, on the person responsible for the performance at least 7 days before the date of the performance[[1012]](#footnote-1012) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | S 2.7 |
| Scope of broadcast/communication/recording | fair use, including such use by reproduction in copies or sound recordings or by any other means |
| Type(s) of source work(s) | a copyrighted work, (a performance)[[1013]](#footnote-1013) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching (including multiple copies for classroom use), scholarship and research |
| Condition of broadcast/communication/recording | to determine if use is fair use, consider all factors, including:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the use upon the potential market for or value of the work. |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | S 2.10(2) |
| Scope of broadcast/communication/recording | performance or display, by or in the course of a transmission |
| Type(s) of source work(s) | a non-dramatic literary or musical work |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | regular part of the systematic instructional activities or a governmental body or a non-profit educational institution |
| Condition of broadcast/communication/recording | performance or display is directly related and of material assistance to the teaching content of the transmission  transmission is made primarily for  i) reception in classroom or similar places normally devoted to instruction; or  ii) reception by person to whom the transmission is directed because … other special circumstances prevent their attendance in classrooms or similar places normally devoted to instruction |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 2.16(A) |
| Scope of broadcast/communication/recording | use |
| Type(s) of source work(s) | sound recordings |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | included in educational, television and radio programs distributed, transmitted by or through public broadcasting entitles |
| Condition of broadcast/communication/recording | copies or sound recordings are not commercially distributed by or through public broadcasting entity to the general public |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 2.19 |
| Scope of broadcast/communication/recording | perform or display, by or in the course of transmission made,[[1014]](#footnote-1014) (including the production of a transmission program, reproduction of copies or sound recordings of such a transmission program and distribution of such copies,[[1015]](#footnote-1015) and the making of a reproduction of the transmission, performance or display)[[1016]](#footnote-1016) of |
| Type(s) of source work(s) | published nondramatic musical works and published pictorial, graphic and sculptural works |
| Entity exercising broadcast/communication/recording | a non-commercial public educational broadcasting station (as a public broadcasting entity)[[1017]](#footnote-1017) |
| Purpose of broadcast/communication/recording | for its educational purposes |
| Condition of broadcast/communication/recording | production, reproduction or distribution made solely for purposes of performance or display of work by or in the course of transmission[[1018]](#footnote-1018)  reproduction of the transmission to be destroyed 7 days from date of transmission[[1019]](#footnote-1019) |
| Preclusions (not part of broadcast/communication/recording) | use beyond the limits of fair use provided by s 2.7 the unauthorized dramatization of a non-dramatic musical work, the production of a transmission program drawn to any substantial extent from a published compilation of pictorial, graphic, or sculptural works, or the unauthorized use of any portion of an audiovisual work[[1020]](#footnote-1020) |
| Subject to Attribution |  |
| Subject to Remuneration | in accordance with the terms of any voluntary licence agreements negotiated as provided in s 2.19(b)(2) and the rates and terms established by the Copyright Board in s 2.19(b)(3)[[1021]](#footnote-1021) |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Libya

## Legislation Reviewed

Law No. 9 for 1968 Issuing the Copyright Protection Law

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 12 |
| Scope of private/personal use | copy |
| Type(s) of source work(s) | a published work |
| Entity exercising private/personal use | a person |
| Purpose of private/personal use | own use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 11 |
| Scope of private/personal use | eurhythmy, acting, or delivery |
| Type(s) of source work(s) | a published work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | a family gathering |
| Condition of private/personal use | does not yield any financial return |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 13 |
| Scope of quotation | analyses and short quotations |
| Type(s) of source work(s) | a published work |
| Entity exercising quotation |  |
| Purpose of quotation | criticism, discussion, education or information |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if known) |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 17(a) |
| Scope of anthologies/compilations limitation/exception | copying, in school books and in literature, history, science and art books |
| Type(s) of source work(s) | published works |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | short quotations |
| Condition of anthologies/compilations limitation/exception |  |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 17(b) |
| Scope of anthologies/compilations limitation/exception | copying, in school books and in literature, history, science and art books |
| Type(s) of source work(s) | published works on graphic art, sculpture and photography |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception |  |
| Condition of anthologies/compilations limitation/exception | copying to be limited to extent necessary to explain what is written |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 11 |
| Scope of school performance | eurhythmy, acting, or delivery |
| Type(s) of source work(s) | a published work |
| Entity exercising school performance |  |
| Purpose of school performance | a society, a private club or school meeting |
| Condition of school performance | does not yield any financial return |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Liechtenstein

## Legislation Reviewed

Law on Copyright and Neighboring Rights (Copyright Law)

Regulation on Copyright and Neighbouring Rights (Copyright Regulation)

# Lithuania

## Legislation Reviewed

Law on Copyright and Related Rights No. VIII-1185 of May 18, 1999 (as amended on October 7, 2014 – by Law No. XII-1183)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Arts. 20, 58.2 |
| Scope of private/personal use | reproduce (not by reprography) |
| Type(s) of source work(s) | a work lawfully published or communicated to the public |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use | exclusively for his individual use and not for commercial advantage |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | works of architecture or other construction works, electronic databases,[[1022]](#footnote-1022) computer programs[[1023]](#footnote-1023)  any limitation must “not conflict with a normal exploitation of a work/object of related rights and must not prejudice the legitimate interests of author or other owner of copyright/related rights”[[1024]](#footnote-1024) |
| Subject to Attribution |  |
| Subject to Remuneration | (reproduction of audiovisual works and phonograms) compensatory remuneration to be paid for devices and analog and digital blank audio and audiovisual media, payable by sellers and collected by CMOs on behalf of performers/phonogram producers according to the compensatory remuneration rates set out in Annex I[[1025]](#footnote-1025) |

|  |  |
| --- | --- |
| Provision | Art. 201 |
| Scope of private/personal use | reprographic reproduction (effected by the use of any kind of photocopying technique or by some other process having similar effects, where a work is reproduced on paper or any similar medium) |
| Type(s) of source work(s) | a lawfully published article or any other short work, or a short extract of a writing with or without illustrations, (a performance, phonogram, broadcast, fixation of audiovisual work)[[1026]](#footnote-1026) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private use but not for purposes of commercial advantage |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | reproduction by means of reprography of the whole text of a book or a major part thereof, or sheet music  any limitation must “not conflict with a normal exploitation of a work and must not prejudice the legitimate interests of author or other owner of copyright”[[1027]](#footnote-1027) |
| Subject to Attribution |  |
| Subject to Remuneration | compensatory remuneration to be paid for services of reprographic reproduction provided to natural persons and reprographic devices, payable by service providers and sellers of reprographic devices and collected by CMOs on behalf of owners of copyright (and related rights)[[1028]](#footnote-1028) and publishers according to the compensatory remuneration rates set out in Annex II[[1029]](#footnote-1029) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 21 |
| Scope of quotation | reproduce, publish and communicate to the public (including making it available to the public via computer networks), in another work |
| Type(s) of source work(s) | a relatively short passage of a literary and scientific work which has been lawfully published or made available to the public, both in the original and translated language |
| Entity exercising quotation |  |
| Purpose of quotation | quotation (for purposes such as criticism or review) |
| Condition of quotation | use is in accordance with fair practice and to the extent required by the specific purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source, unless infeasible) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Arts. 22(1), 58.1(5) |
| Nature of educational reproduction | reproduction, communication to the public and public display |
| Type(s) of source work(s) | short works, (performances, phonograms, fixations of audiovisual works, broadcasts)[[1030]](#footnote-1030) lawfully published or communicated to the public or short extracts of a work lawfully published or communicated to the public, either in the original language or translated into another language |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | non-commercial purpose of illustration for teaching or scientific research |
| Qualification(s) | related to study programmes  any limitation must “not conflict with a normal exploitation of a work/object of related rights and must not prejudice the legitimate interests of author or other owner of copyright/related rights”[[1031]](#footnote-1031) |
| Frequency/Multiple copies and Limits | not exceed the extent justified by the purpose to be achieved |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (where possible) |

|  |  |
| --- | --- |
| Provision | Art. 22(2) |
| Nature of educational reproduction | reproduction, communication to the public and public display, by way of illustration |
| Type(s) of source work(s) | works created to evaluate students’ learning achievements |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | non-commercial purposes |
| Qualification(s) | related to study programmes and teacher professional development programmes  any limitation must “not conflict with a normal exploitation of a work and must not prejudice the legitimate interests of author or other owner of copyright”[[1032]](#footnote-1032) |
| Frequency/Multiple copies and Limits | to the extent justified by the purpose of teaching or teacher professional development |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (where possible) |

|  |  |
| --- | --- |
| Provision | Arts. 22(3), 58.1(3) |
| Nature of educational reproduction | use, communication to the public via terminals designated for that purpose in establishments |
| Type(s) of source work(s) | works, (performances, phonograms, fixations of audiovisual works, broadcasts)[[1033]](#footnote-1033) held by libraries, by libraries of educational and research institutions, museums or archives |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | non-commercial purpose of research or private study |
| Qualification(s) | work is not publicly traded and the copyright owners do not prohibit the use of such works  establishment may reproduce the acquired copies of the works, but only in order to make communication of a work to the public technically possible via computer networks  establishment must ensure the use of effective technical protection measures so copies of works would not be reproduced and the content information of works would not be transferred or transmitted outside the terminals of the establishments to external networks  any limitation must “not conflict with a normal exploitation of a work/object of related rights and must not prejudice the legitimate interests of author or other owner of copyright/related rights”[[1034]](#footnote-1034) |
| Frequency/Multiple copies and Limits | not be permitted to make accessible via computer networks more copies of a work than held by these institutions |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Arts. 22(4), 58.1(6) |
| Scope of school performance | public performance and public display |
| Type(s) of source work(s) | a work, (a performance, phonogram, fixation of audiovisual works, broadcast)[[1035]](#footnote-1035) |
| Entity exercising school performance |  |
| Purpose of school performance | non-commercial purposes  concerts, exhibitions of formal and non-formal education institutions and pre-school education institutions (nurseries, nursery-kindergartens, kindergartens; also nurseries, nursery-kindergartens and kindergartens for pre-school education of children with special needs)  such concerts and exhibitions constitute a part of education process carried out by these institutions  any limitation must “not conflict with a normal exploitation of a work/object of related rights and must not prejudice the legitimate interests of author or other owner of copyright/related rights”[[1036]](#footnote-1036) |
| Condition of school performance |  |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Arts. 22(1), 58.1(5) |
| Scope of broadcast/communication/recording | reproduction, communication to the public and public display |
| Type(s) of source work(s) | short works, (performances, phonograms, fixations of audiovisual works, broadcasts)[[1037]](#footnote-1037) lawfully published or communicated to the public or short extracts of a work lawfully published or communicated to the public, either in the original language or translated into another language |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | non-commercial purpose of illustration for teaching or scientific research |
| Condition of broadcast/communication/recording | related to study programmes  any limitation must “not conflict with a normal exploitation of a work/object of related rights and must not prejudice the legitimate interests of author or other owner of copyright/related rights”[[1038]](#footnote-1038) |
| Preclusions (not part of broadcast/communication/recording) | not exceed the extent justified by the purpose to be achieved |
| Subject to Attribution | source, name of author (where possible) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Arts. 22(3), 58.1(3) |
| Scope of broadcast/communication/recording | use, communication to the public via terminals designated for that purpose in establishments |
| Type(s) of source work(s) | works, (performances, phonograms, fixations of audiovisual works, broadcasts)[[1039]](#footnote-1039) held by libraries, by libraries of educational and research institutions, museums or archives |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | non-commercial purpose of research or private study |
| Condition of broadcast/communication/recording | work is not publicly traded and the copyright owners do not prohibit the use of such works  establishment may reproduce the acquired copies of the works, but only in order to make communication of a work to the public technically possible via computer networks  establishment must ensure the use of effective technical protection measures so copies of works would not be reproduced and the content information of works would not be transferred or transmitted outside the terminals of the establishments to external networks  any limitation must “not conflict with a normal exploitation of a work/object of related rights and must not prejudice the legitimate interests of author or other owner of copyright/related rights”[[1040]](#footnote-1040) |
| Preclusions (not part of broadcast/communication/recording) | not be permitted to make accessible via computer networks more copies of a work than held by these institutions |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Luxembourg

## Legislation Reviewed

Law of 18 April 2001 on Copyright, Neighbouring Rights and Databases

# Madagascar

## Legislation Reviewed

Law No. 94-036 of 18 September 1995 on Literary and Artistic Property

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 42 |
| Scope of private/personal use | reproduction of |
| Type(s) of source work(s) | a work lawfully published |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusively for the private use of the user |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of limited-edition works of fine art, musical notation, exercise manuals that are used only once, whole or substantial part of a database, computer program[[1041]](#footnote-1041) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art.115(2) |
| Scope of private/personal use | reproduction of |
| Type(s) of source work(s) | a performance, phonogram, videogram, programme[[1042]](#footnote-1042) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | strictly reserved for the private use of the person making them |
| Condition of private/personal use | not intended for collective use |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | (works fixed on phonograms or videograms) authors, performers and producers entitled to remuneration, paid by manufacturer/importer of reproduction machines, recording media used for reproduction of private use of works and objects, collected by CMOs[[1043]](#footnote-1043) |

|  |  |
| --- | --- |
| Provision | Art. 42(1) |
| Scope of private/personal use | performances |
| Type(s) of source work(s) | a disclosed work, (a performance, phonogram, videogram, programme)[[1044]](#footnote-1044) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private performance |
| Condition of private/personal use | given free of charge and exclusively within the family circle |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 44 |
| Scope of quotation | use, in another work |
| Type(s) of source work(s) | a lawfully published work |
| Entity exercising quotation |  |
| Purpose of quotation | analyses and short quotations |
| Condition of quotation | quotation is in line with good practice and provided its length is no greater than that warranted by the goal to be achieved |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 115(3) |
| Scope of quotation | use |
| Type(s) of source work(s) | a performance, phonogram, videogram, programme[[1045]](#footnote-1045) |
| Entity exercising quotation |  |
| Purpose of quotation | analyses and short quotations |
| Condition of quotation | warranted by the critical, polemical, pedagogical, scientific or informative nature of the work into which they are incorporated |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 45(2) |
| Nature of educational reproduction | reproduce by reprographic means |
| Type(s) of source work(s) | isolated articles lawfully published in a newspaper or periodical, or short extracts from a work lawfully published |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for teaching or examinations in teaching establishments |
| Qualification(s) | activities are not directly or indirectly aimed at commercial profit, |
| Frequency/Multiple copies and Limits | to the extent warranted by the goal to be achieved |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 45(1) |
| Scope of anthologies/compilations limitation/exception | use, as an illustration, of |
| Type(s) of source work(s) | lawfully published work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | in publications intended for teaching |
| Condition of anthologies/compilations limitation/exception |  |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 42(3) |
| Scope of school performance | performance |
| Type(s) of source work(s) |  |
| Entity exercising school performance |  |
| Purpose of school performance | activities of teaching  establishments, to the staff and students of such an establishment |
| Condition of school performance | non-lucrative activities  audience is composed exclusively of the staff and students of the establishment or of parents and supervisors of the children or other persons directly connected with the activities of the establishment |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 45(2) |
| Scope of broadcast/communication/recording | use, as an illustration, in broadcasts of sound or visual recordings |
| Type(s) of source work(s) | lawfully published work |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | intended for teaching |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Malawi

## Legislation Reviewed

Copyright Act, 1989

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | ss 10(a)(i), 39(a) |
| Scope of private/personal use | reproduction, translation, adaptation, arrangement or other transformation |
| Type(s) of source work(s) | a published work (in its original language or its translation), (a performance, sound recording, broadcast)[[1046]](#footnote-1046) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | user's own personal or private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 10(a)(ii) |
| Scope of quotation | inclusion, in another work, of quotations from |
| Type(s) of source work(s) | a published work (in its original language or its translation), including quotations from newspaper articles and periodicals in the form of press summaries |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotations are compatible with fair practice  quotations does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 39(d) |
| Scope of quotation | quotations, in the form of short excerpts of |
| Type(s) of source work(s) | a performance, sound recording or broadcast |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotations are compatible with fair practice  quotations are justified by the informative purpose of those quotations |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 10(f) |
| Nature of educational reproduction | reproduction, photography, audiovisual work or sound recording or electronic storage |
| Type(s) of source work(s) | literary, dramatic, musical and artistic works (in their original language or translation) which have ready been lawfully made available to the public |
| Entity exercising reproduction | public libraries, non-commercial documentation centres, scientific institutions and educational establishments |
| Purpose of educational reproduction |  |
| Qualification(s) | reproduction etc. neither conflict with the normal uses of the work nor unreasonably prejudice the legitimate interests of the author |
| Frequency/Multiple copies and Limits | such reproduction, the number of copies made and the use thereof are limited to the needs of the regular activities of the body reproducing the work |
| Collective Licence/remuneration |  |
| Attribution | source, name of author |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 10(a)(iii) |
| Scope of anthologies/compilations limitation/exception | use, by way of illustration in publications, of |
| Type(s) of source work(s) | a published work (in its original language or its translation) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for teaching |
| Condition of anthologies/compilations limitation/exception | use is compatible with fair practice  to the extent justified by the purpose |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 10(a)(iii) |
| Scope of broadcast/communication/recording | use, by way of illustration in broadcasts, programmes distributed by cable, or audiovisual works or sound recordings or communication by cable, of |
| Type(s) of source work(s) | a published work (in its original language or its translation) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for teaching, or for use in schools, universities and professional training |
| Condition of broadcast/communication/recording | use is compatible with fair practice |
| Preclusions (not part of broadcast/communication/recording) | to the extent justified by the purpose |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 39(c) |
| Scope of broadcast/communication/recording | use |
| Type(s) of source work(s) | a performance, sound recording, broadcast[[1047]](#footnote-1047) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for teaching or research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 10(f) |
| Scope of broadcast/communication/recording | reproduction, photography, audiovisual work or sound recording or electronic storage |
| Type(s) of source work(s) | literary, dramatic, musical and artistic works (in their original language or translation) which have ready been lawfully made available to the public |
| Entity exercising broadcast/communication/recording | public libraries, non-commercial documentation centres, scientific institutions and educational establishments |
| Purpose of broadcast/communication/recording |  |
| Condition of broadcast/communication/recording | reproduction etc. neither conflict with the normal uses of the work nor unreasonably prejudice the legitimate interests of the author |
| Preclusions (not part of broadcast/communication/recording) | such reproduction, the number of copies made and the use thereof are limited to the needs of the regular activities of the body reproducing the work |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | s 17 |
| Nature of compulsory licence for translation for educational purposes | non-exclusive, non-transferable[[1048]](#footnote-1048) compulsory licence, for translation into a foreign language or any language of Malawi, and publication of such translation in copies in Malawi [[1049]](#footnote-1049) |
| Type(s) of source work(s) | works expressed exclusively in words[[1050]](#footnote-1050)  (for broadcasting organisations) works expressed exclusively in words, in printed form or other form of reproduction,[[1051]](#footnote-1051) including any text incorporated in an audio-visual work that was itself prepared and published for the sole purpose of being used in connection with systematic instructional activities[[1052]](#footnote-1052) |
| Licence applicant/entity | licence applicant is a citizen of Malawi or is ordinarily resident in Malawi or a domestic broadcasting organisation[[1053]](#footnote-1053) |
| Purpose of licence | purpose of teaching, scholarship or research[[1054]](#footnote-1054)  (for broadcasting organisations) for broadcasts intended exclusively for teaching or for the dissemination of the result of specialized research to experts in a particular profession,[[1055]](#footnote-1055) through broadcasts that are lawfully made and are intended for reception in Malawi, including broadcasts made from audio-visual works or sound recordings that are lawfully made for the sole purpose of such broadcasts[[1056]](#footnote-1056) |
| Qualification(s) | licence application may be made:  3 years from first publication (for translation into any language other than a language of Malawi),[[1057]](#footnote-1057) or  1 year from first publication (for translation into any language of Malawi)[[1058]](#footnote-1058)  work has not been previously translated into the language in the licence application and published by the owner of the right of translation, or if translation has been so published, all previous editions in that language are out of print[[1059]](#footnote-1059)  licence applicant has requested and been denied authorisation by owner of right of translation, or was unable to find owner after due diligence, despite sending request to publisher or to any designated national or international information centre[[1060]](#footnote-1060)  a further period of 6/9 months has lapsed from date licence applicant complies with licence requirements[[1061]](#footnote-1061)  no licence shall be granted if, during further period, a translation into said language has been published by or with authorisation of owner[[1062]](#footnote-1062)  if work is composed mainly of illustrations, the additional conditions in s 18 are fulfilled[[1063]](#footnote-1063)  author has not withdrawn from circulation copies of the work[[1064]](#footnote-1064)  on all copies of the published translation are printed: the name of author and original title,[[1065]](#footnote-1065) a notice in the language of the translation stating that the copy is available for distribution only in Malawi,[[1066]](#footnote-1066) a reprint of the original copyright notice[[1067]](#footnote-1067)  subject to licensee’s sale of existing copies, licence terminated if translation right owner has published or authorised the publishing of translated work, at a price reasonably related to that normally charged in Malawi for comparable works[[1068]](#footnote-1068) |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay just compensation to owner of work, consistent with normally payable standards of royalties[[1069]](#footnote-1069) |
| Price of publication |  |
| Distribution conditions | copies of translated work may not be exported[[1070]](#footnote-1070)  (for broadcasting organisations) translations of audiovisual work or sound recording may only be exchanged between divisions/departments of broadcasting organisation[[1071]](#footnote-1071) |
| Grantor of Collective Licence | Minister |

|  |  |
| --- | --- |
| Provision | S 20 |
| Nature of compulsory licence for reproduction for educational purposes | non-exclusive,[[1072]](#footnote-1072) non-transferable[[1073]](#footnote-1073) compulsory licence, for:  reproduction and publication of reproduction in copies[[1074]](#footnote-1074) in Malawi[[1075]](#footnote-1075) [of work]  \* reproduction in audiovisual form, or translation of any text incorporated, into English [of an audiovisual fixation][[1076]](#footnote-1076) |
| Type(s) of source work(s) | [work]: a literary, dramatic, musical or artistic work is published in printed form or other form of reproduction[[1077]](#footnote-1077)  [audiovisual fixation]: which have been prepared and published for the sole purpose of being used in connection with systematic instructional activities[[1078]](#footnote-1078) |
| Licence applicant/entity | licence applicant a citizen of Malawi or ordinarily resident in Malawi[[1079]](#footnote-1079) |
| Purpose of licence | systematic instructional activities[[1080]](#footnote-1080) |
| Qualification(s) | licence application may be made:  works of fiction, poetry, drama, music or art - 7 years from first publication, or  works of technology, natural and physical sciences, mathematics - 3 years from first publication, or  any other work - 5 years from first publication[[1081]](#footnote-1081)  work has not been previously reproduced and published by the owner/authorised person in Malawi, to the general public or in connection with systematic instructional activities, at a price reasonably related to that charged in Malawi for comparable works, or, under the same conditions, such copies have not been on sale in Malawi for a continuous period of at least 6 months[[1082]](#footnote-1082)  licence applicant has requested and been denied authorisation by owner of right of reproduction, or was unable to owner after due diligence, despite sending request to publisher or to any designated national or international information centre [[1083]](#footnote-1083)  a “further period” of 6 months has lapsed from date licence applicant complies with licence requirements[[1084]](#footnote-1084)  no licence shall be granted if, during “further period”, a distribution or placing on sale has taken place by or with authorisation of owner[[1085]](#footnote-1085)  author has not withdrawn from circulation copies of the work[[1086]](#footnote-1086)  if edition for reproduction is a translation, the licence shall only be granted if the translation is in a prescribed language and published by or with authorization of the owner of the right of translation[[1087]](#footnote-1087)  licensee to ensure that edition of work is accurately reproduced[[1088]](#footnote-1088)  on all copies of the published reproduction are included: the name of author and original title,[[1089]](#footnote-1089) a notice in the language of the publication stating that the copy is available for distribution only in Malawi,[[1090]](#footnote-1090) a reprint of the original copyright notice (if available)[[1091]](#footnote-1091)  subject to licensee’s sale of existing copies, licence terminated if reproduction right owner has distributed the reproduction in Malawi to the general public or in connection with systematic instructional activities, in same language and substantially same content, at a price reasonably related to that normally charged in Malawi for comparable works[[1092]](#footnote-1092) |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay just compensation to owner of reproduction right in the work, consistent with normally payable standards of royalties[[1093]](#footnote-1093) |
| Price of publication | a price reasonably related to, or lower than, that normally charged in Malawi for comparable work[[1094]](#footnote-1094) |
| Distribution conditions | copies of reproduced work may only be published within Malawi and not be exported[[1095]](#footnote-1095) |
| Grantor of Collective Licence | Minister |

|  |  |
| --- | --- |
| Provision | S 22 |
| Nature of compulsory licence for translation for educational purposes | compulsory licence,  \* for reproduction in audiovisual form,[[1096]](#footnote-1096)[work]  \* for translation into either a foreign language or any language of Malawi[[1097]](#footnote-1097), [auxiliary work] |
| Type(s) of source work(s) | [work] a lawfully made audio-visual work  [auxiliary work] of any text incorporated in such work |
| Licence applicant/entity | any person |
| Purpose of licence | audio-visual work is prepared or published for the sole purpose of being used in connexion with systematic instructional activities[[1098]](#footnote-1098) |
| Qualification(s) |  |
| Compulsory licence fee(s) |  |
| Price of publication |  |
| Grantor of Collective Licence | Minister |

## TPM/RMI Exceptions for Educational Purposes

# Malaysia

## Legislation Reviewed

Copyright Act 1987 (Act 332, as at 1 January 2006)

Copyright (Amendment) Act 2012 (Act A1420)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 13(2)(a) |
| Scope of private/personal use | fair dealing |
| Type(s) of source work(s) | a literary, musical or artistic work, a film, or a sound recording or a derivative work, (typographical arrangement of a published edition)[[1099]](#footnote-1099), (a broadcast)[[1100]](#footnote-1100) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research, private study |
| Condition of private/personal use | to determine if dealing is fair dealing, the factors to be considered shall include:  (a) the purpose and character of the dealing, including whether such dealing is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the dealing upon the potential market for or value of the work. |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution | title, name of author (except where work is incidentally included in a broadcast)[[1101]](#footnote-1101) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 16A(3)(a)(ii) |
| Scope of private/personal use | a direct or an indirect sound recording or an indirect film of |
| Type(s) of source work(s) | a performance |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | use in scientific research |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 13(2)(gg) |
| Scope of private/personal use | making a sound recording, in so far as it consists of sounds, of |
| Type(s) of source work(s) | a broadcast, or a literary, dramatic or musical work, sound recording or a film included in the broadcast, (a performance)[[1102]](#footnote-1102) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private and domestic use of the person by whom the sound recording is made |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 13(2)(ggg) |
| Scope of private/personal use | making a film, in so far as it consists of visual images, of |
| Type(s) of source work(s) | a broadcast, or a literary, artistic, dramatic or musical work, or a film included in the broadcast, (a performance)[[1103]](#footnote-1103) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private and domestic use of the person by whom the film is made |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 13(2)(a) |
| Scope of quotation | fair dealing |
| Type(s) of source work(s) | a literary, musical or artistic work, a film, or a sound recording or a derivative work, (typographical arrangement of a published edition)[[1104]](#footnote-1104), (a broadcast)[[1105]](#footnote-1105) |
| Entity exercising quotation |  |
| Purpose of quotation | criticism, review |
| Condition of quotation | to determine if dealing is fair dealing, the factors to be considered shall include:  (a) the purpose and character of the dealing, including whether such dealing is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the dealing upon the potential market for or value of the work. |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title, name of author (except where work is incidentally included in a broadcast)[[1106]](#footnote-1106) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 16A(3)(b)(ii) |
| Scope of quotation | a direct or indirect sound recording or film of |
| Type(s) of source work(s) | a performance |
| Entity exercising quotation |  |
| Purpose of quotation | criticism, review |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 13(2)(m) |
| Scope of quotation | making of quotations from |
| Type(s) of source work(s) | a published literary, musical or artistic work, a film, or a sound recording or a derivative work, including quotations from newspaper articles and periodicals in the form of press summaries |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotation is compatible with fair practice and extent of quotations does not exceed that justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 13(2)(ff) |
| Nature of educational reproduction | any use |
| Type(s) of source work(s) | a literary, musical or artistic work, a film, or a sound recording or a derivative work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | an examination by way of setting the questions, communicating the questions to the candidates or answering the questions |
| Qualification(s) | a reprographic copy of a musical work shall not be made for use by an examination candidate in performing the work |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 13(2)(i) |
| Nature of educational reproduction | use (e.g. performance, showing or playing) |
| Type(s) of source work(s) | a literary, musical or artistic work, a film, or a sound recording or a derivative work |
| Entity exercising reproduction | by or under the direction or control of the Government, by the National Archives or any State Archives, by the National Library, or any State library, or by such public libraries and educational, scientific or professional institutions as the Minister may by order prescribe |
| Purpose of educational reproduction | such use is in the public interest |
| Qualification(s) | use is compatible with fair practice and the provisions of any regulations  no profit is derived therefrom  no admission fee is charged for the performance, showing or playing, if any, to the public of the work thus used |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 13(2)(g) |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | a literary, musical or artistic work, a film, or a sound recording or a derivative work included in a broadcast intended for such schools, universities or educational institutions, (a broadcast)[[1107]](#footnote-1107) |
| Entity exercising reproduction | schools, universities or educational institutions |
| Purpose of educational reproduction |  |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 13(2)(f) |
| Scope of anthologies/compilations limitation/exception | inclusion, in collection of literary or musical works, of |
| Type(s) of source work(s) | a literary, musical or artistic work, a film, or a sound recording or a derivative work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | inclusion is made by way of illustration for teaching purposes |
| Condition of anthologies/compilations limitation/exception | inclusion is compatible with fair practice |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author (as indicated in source) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 13(2)(f) |
| Scope of school performance | inclusion, in a performance, showing, or playing to the public, of |
| Type(s) of source work(s) | a literary, musical or artistic work, a film, or a sound recording or a derivative work |
| Entity exercising school performance |  |
| Purpose of school performance | inclusion is made by way of illustration for teaching purposes |
| Condition of school performance | inclusion is compatible with fair practice |
| Preclusions (not part of school performance) |  |
| Subject to Attribution | source, name of author (as indicated in source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 13(2)(k) |
| Scope of school performance | performance, showing or playing |
| Type(s) of source work(s) | a literary, musical or artistic work, a film, or a sound recording or a derivative work |
| Entity exercising school performance | a non-profit making club or institution |
| Purpose of school performance | performance, showing or playing is for charitable or educational purpose |
| Condition of school performance | no admission fee is charged in respect of such performance, showing or playing |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 13(2)(i) |
| Scope of school performance | use (e.g. performance, showing or playing) |
| Type(s) of source work(s) | a literary, musical or artistic work, a film, or a sound recording or a derivative work |
| Entity exercising school performance | by or under the direction or control of the Government, by the National Archives or any State Archives, by the National Library, or any State library, or by such public libraries and educational, scientific or professional institutions as the Minister may by order prescribe |
| Purpose of school performance | such use is in the public interest |
| Condition of school performance | use is compatible with fair practice and the provisions of any regulations  no profit is derived therefrom  no admission fee is charged for the performance, showing or playing, if any, to the public of the work thus used |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 13(2)(i) |
| Scope of broadcast/communication/recording | use (e.g. performance, showing or playing) |
| Type(s) of source work(s) | a literary, musical or artistic work, a film, or a sound recording or a derivative work |
| Entity exercising broadcast/communication/recording | by or under the direction or control of the Government, by the National Archives or any State Archives, by the National Library, or any State library, or by such public libraries and educational, scientific or professional institutions as the Minister may by order prescribe |
| Purpose of broadcast/communication/recording | such use is in the public interest |
| Condition of broadcast/communication/recording | use is compatible with fair practice and the provisions of any regulations  no profit is derived therefrom  no admission fee is charged for the performance, showing or playing, if any, to the public of the work thus used |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 16A(3)(c) |
| Scope of broadcast/communication/recording | indirect sound recording or film of |
| Type(s) of source work(s) | a performance |
| Entity exercising broadcast/communication/recording | by, or on behalf of, the body administering an educational institution |
| Purpose of broadcast/communication/recording | solely for the educational purposes of that institution or of another educational institution |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 13(2)(f) |
| Scope of broadcast/communication/recording | inclusion, broadcast, sound recording, or film, of |
| Type(s) of source work(s) | a literary, musical or artistic work, a film, or a sound recording or a derivative work |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | inclusion is made by way of illustration for teaching purposes |
| Condition of broadcast/communication/recording | inclusion is compatible with fair practice |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (as indicated in source) |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | s 31 |
| Nature of compulsory licence for translation for educational purposes | non-exclusive,[[1108]](#footnote-1108) non-transferable[[1109]](#footnote-1109) compulsory licence, for translation into the national language or other vernacular languages in Malaysia, and publication of such translation in copies in Malaysia [[1110]](#footnote-1110) |
| Type(s) of source work(s) | a literary work written in any other language[[1111]](#footnote-1111) |
| Licence applicant/entity | any person |
| Purpose of licence | purpose of teaching, scholarship or research[[1112]](#footnote-1112) |
| Qualification(s) | work has not been previously translated into the national language of Malaysia or other vernacular languages and published by the owner of the right of translation, within 1 year of first publication, or if translation has been so published, all previous editions in that language are out of print[[1113]](#footnote-1113)  licence applicant has requested and been denied authorisation by owner of right of translation, or was unable to find owner after due diligence, despite sending request to any designated national or international information centre[[1114]](#footnote-1114)  a further period of 9 months has lapsed from date licence applicant complies with licence requirements[[1115]](#footnote-1115)  no licence shall be granted if, during further period, a translation into the national language of Malaysia or other vernacular languages has been published by or with authorisation of owner[[1116]](#footnote-1116)  if work is composed mainly of illustrations, no licence shall be granted[[1117]](#footnote-1117)  author has not withdrawn from circulation copies of the work[[1118]](#footnote-1118)  opportunity to be heard is given, to owner of right of translation[[1119]](#footnote-1119)  licensee is able to produce and publish a correct translation of the work and possesses the means to pay the royalties payable[[1120]](#footnote-1120)  on all copies of the published translation are printed: the name of author and original title,[[1121]](#footnote-1121) a notice in the national language Malaysia or other vernacular languages stating that the copy is available for distribution only in Malaysia,[[1122]](#footnote-1122)  subject to licensee’s sale of existing copies, licence terminated if translation right owner has published or authorised the publishing of translated work in the national language or other vernacular languages and with substantially the same content, at a price reasonably related to that normally charged in Malaysia for comparable works[[1123]](#footnote-1123) |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay royalties to owner of right of translation, at a rate to be determined by the Copyright Tribunal in the prescribed manner[[1124]](#footnote-1124) |
| Price of publication |  |
| Distribution conditions | copies of translated work may not be exported, except if they are exported for Malaysian nationals, or of overseas organizations of Malaysian nationals, for purpose of teaching, scholarship or research, where the sending and distribution are without any commercial purpose, and the government of the foreign importing country has agreed to their receipt/distribution[[1125]](#footnote-1125) |
| Grantor of Collective Licence | Copyright Tribunal |

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | s 36A(2)(f) |
| Scope of TPM/RMI limitation/exception | exception to enable circumvention of technological measure |
| Type(s) of source work(s) | a work in which copyright subsists [to which has been applied technological protection measures] |
| Beneficiary exercising limitation/exception | library, an archive or an educational institution |
| Purpose of limitation/exception | sole purpose of making an acquisition decision in relation to [the] work |
| Condition of limitation/exception |  |

|  |  |
| --- | --- |
| Provision | s 36B(2)(b) |
| Scope of TPM/RMI limitation/exception | exception to enable removal or alteration of any electronic rights management information |
| Type(s) of source work(s) | a work in which copyright subsists [to which has been applied electronic rights management information] |
| Beneficiary exercising limitation/exception | library, an archive or an educational institution |
| Purpose of limitation/exception | sole purpose of making an acquisition decision in relation to [the] work |
| Condition of limitation/exception |  |

# Maldives

## Legislation Reviewed

The Copyright & Related Rights Act

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 12(a) |
| Scope of private/personal use | private reproduction of |
| Type(s) of source work(s) | a published work, (a performance, sound recording, broadcast)[[1126]](#footnote-1126) |
| Entity exercising private/personal use | a person |
| Purpose of private/personal use | exclusively for his own personal purposes |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | works of architecture, reproduction of whole or substantial part of book or musical notation, whole or substantial part of a database, computer program[[1127]](#footnote-1127),  any work where “reproduction would affect the normal proceedings the work may generate and could prejudice the legitimate interests of the author or other owner of the copyright”, feature films, documentary films, dramas, video songs and other audiovisual presentations created for commercial use |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 29(b) |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | a performance, sound recording, broadcast |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | solely for scientific research |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 14 |
| Scope of quotation | reproduction of |
| Type(s) of source work(s) | a short part of a published work, (a performance, sound recording, broadcast)[[1128]](#footnote-1128) |
| Entity exercising quotation |  |
| Purpose of quotation | in the form of quotation |
| Condition of quotation | reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author, form of publication (as far as practicable) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 15 |
| Nature of educational reproduction | reproduction and presentation as a quotation |
| Type(s) of source work(s) | a published work, (a performance, sound recording, broadcast)[[1129]](#footnote-1129) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | reproduction for teaching |
| Qualification(s) | reproduction is compatible with fair practice |
| Frequency/Multiple copies and Limits | a limited portion of [the published work]  reproduction does not exceed the extent justified by the purpose |
| Collective Licence/remuneration |  |
| Attribution | source, name of author, form of publication (as far as practicable) |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 15 |
| Scope of broadcast/communication/recording | reproduction and presentation as a quotation |
| Type(s) of source work(s) | a published work, (a performance, sound recording, broadcast)[[1130]](#footnote-1130) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | reproduction for teaching |
| Condition of broadcast/communication/recording | reproduction is compatible with fair practice |
| Preclusions (not part of broadcast/communication/recording) | a limited portion of [the published work]  reproduction does not exceed the extent justified by the purpose |
| Subject to Attribution | source, name of author, form of publication (as far as practicable) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 29(c) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | a performance, sound recording, broadcast |
| Entity exercising broadcast/communication/recording | solely for the purpose of face-face teaching activities |
| Purpose of broadcast/communication/recording |  |
| Condition of broadcast/communication/recording | but not performances and phonograms which have been published as teaching or instructional materials |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Mali

## Legislation Reviewed

Law No. 08-024 of July 23, 2008 laying down the Regime of Literary and Artistic Property in the Republic of Mali

# Malta

## Legislation Reviewed

Copyright Act of 2000 (Chapter 415) as amended up to Act No. VIII of 2011

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 9(1)(b) |
| Scope of private/personal use | reproductions on paper or any medium, effected by the use of any kind of photographic technique or by some other process having similar effects |
| Type(s) of source work(s) | an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a performance, sound recording, phonogram, broadcast)[[1131]](#footnote-1131) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use |  |
| Condition of private/personal use | “applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder”[[1132]](#footnote-1132) |
| Preclusions (not part of private/personal use) | musical notation |
| Subject to Attribution |  |
| Subject to Remuneration | rightholders receive fair compensation |

|  |  |
| --- | --- |
| Provision | Art. 9(1)(c) |
| Scope of private/personal use | reproductions on any medium |
| Type(s) of source work(s) | an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a performance, sound recording, phonogram, broadcast)[[1133]](#footnote-1133) |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use | private use |
| Condition of private/personal use | ends that are neither directly nor indirectly commercial  “applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder”[[1134]](#footnote-1134) |
| Preclusions (not part of private/personal use) | musical notation |
| Subject to Attribution |  |
| Subject to Remuneration | rightholders receive fair compensation, which takes account of the application or non-application or technological measures to the work or subject-matter concerned |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 9(1)(k) |
| Scope of quotation | reproduction, translation, distribution or communication to the public, of quotations of |
| Type(s) of source work(s) | an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a performance, sound recording, phonogram, broadcast)[[1135]](#footnote-1135) |
| Entity exercising quotation |  |
| Purpose of quotation | such as criticism or review |
| Condition of quotation | relate to a work or other subject-matter which has already been lawfully made available to the public  use is in accordance with fair practice, and to the extent required by the specific purposes  “applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder”[[1136]](#footnote-1136) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 9(1)(d) |
| Nature of educational reproduction | specific acts of reproduction |
| Type(s) of source work(s) | an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a performance, sound recording, phonogram, broadcast)[[1137]](#footnote-1137) |
| Entity exercising reproduction | publicly accessible libraries, educational establishments or museums, or by archives |
| Purpose of educational reproduction |  |
| Qualification(s) | not for direct or indirect economic or commercial advantage  “applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder”[[1138]](#footnote-1138) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Art. 9(1)(h) |
| Nature of educational reproduction | reproduction, translation, distribution |
| Type(s) of source work(s) | an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a performance, sound recording, phonogram, broadcast)[[1139]](#footnote-1139) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | sole purpose of illustration for teaching or scientific research |
| Qualification(s) | to the extent justified by the noncommercial purpose to be achieved  “applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder”[[1140]](#footnote-1140) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (unless infeasible) |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 9(1)(g) |
| Scope of school performance | performing, playing or showing of |
| Type(s) of source work(s) | an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a performance, sound recording, phonogram, broadcast)[[1141]](#footnote-1141) |
| Entity exercising school performance | any club |
| Purpose of school performance | act by club whose aim is not profit making  no admission fee is charged |
| Condition of school performance | “applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder”[[1142]](#footnote-1142) |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 9(1)(d) |
| Scope of broadcast/communication/recording | specific acts of reproduction |
| Type(s) of source work(s) | an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a performance, sound recording, phonogram, broadcast)[[1143]](#footnote-1143) |
| Entity exercising broadcast/communication/recording | publicly accessible libraries, educational establishments or museums, or by archives |
| Purpose of broadcast/communication/recording |  |
| Condition of broadcast/communication/recording | not for direct or indirect economic or commercial advantage  “applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder”[[1144]](#footnote-1144) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 9(1)(h) |
| Scope of broadcast/communication/recording | reproduction, translation, distribution |
| Type(s) of source work(s) | an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a performance, sound recording, phonogram, broadcast)[[1145]](#footnote-1145) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | sole purpose of illustration for teaching or scientific research |
| Condition of broadcast/communication/recording | to the extent justified by the noncommercial purpose to be achieved  “applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder”[[1146]](#footnote-1146) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (unless infeasible) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 9(1)(h) |
| Scope of broadcast/communication/recording | communication to the public |
| Type(s) of source work(s) | an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a performance, sound recording, phonogram, broadcast)[[1147]](#footnote-1147) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | sole purpose of illustration for teaching or scientific research |
| Condition of broadcast/communication/recording | to the extent justified by the noncommercial purpose to be achieved  “applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder”[[1148]](#footnote-1148) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (unless infeasible) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 9(1)(v) |
| Scope of broadcast/communication/recording | communication to the public |
| Type(s) of source work(s) | an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a performance, sound recording, phonogram, broadcast)[[1149]](#footnote-1149) |
| Entity exercising broadcast/communication/recording | publicly accessible libraries, educational establishments or museums, or by archives[[1150]](#footnote-1150) |
| Purpose of broadcast/communication/recording | research or private study, to individual members of the public by dedicated terminals on the premises of establishments |
| Condition of broadcast/communication/recording | works/subject-matter not subject to purchase or licensing terms, which are contained in their collections  “applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder”[[1151]](#footnote-1151) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | Art. 42(2)(a) |
| Scope of TPM/RMI limitation/exception | exception to require rightholder who used effective technological measures in respect of copyright work to make available means to ensure for the “beneficiaries” the benefit of the exception/limitation |
| Type(s) of source work(s) | protected work/subject-matter |
| Beneficiary exercising limitation/exception | users who use work/subject-matter for, *inter alia*, private use (Art. 9(1)(c)), educational establishments (Art. 9(1)(d)), teaching or scientific research (Art. 9(1)(h)) |
| Purpose of limitation/exception | to the extent necessary to benefit from exception/limitation |
| Condition of limitation/exception | beneficiary to have legal access to protected work/subject-matter  no voluntary measure taken by the rightholder or exclusive licensee or agreement between the rightholder and the other party concerned, the purpose of which is to enable the beneficiary (or persons of a class to which the beneficiary belongs) to benefit from the exceptions specified in the above paragraph  exception not applicable to copyright works made available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them. |

# \*Mauritania

## Legislation Reviewed

# Mauritius

## Legislation Reviewed

Copyright Act 2014

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 16 |
| Scope of private/personal use | private reproduction of |
| Type(s) of source work(s) | a legally obtained published work, (a broadcast, performance/phonogram, sound recording)[[1152]](#footnote-1152) |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use | for his own personal use |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a digital database, computer program[[1153]](#footnote-1153) |
| Subject to Attribution |  |
| Subject to Remuneration | equitable remuneration shall be paid to the author or copyright owner or to the Rights Management Society[[1154]](#footnote-1154), as applicable, for private/personal use of work, performance, phonogram, videogram, publisher’s edition[[1155]](#footnote-1155) |

## Quotations

|  |  |
| --- | --- |
| Provision | s 18 |
| Scope of quotation | quotation |
| Type(s) of source work(s) | a work, (a broadcast, performance/phonogram, sound recording)[[1156]](#footnote-1156), that has lawfully been made available to the public |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose  quotation is used for the purpose of caricature, parody or pastiche |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 19(1)(a) |
| Nature of educational reproduction | utilization (including making available of such works in computer networks, where access to the works is only available to enrolled pupils or students and their teachers)[[1157]](#footnote-1157) or by way of illustration, in  publications, broadcasting or sound or visual recordings, |
| Type(s) of source work(s) | a work that has lawfully been made available to the public, (a broadcast, performance/phonogram, sound recording)[[1158]](#footnote-1158) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for scientific research purposes, or  for teaching |
| Qualification(s) | utilization is compatible with fair practice |
| Frequency/Multiple copies and Limits | utilization does not exceed the extent justified by the purpose |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (if practicable)[[1159]](#footnote-1159) |

|  |  |
| --- | --- |
| Provision | s 19(1)(b) |
| Nature of educational reproduction | reprographic reproduction, of |
| Type(s) of source work(s) | published articles, other short works or short extracts of works, |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for face-to-face teaching in educational institutions |
| Qualification(s) | activities do not serve direct or indirect commercial gain  no collective licence available by collective administration organisation of which educational institution is or should be aware |
| Frequency/Multiple copies and Limits | reproduction of any particular work is an isolated one; if repeated, each occurrence on separate and unrelated occasions  no more than a single copy for each pupil or student and the teacher is made |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (if practicable)[[1160]](#footnote-1160) |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 19(1)(a) |
| Scope of anthologies/compilations limitation/exception | utilization (including making available of such works in computer networks, where access to the works is only available to enrolled pupils or students and their teachers)[[1161]](#footnote-1161) or by way of illustration, in  publications, broadcasting or sound or visual recordings, |
| Type(s) of source work(s) | a work that has lawfully been made available to the public, (a broadcast, performance/phonogram, sound recording)[[1162]](#footnote-1162) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for scientific research purposes, or  for teaching |
| Condition of anthologies/compilations limitation/exception | utilization is compatible with fair practice |
| Preclusions (not part of anthologies/compilations limitation/exception) | utilization does not exceed the extent justified by the purpose |
| Subject to Attribution | source, name of author (if practicable)[[1163]](#footnote-1163) |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 19(1)(a) |
| Scope of broadcast/communication/recording | utilization (including making available of such works in computer networks, where access to the works is only available to enrolled pupils or students and their teachers)[[1164]](#footnote-1164) or by way of illustration, in  publications, broadcasting or sound or visual recordings, |
| Type(s) of source work(s) | a work that has lawfully been made available to the public, (a broadcast, performance/phonogram, sound recording)[[1165]](#footnote-1165) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for scientific research purposes, or  for teaching |
| Condition of broadcast/communication/recording | utilization is compatible with fair practice |
| Preclusions (not part of broadcast/communication/recording) | utilization does not exceed the extent justified by the purpose |
| Subject to Attribution | source, name of author (if practicable)[[1166]](#footnote-1166) |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | s 37(3) |
| Scope of TPM/RMI limitation/exception | exception to require rightholder who used technological protection measures in respect of his work to lift technological protection measures to ensure for the “beneficiaries” the benefit of the exception /limitation |
| Type(s) of source work(s) | work/subject-matter (but not applicable to works/subject-matter available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them[[1167]](#footnote-1167)) |
| Beneficiary exercising limitation/exception | users who reproduce work/subject-matter for, *inter alia*, private/personal use (s 16), for quotations (s 18), for teaching/scientific purposes (s 19) |
| Purpose of limitation/exception | to the extent necessary for the beneficiary to fully benefit from the limitation/exception |
| Condition of limitation/exception |  |

# \*Mexico

## Legislation Reviewed

Federal Law on Copyright (as amended up to July 14, 2014)

# \*Monaco

## Legislation Reviewed

Law No. 491 of 24 November 1948 on the Protection of Literary and Artistic Property

# Mongolia

## Legislation Reviewed

Law of Mongolia on Copyright and Related Rights (as last amended on January 19, 2006)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 24.1.8 |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | a work |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use | for private use |
| Condition of private/personal use | circumstances of use to be considered: to have a non-profit purpose, the extent of use and importance of the used parts, and value of the work and effect of the used part on the market[[1168]](#footnote-1168)  “works were used without contradicting the normal exploitation of published works and without affecting the legal interests of the right holders”[[1169]](#footnote-1169) |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 24.1.2 |
| Scope of quotation | quote from, and to use parts of, |
| Type(s) of source work(s) | published works |
| Entity exercising quotation |  |
| Purpose of quotation | for research works, criticisms and information |
| Condition of quotation | circumstances of use to be considered: to have a non-profit purpose, the extent of use and importance of the used parts, and value of the work and effect of the used part on the market[[1170]](#footnote-1170)  “works were used without contradicting the normal exploitation of published works and without affecting the legal interests of the right holders”[[1171]](#footnote-1171) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Montenegro

## Legislation Reviewed

Law No. 07-1/11-1/15 of July 12, 2011, on Copyright and Related Rights (promulgated by Decree No. 01-933/2 of July 25, 2011)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 52(1) |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | a disclosed work, (a performance,[[1172]](#footnote-1172) phonogram,[[1173]](#footnote-1173) film[[1174]](#footnote-1174) and published work[[1175]](#footnote-1175)) |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use |  |
| Condition of private/personal use | not more than 3 copies  on paper or other similar medium: by the use of an appropriate photographic technique or by other process producing similar effects  on other medium: if the reproduction is done for private use, if the copies are not available to the public and if the reproduction is not done for direct or indirect economic advantage |
| Preclusions (not part of private/personal use) | architectural objects, reproduction of entire book or musical notation (unless copies of such book have been out of print for at least 2 years, or if reproduction of entire book/musical notation is done on “other medium”,[[1176]](#footnote-1176) or reproduction of musical notation is made in handwriting), electronic database, computer program[[1177]](#footnote-1177),  any work where “reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the owner of copyright” |
| Subject to Attribution |  |
| Subject to Remuneration | author of work, (performer, phonogram producer, film producer and publisher)[[1178]](#footnote-1178) have right to a portion of a remuneration for making a photocopy of his work, or for making a sound or visual fixation of his work, with remuneration for sound/visual fixation liable from manufacturer/importer[[1179]](#footnote-1179) and paid to a mandatory collective management organization[[1180]](#footnote-1180) on first sale/importation of new appliances for sound/visual fixation and blank audio/video fixation media, and new appliances for photocopying and appliances with other technical reproduction procedures[[1181]](#footnote-1181) |

|  |  |
| --- | --- |
| Provision | Art. 58(1), (3) |
| Scope of private/personal use | adapt |
| Type(s) of source work(s) | a disclosed work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use |  |
| Condition of private/personal use | adaptation is of private or other internal nature, not intended for or available to the public, or  adaptation is indispensable, according to purpose and use of the work |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 60 |
| Scope of private/personal use | use |
| Type(s) of source work(s) | copyright works contained in collections of archives and libraries, museums and educational or scientific establishments, through dedicated terminals on their premises |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use | research or personal study |
| Condition of private/personal use | use of such works is not subject to purchase or licensing terms |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 53 |
| Scope of quotation | quotations, in another main work, of |
| Type(s) of source work(s) | a disclosed work |
| Entity exercising quotation |  |
| Purpose of quotation | quotation is used for the purpose of criticism, recognition, or reference |
| Condition of quotation | quotation is in accordance with fair practice  quotation is used to extent required by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 58(2) |
| Scope of quotation | adapt |
| Type(s) of source work(s) | a disclosed work |
| Entity exercising quotation |  |
| Purpose of quotation | work has been adapted into parody, cartoon, or pastiche |
| Condition of quotation | adapted work does not cause confusion as to the source of the work |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 52(2) |
| Nature of educational reproduction | reproduction, on any medium, |
| Type(s) of source work(s) | a disclosed work, (a performance,[[1182]](#footnote-1182) phonogram,[[1183]](#footnote-1183) film[[1184]](#footnote-1184) and published work[[1185]](#footnote-1185)) |
| Entity exercising reproduction | a public archive, library, museum and educational or scientific establishment |
| Purpose of educational reproduction |  |
| Qualification(s) | not more than 3 copies  reproduction is done from the copy owned by that legal entity for internal use  reproduction is not done for direct or indirect economic advantage |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration | author of work, (performer, phonogram producer, film producer and publisher)[[1186]](#footnote-1186) have right to a portion of a remuneration for making a photocopy of his work, or for making a sound or visual fixation of his work, with remuneration for sound/visual fixation liable from manufacturer/importer[[1187]](#footnote-1187) and paid to a mandatory collective management organization[[1188]](#footnote-1188) on first sale/importation of new appliances for sound/visual fixation and blank audio/video fixation media, and new appliances for photocopying and appliances with other technical reproduction procedures[[1189]](#footnote-1189) |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 46(1) |
| Scope of anthologies/compilations limitation/exception | use parts, in readers and textbooks that comprise works of several authors, of |
| Type(s) of source work(s) | disclosed copyright works |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | solely as illustrations intended for teaching according to a public curriculum or for scientific research |
| Condition of anthologies/compilations limitation/exception | limitation only permitted “provided they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.”[[1190]](#footnote-1190) |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author (unless infeasible)[[1191]](#footnote-1191) |
| Subject to Remuneration | remuneration to be made |

|  |  |
| --- | --- |
| Provision | Art. 46(2) |
| Scope of anthologies/compilations limitation/exception | use, in readers and textbooks that comprise works of a number of several authors, |
| Type(s) of source work(s) | a single disclosed copyright work of photography, fine arts, architecture, applied art, industrial design, and cartography |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | as illustrations intended for teaching according to a public curriculum or for scientific research |
| Condition of anthologies/compilations limitation/exception | limitation only permitted “provided they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.”[[1192]](#footnote-1192) |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author (unless infeasible)[[1193]](#footnote-1193) |
| Subject to Remuneration | remuneration to be made |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 51(2) |
| Scope of school performance | publicly perform |
| Type(s) of source work(s) | a disclosed work |
| Entity exercising school performance |  |
| Purpose of school performance | at school events for the purpose of teaching (pre-school and school teaching, research, examination) and illustration |
| Condition of school performance | free admission  performers receive no payment for their performance  without any direct or indirect economic advantage |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 46(1) |
| Scope of broadcast/communication/recording | communicate to the public of, parts, in readers and textbooks that comprise works of several authors, of |
| Type(s) of source work(s) | disclosed copyright works |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely as illustrations intended for teaching according to a public curriculum or for scientific research |
| Condition of broadcast/communication/recording | limitation only permitted “provided they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.”[[1194]](#footnote-1194) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (unless infeasible)[[1195]](#footnote-1195) |
| Subject to Remuneration | remuneration to be made |

|  |  |
| --- | --- |
| Provision | Art. 46(2) |
| Scope of broadcast/communication/recording | communicate to the public, in readers and textbooks that comprise works of a number of several authors, of |
| Type(s) of source work(s) | a single disclosed copyright work of photography, fine arts, architecture, applied art, industrial design, and cartography |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | as illustrations intended for teaching according to a public curriculum or for scientific research |
| Condition of broadcast/communication/recording | limitation only permitted “provided they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.”[[1196]](#footnote-1196) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (unless infeasible)[[1197]](#footnote-1197) |
| Subject to Remuneration | remuneration to be made |

|  |  |
| --- | --- |
| Provision | Art. 51(1) |
| Scope of broadcast/communication/recording | communication to the public, in the form of direct teaching |
| Type(s) of source work(s) | a disclosed work |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching (pre-school and school teaching, research, examination) and illustration |
| Condition of broadcast/communication/recording | done without any direct or indirect economic advantage |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 51(3) |
| Scope of broadcast/communication/recording | communication to the public, |
| Type(s) of source work(s) | school radio or television broadcasts |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching (pre-school and school teaching, research, examination) and illustration |
| Condition of broadcast/communication/recording | done without any direct or indirect economic advantage |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 52(2) |
| Scope of broadcast/communication/recording | reproduction, on any medium, |
| Type(s) of source work(s) | a disclosed work, (a performance,[[1198]](#footnote-1198) phonogram,[[1199]](#footnote-1199) film[[1200]](#footnote-1200) and published work[[1201]](#footnote-1201)) |
| Entity exercising broadcast/communication/recording | a public archive, library, museum and educational or scientific establishment |
| Purpose of broadcast/communication/recording |  |
| Condition of broadcast/communication/recording | not more than 3 copies  reproduction is done from the copy owned by that legal entity for internal use  reproduction is not done for direct or indirect economic advantage |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | author of work, (performer, phonogram producer, film producer and publisher)[[1202]](#footnote-1202) have right to a portion of a remuneration for making a photocopy of his work, or for making a sound or visual fixation of his work, with remuneration for sound/visual fixation liable from manufacturer/importer[[1203]](#footnote-1203) and paid to a mandatory collective management organization[[1204]](#footnote-1204) on first sale/importation of new appliances for sound/visual fixation and blank audio/video fixation media, and new appliances for photocopying and appliances with other technical reproduction procedures[[1205]](#footnote-1205) |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | Art. 188 |
| Scope of TPM/RMI limitation/exception | exception to require rightholder who used effective technological measures in respect of his work to make available appropriate means, to enforce limitations |
| Type(s) of source work(s) | work/subject-matter (but not applicable to technological measures which rightholders apply voluntarily, including the technological measures applied in implementation of agreements on the enforcement of limitations between rightholders and users or for the implementation of decisions in a collective dispute) |
| Beneficiary exercising limitation/exception | users who reproduce work/subject-matter for [purpose] |
| Purpose of limitation/exception | teaching in schools[[1206]](#footnote-1206), private and other internal reproduction[[1207]](#footnote-1207) |
| Condition of limitation/exception | upon request and without undue delay  if rightholder fails to secure the necessary means, users may initiate a collective dispute |

# Morocco

## Legislation Reviewed

Law No. 2-00 on Copyright and Related Rights (promulgated by Dahir No. 1-00-20 of 9 Kaada 1420 (15 February 2000)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 12 |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | a lawfully published work, (a performance, phonogram, broadcast)[[1208]](#footnote-1208) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private use of user |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a digital database, computer program[[1209]](#footnote-1209),  “any other reproduction of a work which appears to hamper the normal use of the work or would unjustifiably prejudice the author's legitimate interests” |
| Subject to Attribution | sufficient acknowledgment: title of work (or other description), name of author (unless work is anonymous, pseudonymous or author has previously agreed or directed that an acknowledgment is not to be made) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 54(b) |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | a performance, phonogram, broadcast |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | solely for the purposes of scientific research |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 14 |
| Scope of quotation | cite, in another work, |
| Type(s) of source work(s) | a lawfully published work |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | citation complies with correct use and  scope if citation does not exceed that justified by the aim to be achieved |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 54(d) |
| Scope of quotation | citation |
| Type(s) of source work(s) | a performance, phonogram, broadcast |
| Entity exercising quotation |  |
| Purpose of quotation | short fragments |
| Condition of quotation | citations are properly used and are justified by their information aim |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 15(b) |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) | individual articles lawfully published in a journal or periodical, short extracts of a lawfully published work or a lawfully published short work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for educational purposes or for examinations in educational institutions whose activities are not designed directly or indirectly to generate commercial profit |
| Qualification(s) | to the extent justified by the aim to be achieved |
| Frequency/Multiple copies and Limits | to a reasonable extent |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (if indicated on source) |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 15(a) |
| Scope of anthologies/compilations limitation/exception | use, as an illustration in publications, broadcasts, or sound or visual recordings |
| Type(s) of source work(s) | lawfully published work, (a performance, phonogram, broadcast)[[1210]](#footnote-1210) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | educational purposes |
| Condition of anthologies/compilations limitation/exception |  |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 23(b) |
| Scope of school performance | publicly perform |
| Type(s) of source work(s) | a work, (a performance, phonogram, broadcast)[[1211]](#footnote-1211) |
| Entity exercising school performance |  |
| Purpose of school performance | as part of the activities of an educational institution  for the staff and students of such an institution |
| Condition of school performance | provided the public [audience of the performance] consists solely of staff and students of the institution, or parents and supervisors, or other persons directly linked to the institution’s activities |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 15(a) |
| Scope of broadcast/communication/recording | use, as an illustration in broadcasts, or sound or visual recordings |
| Type(s) of source work(s) | lawfully published work, (a performance, phonogram, broadcast)[[1212]](#footnote-1212) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | educational purposes |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 54(c) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | a performance, phonogram, broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | as part of teaching activities |
| Condition of broadcast/communication/recording | but not when performances or phonograms have been published as material intended for educational purposes |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | Art. 65.1 |
| Scope of TPM/RMI limitation/exception | exception for, *inter alia*, circumventing technological protection measures and rights management information, and exempting beneficiaries from damages under Art. 62 if they provide proof that they were not aware or had no reason to think that their acts constituted a prohibited activity |
| Type(s) of source work(s) |  |
| Beneficiary exercising limitation/exception | libraries, archive services, educational institutions or public broadcasting organizations |
| Purpose of limitation/exception |  |
| Condition of limitation/exception |  |

# Mozambique

## Legislation Reviewed

Law No. 4/2001 of February 27, 2001 (Copyright Law, approved by Decree-Law No. 46.980 of April 27, 1966)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 9 |
| Scope of private/personal use | reproduce |
| Type(s) of source work(s) | a lawfully published work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusively for the user’s private purposes |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of limited-edition 3D art, musical notation, exercise manuals and other publications, even if they are used only once, whole or large parts of a database, computer program[[1213]](#footnote-1213),  any other “reproduction of a work that might prejudice its normal exploitation or cause unjustified harm to the legitimate interests of the author.” |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 21 |
| Scope of private/personal use | reproduce |
| Type(s) of source work(s) | a legitimately published audiovisual work or the soundtrack of a work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusively for the private purposes of the user |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | equitable remuneration by way of payment by producers/importers of equipment and physical [media] used for reproduction, and received and distributed by CMOs, to be paid to authors, performers and phonogram producers[[1214]](#footnote-1214) |

|  |  |
| --- | --- |
| Provision | Art. 46 |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | a phonogram |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | solely for the purposes of the user |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | equitable remuneration by way of payment by producers/importers of equipment and physical [media] used for reproduction, and received and distributed by CMOs, to be paid to performers and phonogram producers[[1215]](#footnote-1215) |

|  |  |
| --- | --- |
| Provision | Art. 47(a) |
| Scope of private/personal use | private use |
| Type(s) of source work(s) | a performance, phonogram, broadcast |
| Entity exercising private/personal use |  |
| Purpose of private/personal use |  |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | (if equitable remuneration if a phonogram is reproduced[[1216]](#footnote-1216)) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 10 |
| Scope of quotation | quote, in another work, |
| Type(s) of source work(s) | a legitimately published work |
| Entity exercising quotation |  |
| Purpose of quotation | in the form of quotation |
| Condition of quotation | quotation conforms to normal custom and practice and its extent does not exceed what is necessary to achieve its purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 47(d) |
| Scope of quotation | quotations, |
| Type(s) of source work(s) | short extracts from a performance, a phonogram or a broadcast program |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotations conform to custom and practice and are justified by their informatory purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 11(b) |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) | isolated articles lawfully published in a newspaper or magazine or short extracts from a lawfully published work or short work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for educational purposes or  for examinations within educational establishments whose activities are not directly or indirectly profit-making |
| Qualification(s) | such use conforms to normal custom and practice |
| Frequency/Multiple copies and Limits | to the extent justified by the aim to be achieved |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (if indicated on source) |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 11(a) |
| Scope of anthologies/compilations limitation/exception | use, by way of illustration in publications, broadcasts or audio or video recordings, of |
| Type(s) of source work(s) | a lawfully published work, (a performance, phonogram, broadcast)[[1217]](#footnote-1217) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | educational purposes |
| Condition of anthologies/compilations limitation/exception |  |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 19(b) |
| Scope of school performance | present or perform |
| Type(s) of source work(s) | a work that has been publicly disclosed and is not restricted, , (a performance, phonogram, broadcast)[[1218]](#footnote-1218) |
| Entity exercising school performance | performance is by the staff and students of an educational establishment |
| Purpose of school performance | in the context of the activities of the educational establishment |
| Condition of school performance | audience is composed exclusively of its staff and students, parents, tutors, those responsible for the education of children or other persons linked to the activities of the establishment |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 11(a) |
| Scope of broadcast/communication/recording | use, by way of illustration in publications, broadcasts or audio or video recordings, of |
| Type(s) of source work(s) | a lawfully published work, (a performance, phonogram, broadcast)[[1219]](#footnote-1219) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | educational purposes |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 47(c) |
| Scope of broadcast/communication/recording | use |
| Type(s) of source work(s) | a performance, phonogram, broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | exclusively for education and scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Myanmar

## Legislation Reviewed

Burma Copyright Act of 1911 (based on the U.K. Copyright Act, 1911 (1 & 2 Geo. 5, Ch. 46))

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 2(1)(i) |
| Scope of private/personal use | fair dealing |
| Type(s) of source work(s) | any work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private study, research |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 2(1)(i) |
| Scope of quotation | fair dealing |
| Type(s) of source work(s) | any work |
| Entity exercising quotation |  |
| Purpose of quotation | criticism, review |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 2(1)(iv) |
| Scope of anthologies/compilations limitation/exception | publication in a collection, |
| Type(s) of source work(s) | short passages from published literary works not themselves published for the use of schools in which copyright subsists |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | bona fide intended for the use of schools |
| Condition of anthologies/compilations limitation/exception | collection is so described in its title and in any publisher’s advertisement  collection is mainly composed of non-copyright matter |
| Preclusions (not part of anthologies/compilations limitation/exception) | more than 2 of such passages from works by same author are contained in collections by same publisher within 5 year period |
| Subject to Attribution | source |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Namibia

## Legislation Reviewed

Copyright and Neighbouring Rights Protection Act, 1994 (Act No. 6 of 1994)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 15(1)(a) |
| Scope of private/personal use | fair dealing |
| Type(s) of source work(s) | a literary or musical work, (an artistic work,[[1220]](#footnote-1220) a film,[[1221]](#footnote-1221) a sound recording,[[1222]](#footnote-1222) a broadcast,[[1223]](#footnote-1223) a published edition,[[1224]](#footnote-1224) a computer program[[1225]](#footnote-1225)) |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use | research or private study by, or the personal or private use of, the person using the work |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 50(2)(a) |
| Scope of private/personal use | use of |
| Type(s) of source work(s) | a performance, a fixation of a performance or reproduction of such a fixation |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private study or personal and private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 16 |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | a work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | in such circumstances as are prescribed |
| Condition of private/personal use | “in such a manner that the reproduction is not in conflict with a normal exploitation of the work and is not unreasonably prejudicial to the legitimate interests of the owner of the copyright” |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 15(1)(b) |
| Scope of quotation | fair dealing |
| Type(s) of source work(s) | a literary or musical work, (an artistic work,[[1226]](#footnote-1226) a film,[[1227]](#footnote-1227) a sound recording,[[1228]](#footnote-1228) a broadcast,[[1229]](#footnote-1229) a published edition,[[1230]](#footnote-1230) a computer program[[1231]](#footnote-1231)) |
| Entity exercising quotation |  |
| Purpose of quotation | criticism or review of the work or of another work |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 50(2)(b) |
| Scope of quotation | criticism or review |
| Type(s) of source work(s) | a performance, a fixation of a performance or reproduction of such a fixation |
| Entity exercising quotation |  |
| Purpose of quotation | of the performance or any other performance |
| Condition of quotation | only short excerpts from the performance, to the extent justified by the purpose, are used |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | performer’s name or names of the leading performers (where available) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 15(3) |
| Scope of quotation | quotation of |
| Type(s) of source work(s) | a literary or musical work which is lawfully available to the public, including a quotation from an article in a newspaper, magazine or similar periodical that is in the form of a summary of that work, (a film,[[1232]](#footnote-1232) a sound recording,[[1233]](#footnote-1233) a broadcast,[[1234]](#footnote-1234) a computer program[[1235]](#footnote-1235)) |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 15(4) |
| Scope of anthologies/compilations limitation/exception | use, by way of illustration, in a publication |
| Type(s) of source work(s) | a literary or musical work, (an artistic work,[[1236]](#footnote-1236) a film,[[1237]](#footnote-1237) a sound recording,[[1238]](#footnote-1238) a broadcast,[[1239]](#footnote-1239) a published edition,[[1240]](#footnote-1240) a computer program[[1241]](#footnote-1241)) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for teaching purposes |
| Condition of anthologies/compilations limitation/exception | use is compatible with fair practice  extent of such use does not exceed that justified by the purpose |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 15(4) |
| Scope of broadcast/communication/recording | use, by way of illustration, in a broadcast or sound or visual recording |
| Type(s) of source work(s) | a literary or musical work, (an artistic work,[[1242]](#footnote-1242) a film,[[1243]](#footnote-1243) a sound recording,[[1244]](#footnote-1244) a broadcast,[[1245]](#footnote-1245) a published edition,[[1246]](#footnote-1246) a computer program[[1247]](#footnote-1247)) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for teaching purposes |
| Condition of broadcast/communication/recording | use is compatible with fair practice  extent of such use does not exceed that justified by the purpose |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 50(2)(c) |
| Scope of broadcast/communication/recording | use |
| Type(s) of source work(s) | a performance, a fixation of a performance or reproduction of such a fixation |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching or scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Nepal

## Legislation Reviewed

Copyright Act, 2059 (2002)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 16(1) |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | any published work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for personal use |
| Condition of private/personal use | some portion of [source work] |
| Preclusions (not part of private/personal use) | works of architecture, significant portion of any book or musical notation, all or significant portion of database through digital transmission, computer program[[1248]](#footnote-1248), “in a manner to be prejudicial to the economic right of the author or the copyright owner” |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 17 |
| Scope of quotation | citing for fair use |
| Type(s) of source work(s) | a published work |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | some portions of a published work  cited in a manner not to be prejudicial to the economic right of such author or owner |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 18(1)(a) |
| Nature of educational reproduction | reproduction, by way of citation, writing or audio-visual aid |
| Type(s) of source work(s) | any published work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for teaching and learning activities |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits | a small portion [of work]  “in a manner not to be prejudicial to the economic right of such author or owner” |
| Collective Licence/remuneration |  |
| Attribution | source, name of author |

|  |  |
| --- | --- |
| Provision | s 18(1)(b) |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | any published work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for teaching and learning activities, for purposes of educational activities to be performed in the classroom |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits | some portions [of work]  “in a manner not to be prejudicial to the economic right of such author or owner” |
| Collective Licence/remuneration |  |
| Attribution | source, name of author |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | s 18(1)(b) |
| Scope of school performance | exhibit |
| Type(s) of source work(s) | any published work |
| Entity exercising school performance |  |
| Purpose of school performance | for teaching and learning activities, for purposes of educational activities to be performed in the classroom |
| Condition of school performance | some portions [of work]  “in a manner not to be prejudicial to the economic right of such author or owner” |
| Preclusions (not part of school performance) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 18(1)(b) |
| Scope of broadcast/communication/recording | broadcast and exhibit |
| Type(s) of source work(s) | any published work |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for teaching and learning activities, for purposes of educational activities to be performed in the classroom |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) | some portions [of work]  “in a manner not to be prejudicial to the economic right of such author or owner” |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Netherlands

## Legislation Reviewed

Act of September 23, 1912, containing New Regulation for Copyright (Copyright Act 1912, as last amended in 2008)

# New Zealand

## Legislation Reviewed

New Zealand Copyright Act 1994 (No. 143) (reprint as at 1 January 2014)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 43 |
| Scope of private/personal use | fair dealing, by means of a reprographic process or by any other means, |
| Type(s) of source work(s) | a work (including a published edition) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research or private study |
| Condition of private/personal use | to determine if copying is fair dealing, a court to have regard to:  (a) the purpose of the copying;  (b) the nature of work copied;  (c) whether the work could have been obtained within a reasonable time at an ordinary commercial price;  (d) the effect of the use upon the potential market for or value of the work.  (c) where part of a work is copied, the amount and substantiality of the part copied taken in relation to the whole work. |
| Preclusions (not part of private/personal use) | more than 1 copy of the same work, or the same part of a work, on any one occasion |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 81A |
| Scope of private/personal use | copying |
| Type(s) of source work(s) | a sound recording (and the literary or musical work contained in it) – not a communication work or part of a communication work |
| Entity exercising private/personal use | owner of the sound recording |
| Purpose of private/personal use | used only for that owner’s personal use or personal use of a member of the household in which owner lives, or both |
| Condition of private/personal use | sound recording is acquired by owner legitimately, is not an infringing copy, and is not borrowed or hired  no more than 1 copy is made for each playing device owned by owner of sound recording  sound recording owner retains ownership of both sound recording and any copy made |
| Preclusions (not part of private/personal use) | owner of sound recording is bound by contract that specifies the circumstances in which the sound recording may be copied |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 42(1) |
| Scope of quotation | fair dealing |
| Type(s) of source work(s) | a work |
| Entity exercising quotation |  |
| Purpose of quotation | criticism or review, of that or another work or of a performance of a work |
| Condition of quotation | reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title, name of author (unless anonymous or not possible to ascertain identity for unpublished work)[[1249]](#footnote-1249) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 176 |
| Scope of quotation | fair dealing |
| Type(s) of source work(s) | a performance or recording |
| Entity exercising quotation |  |
| Purpose of quotation | purposes of criticism or review, of that or another performance or recording, or of a work |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 44(1) |
| Nature of educational reproduction | copying, by means of a reprographic process or by any other means, of |
| Type(s) of source work(s) | a literary, dramatic, musical, or artistic work or the typographical arrangement of a published edition |
| Entity exercising reproduction | done by or on behalf of the person who is to give, or who is giving, |
| Purpose of educational reproduction | a lesson at an educational establishment,  in the course of preparation for instruction, for use in the course of instruction, or in the course of instruction |
| Qualification(s) | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1250]](#footnote-1250) |
| Frequency/Multiple copies and Limits | the whole or part of the work or edition  no more than 1 copy of the whole or part of the work or edition is made on any one occasion |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 44(2) |
| Nature of educational reproduction | copying, *not* by means of a reprographic process, of |
| Type(s) of source work(s) | a literary, dramatic, musical, or artistic work or the typographical arrangement of a published edition |
| Entity exercising reproduction | by a person who is to give, is giving, or has given the lesson or by a person who is to receive, is receiving, or has received the lesson |
| Purpose of educational reproduction | in the course of preparation for instruction, for use in the course of instruction, or in the course of instruction, or after the course of instruction |
| Qualification(s) | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1251]](#footnote-1251) |
| Frequency/Multiple copies and Limits | the whole or part of the work or edition  1 or more copies of the whole or part of the work or edition is or are made on any one occasion |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 44(3) |
| Nature of educational reproduction | copying, by means of a reprographic process or by any other means, of |
| Type(s) of source work(s) | a literary, dramatic, or musical work or the typographical arrangement of a published edition, (or an artistic work is included as part of aforesaid work)[[1252]](#footnote-1252) |
| Entity exercising reproduction | by or on behalf of an educational establishment |
| Purpose of educational reproduction | an educational purpose |
| Qualification(s) | no charge is made for the supply of a copy to any student or other person who is to receive, is receiving, or has received a lesson  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1253]](#footnote-1253) |
| Frequency/Multiple copies and Limits | part of the work or edition  1 or more copies of part of the work or edition is or are made on any one occasion  (on or after Jan. 1, 1998) no more than the greater of 3% of the work or edition or (3 pages of the work or edition or 50% of the whole work or edition, whichever is less)[[1254]](#footnote-1254)  no copying under this exception  of that part or any other part of same work within 14 days of previous copying[[1255]](#footnote-1255) |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 177(1) |
| Nature of educational reproduction | copying |
| Type(s) of source work(s) | a recording of a performance |
| Entity exercising reproduction | by or on behalf of a person who is to give, is giving, or has given the lesson or by or on behalf of a person who is to receive, is receiving, or has received the lesson |
| Purpose of educational reproduction | in the learning of a language, or is conducted by correspondence  copying is done in the course of preparation for instruction; or for use in the course of instruction; or in the course of instruction; or after the course of instruction |
| Qualification(s) | no charge is made for the supply of a copy to any student or other person who is to receive, is receiving, or has received the lesson  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1256]](#footnote-1256) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 49 |
| Nature of educational reproduction | anything done |
| Type(s) of source work(s) |  |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | an examination, whether by way of setting the questions, communicating the questions to the candidates, or answering the questions |
| Qualification(s) | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1257]](#footnote-1257) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 46 |
| Scope of anthologies/compilations limitation/exception | copying, in a collection, of a short passage from |
| Type(s) of source work(s) | a published work (being a literary, dramatic, or musical work), not a computer program[[1258]](#footnote-1258) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | collection for (any use for educational purposes)[[1259]](#footnote-1259) in educational establishments |
| Condition of anthologies/compilations limitation/exception | collection is so described in its title and in any publisher’s advertisement  collection consists mainly of material in which no copyright subsists or in which copyright is owned by the publisher or the Crown  publisher of source work did not intend it to be used in educational establishments |
| Preclusions (not part of anthologies/compilations limitation/exception) | more than 2 passages from works by same author[[1260]](#footnote-1260) in collections by same publisher over any 5 year period[[1261]](#footnote-1261) |
| Subject to Attribution | title, name of author (unless anonymous or not possible to ascertain identity for unpublished work)[[1262]](#footnote-1262) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 47(1) |
| Scope of school performance | performance |
| Type(s) of source work(s) | a literary, dramatic, or musical work |
| Entity exercising school performance | by a student or staff member in the course of the activities of the establishment; or  by any person for the purposes of instruction at the establishment, |
| Purpose of school performance |  |
| Condition of school performance | an audience consisting of persons who are students or staff members at an educational establishment or are “directly connected”[[1263]](#footnote-1263) with the activities of the establishment |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | ss 47(2), 178 |
| Scope of school performance | playing or showing |
| Type(s) of source work(s) | a sound recording, film, communication work |
| Entity exercising school performance |  |
| Purpose of school performance | for the purpose of instruction |
| Condition of school performance | an audience consisting of persons who are students or staff members at an educational establishment or are “directly connected”[[1264]](#footnote-1264) with the activities of the establishment |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | ss 81, 186 |
| Scope of school performance | play |
| Type(s) of source work(s) | a sound recording |
| Entity exercising school performance | a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare |
| Purpose of school performance | as part of the activities of, or for the benefit of [entity] |
| Condition of school performance | proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 44(4A) |
| Scope of broadcast/communication/recording | communication of |
| Type(s) of source work(s) | a work copied pursuant to s 44(3) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | to a person who is a student or other person who is to receive, is receiving, or has received, a lesson that relates to the work |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 44A |
| Scope of broadcast/communication/recording | storing, pursuant to making available on a website or other electronic retrieval system, |
| Type(s) of source work(s) | a copy of the page(s) in which work appears [“the material”] |
| Entity exercising broadcast/communication/recording | educational establishment |
| Purpose of broadcast/communication/recording | for an educational purpose |
| Condition of broadcast/communication/recording | the material—  (i) is displayed under a separate frame or identifier; and  (ii) identifies the author (if known) and source of the work; and  (iii) states the name of the educational establishment and the date on which the work was stored  the material is restricted to use by “authenticated users”[[1265]](#footnote-1265)  educational establishment to delete the stored material within a reasonable time after the material becomes no longer relevant to the course of instruction for which it was stored[[1266]](#footnote-1266)  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1267]](#footnote-1267) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 48(1)(a) |
| Scope of broadcast/communication/recording | making or communication of a copy of, and subsequent communication (within the establishment) of the copy of, |
| Type(s) of source work(s) | a “communication work”[[1268]](#footnote-1268) |
| Entity exercising broadcast/communication/recording | by or on behalf of an educational establishment |
| Purpose of broadcast/communication/recording | copy is made or communication for the educational establishment’s educational purposes |
| Condition of broadcast/communication/recording | no making/communication if licences under licensing scheme are available authorizing copying/communication and educational establishment knows of licences[[1269]](#footnote-1269)  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1270]](#footnote-1270) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 48(1)(b) |
| Scope of broadcast/communication/recording | making and supply of a copy of |
| Type(s) of source work(s) | a “communication work”[[1271]](#footnote-1271) |
| Entity exercising broadcast/communication/recording | by educational resource supplier |
| Purpose of broadcast/communication/recording | copy is made and supplied for the educational establishment’s educational purposes |
| Condition of broadcast/communication/recording | no making/supply if licences under licensing scheme are available authorizing copying/supply and educational resource supplier knows of licences[[1272]](#footnote-1272) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 179 |
| Scope of broadcast/communication/recording | recording, or [making] a copy of such a recording, of |
| Type(s) of source work(s) | a communication work |
| Entity exercising broadcast/communication/recording | by or on behalf of an educational establishment |
| Purpose of broadcast/communication/recording | for its educational purposes |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | ss 45(1), 177(1) |
| Scope of broadcast/communication/recording | copying |
| Type(s) of source work(s) | a film, sound recording, or communication work, or any work included in a film, sound recording, or communication work, (a recording of a performance)[[1273]](#footnote-1273) |
| Entity exercising broadcast/communication/recording | by or on behalf of a person who is to give, is giving, or has given the lesson or by or on behalf of a person who is to receive, is receiving, or has received the lesson, in |
| Purpose of broadcast/communication/recording | making of a film or film soundtrack |
| Condition of broadcast/communication/recording | in the course of preparation for instruction; or for use in the course of instruction; or in the course of instruction; or after the course of instruction,  no charge is made for the supply of a copy to any student or other person who is to receive, is receiving, or has received the lesson  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1274]](#footnote-1274) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 45(3) |
| Scope of broadcast/communication/recording | copying |
| Type(s) of source work(s) | any work that is a sound recording; or  any work included in a sound recording |
| Entity exercising broadcast/communication/recording | by or on behalf of a person who is to give, is giving, or has given the lesson or by or on behalf of a person who is to receive, is receiving, or has received the lesson |
| Purpose of broadcast/communication/recording | in the learning of a language, or the lesson is conducted by correspondence  copying is done in the course of preparation for instruction; or for use in the course of instruction; or in the course of instruction; or after the course of instruction |
| Condition of broadcast/communication/recording | no charge is made for the supply of a copy to any student or other person who is to receive, is receiving, or has received the lesson  no copying if licences under licensing scheme are available authorizing copying and person making copies knows of licences[[1275]](#footnote-1275)  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1276]](#footnote-1276) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 177(2)(a) |
| Scope of broadcast/communication/recording | copying |
| Type(s) of source work(s) | a recording of a performance |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | setting or answering the questions in an examination |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 177(2)(b) |
| Scope of broadcast/communication/recording | anything done |
| Type(s) of source work(s) | a recording of a performance |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for purposes of an examination by way of communicating the questions to the candidates |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | s 226D |
| Scope of TPM/RMI limitation/exception | exception for circumventing technological protection measure, and for making, importing, selling or letting for hire of a TPM circumvention device |
| Type(s) of source work(s) | TPM work (a copyright work that is protected by a technological protection measure)[[1277]](#footnote-1277) |
| Beneficiary exercising limitation/exception | an educational establishment as user of a TPM work |
| Purpose of limitation/exception | to enable beneficiary to exercise “permitted act” (e.g. copying and communication for educational purposes: ss 44, 45, 48, 179; for examinations: ss 49, 177; for school performances: ss 47, 178) |
| Condition of limitation/exception |  |

|  |  |
| --- | --- |
| Provision | s 226D |
| Scope of TPM/RMI limitation/exception | exception for circumventing technological protection measure, and for making, importing, selling or letting for hire of a TPM circumvention device |
| Type(s) of source work(s) | TPM work (a copyright work that is protected by a technological protection measure)[[1278]](#footnote-1278) |
| Beneficiary exercising limitation/exception | a librarian of a prescribed library, an archivist of an archive, an educational establishment or any other person specified by the Governor-General as a qualified person |
| Purpose of limitation/exception | to undertake encryption research[[1279]](#footnote-1279) on behalf of the user of a TPM work |
| Condition of limitation/exception |  |

# \*Nicaragua

## Legislation Reviewed

Law on Copyright and Neighboring Rights (Law No.312)

# Niger

## Legislation Reviewed

Decree No. 93-027 of March 30, 1993, on Copyright, Neighbouring Rights and Folklore

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 9 |
| Scope of private/personal use | reproduce |
| Type(s) of source work(s) | a lawfully published work, (audiovisual work or soundtrack of a work[[1280]](#footnote-1280) or phonogram[[1281]](#footnote-1281)) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusively for the private use of the user |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | works of architecture, reproduction of works of fine art in a limited quantity, musical notation, exercise manuals and other publications used once only, whole or significant parts of databases, computer programs[[1282]](#footnote-1282),  any work where reproduction “would prejudice the normal exploitation of the work or would cause unwarranted prejudice to the legitimate interests of the author.” |
| Subject to Attribution |  |
| Subject to Remuneration | (audiovisual work or soundtrack of a work or phonogram) equitable remuneration by way of payment made by producers and importers of equipment and physical material used for reproduction, to Copyright Office of Niger, for payment to authors, performers and phonogram producers[[1283]](#footnote-1283) |

|  |  |
| --- | --- |
| Provision | Art. 47(i) |
| Scope of private/personal use | use |
| Type(s) of source work(s) | a performance/phonogram, a broadcast |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | (audiovisual work or soundtrack of a work or phonogram) equitable remuneration by way of payment made by producers and importers of equipment and physical material used for reproduction, to Copyright Office of Niger, for payment to authors, performers and phonogram producers[[1284]](#footnote-1284) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 10 |
| Scope of quotation | quote, in another work, |
| Type(s) of source work(s) | lawfully published work |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotation is compatible with fair practice  quotation extent does not exceed that justified by the intended purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 47(iv) |
| Scope of quotation | quotations |
| Type(s) of source work(s) | short fragments from a performance, a phonogram or a broadcast program |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotations comply with fair use and are justified by their informatory aim |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 11(ii) |
| Nature of educational reproduction | reproduce, by reprographic means, |
| Type(s) of source work(s) | lawfully published individual articles from a newspaper or periodical, and short extracts from a lawfully published work or such a work, (a performance, a phonogram, a broadcast)[[1285]](#footnote-1285) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for teaching, or for examinations within teaching establishments |
| Qualification(s) | activities are not directly or indirectly profit-making  to the extent justified by the intended purpose  such use is compatible with fair practice. |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (if indicated on source) |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 11(i) |
| Scope of anthologies/compilations limitation/exception | use, as an illustration in publications, broadcasts or sound or visual recordings |
| Type(s) of source work(s) | a lawfully published work, (a performance, a phonogram, a broadcast)[[1286]](#footnote-1286) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | intended for teaching |
| Condition of anthologies/compilations limitation/exception |  |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 19(ii) |
| Scope of school performance | publicly perform |
| Type(s) of source work(s) | a work, (a performance, a phonogram, a broadcast)[[1287]](#footnote-1287) |
| Entity exercising school performance |  |
| Purpose of school performance | as part of the activities of a teaching establishment for the staff and students of such an establishment |
| Condition of school performance | audience consists exclusively of the staff and students of the establishment or of the parents and supervisors of the students or other persons directly related to the activities of the establishment |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 11(i) |
| Scope of broadcast/communication/recording | use, as an illustration in publications, broadcasts or sound or visual recordings |
| Type(s) of source work(s) | a lawfully published work, (a performance, a phonogram, a broadcast)[[1288]](#footnote-1288) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | intended for teaching |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 47(iii) |
| Scope of broadcast/communication/recording | use |
| Type(s) of source work(s) | a performance/phonogram, broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for purposes of teaching or scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Nigeria

## Legislation Reviewed

Copyright Act (Chapter C.28, as codified 2004)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Second Schedule, para. (a) |
| Scope of private/personal use | fair dealing |
| Type(s) of source work(s) | a work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research, private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution | if use is public: title, name of author (unless incidentally included in a broadcast) |
| Subject to Remuneration | levy payable on materials (storage media and equipment/devices used or capable of being used for infringement of copyright[[1289]](#footnote-1289)), payable by importer, manufacturer, to account of Nigerian Copyright commission to be distributed among approved copyright societies[[1290]](#footnote-1290) |

|  |  |
| --- | --- |
| Provision | Second Schedule, para. (r) |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | an unpublished literary or musical work kept in a library, museum or other institutions to which the public has access |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research or private study |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | levy payable on materials (storage media and equipment/devices used or capable of being used for infringement of copyright[[1291]](#footnote-1291)), payable by importer, manufacturer, to account of Nigerian Copyright commission to be distributed among approved copyright societies[[1292]](#footnote-1292) |

## Quotations

|  |  |
| --- | --- |
| Provision | Second Schedule, para. (a) |
| Scope of quotation | fair dealing |
| Type(s) of source work(s) | a work |
| Entity exercising quotation |  |
| Purpose of quotation | criticism or review |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | if use is public: title, name of author (unless incidentally included in a broadcast) |
| Subject to Remuneration | levy payable on materials (storage media and equipment/devices used or capable of being used for infringement of copyright[[1293]](#footnote-1293)), payable by importer, manufacturer, to account of Nigerian Copyright commission to be distributed among approved copyright societies[[1294]](#footnote-1294) |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Second Schedule, para. (h) |
| Nature of educational reproduction | any use made of, |
| Type(s) of source work(s) | a work |
| Entity exercising reproduction | an approved educational institution |
| Purpose of educational reproduction | for the educational purposes of that institution |
| Qualification(s) | if a reproduction is made for any such purpose it shall be destroyed before the end of the prescribed period, or if there is no prescribed period, before the end of the period of twelve months after it was made |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration | levy payable on materials (storage media and equipment/devices used or capable of being used for infringement of copyright[[1295]](#footnote-1295)), payable by importer, manufacturer, to account of Nigerian Copyright commission to be distributed among approved copyright societies[[1296]](#footnote-1296) |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Second Schedule, para. (f) |
| Scope of anthologies/compilations limitation/exception | inclusion, in a collection of literary or musical work |
| Type(s) of source work(s) | a literary or musical work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | collection designed for educational use |
| Condition of anthologies/compilations limitation/exception | collection is so described (in a statement on collection) |
| Preclusions (not part of anthologies/compilations limitation/exception) | more than 2 excerpts from the work |
| Subject to Attribution | title of work, author |
| Subject to Remuneration | levy payable on materials (storage media and equipment/devices used or capable of being used for infringement of copyright[[1297]](#footnote-1297)), payable by importer, manufacturer, to account of Nigerian Copyright commission to be distributed among approved copyright societies[[1298]](#footnote-1298) |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Second Schedule, para. (g) |
| Scope of broadcast/communication/recording | broadcasting |
| Type(s) of source work(s) | a work |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | broadcast is approved by the broadcasting authority as an educational broadcast |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration | levy payable on materials (storage media and equipment/devices used or capable of being used for infringement of copyright[[1299]](#footnote-1299)), payable by importer, manufacturer, to account of Nigerian Copyright commission to be distributed among approved copyright societies[[1300]](#footnote-1300) |

|  |  |
| --- | --- |
| Provision | Second Schedule, para. (g) |
| Scope of broadcast/communication/recording | communication to the public |
| Type(s) of source work(s) | a work |
| Entity exercising broadcast/communication/recording | any club whose aim is not profit making |
| Purpose of broadcast/communication/recording | in a place where no admission fee is charged in respect of the communication |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration | levy payable on materials (storage media and equipment/devices used or capable of being used for infringement of copyright[[1301]](#footnote-1301)), payable by importer, manufacturer, to account of Nigerian Copyright commission to be distributed among approved copyright societies[[1302]](#footnote-1302) |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Niue

## Legislation Reviewed

# \*Norway

## Legislation Reviewed

Copyright Act (Act No. 2 of May 12, 1961, relating to Copyright in Literary, Scientific and Artistic Works, as last amended by Act No. 103 of June 19, 2009)

# Oman

## Legislation Reviewed

Royal Decree No. 65/2008 promulgating the Law on Copyright and Related Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 20.2 |
| Scope of private/personal use | use |
| Type(s) of source work(s) | a work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | in meetings within family |
| Condition of private/personal use | within limits justified by such goal  done with no direct or indirect compensation  free use disallowed “if the use conflicts with the normal exploitation of the work, performance, or phonogram or unreasonably prejudices the legitimate interests of the author, performer, or producer of phonograms”[[1303]](#footnote-1303) |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution | source, name of author (if on source)[[1304]](#footnote-1304) |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 20.1 |
| Scope of quotation | quoting paragraphs, in another work |
| Type(s) of source work(s) | a protected work lawfully made available to the public |
| Entity exercising quotation |  |
| Purpose of quotation | for clarification, explanation, or criticism purposes |
| Condition of quotation | quotation to the extent of the desired purpose and justified by such goal  free use disallowed “if the use conflicts with the normal exploitation of the work, performance, or phonogram or unreasonably prejudices the legitimate interests of the author, performer, or producer of phonograms”[[1305]](#footnote-1305) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if on source)[[1306]](#footnote-1306) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 20.2 |
| Nature of educational reproduction | use |
| Type(s) of source work(s) | a work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | through an educational institution for clarification during face-to-face educational or teaching purposes |
| Qualification(s) | within limits justified by such goal  done with no direct or indirect compensation  free use disallowed “if the use conflicts with the normal exploitation of the work, performance, or phonogram or unreasonably prejudices the legitimate interests of the author, performer, or producer of phonograms”[[1307]](#footnote-1307) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (if on source)[[1308]](#footnote-1308) |

|  |  |
| --- | --- |
| Provision | Art. 20.3 |
| Nature of educational reproduction | reproduction, by reprographic means, of |
| Type(s) of source work(s) | protected works: a published article or short work |
| Entity exercising reproduction | public libraries,  non-commercial documentation centers, educational establishments and scientific and cultural institutions, |
| Purpose of educational reproduction | meet the need of a natural person for use in a study or research |
| Qualification(s) | a single copy  to the extent justified by the purpose and without the purpose of direct or indirect financial gain  free use disallowed “if the use conflicts with the normal exploitation of the work, performance, or phonogram or unreasonably prejudices the legitimate interests of the author, performer, or producer of phonograms”[[1309]](#footnote-1309) |
| Frequency/Multiple copies and Limits | reproduction shall be for one time, or at varying intervals  repeated reproduction (on separate and unrelated occasions), only where there is no collective license available under which such reproduction can be made |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (if on source)[[1310]](#footnote-1310) |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 20.6(b) |
| Scope of school performance | public performance |
| Type(s) of source work(s) | a dramatic, musical or dramatic musical, choreographic, pantomime works or any other work, created for dramatic performance |
| Entity exercising school performance |  |
| Purpose of school performance | face-to-face learning activities |
| Condition of school performance | in approved non-profit educational institutions, in classrooms or similar places dedicated to education  performance not for direct or indirect financial gain  free use disallowed “if the use conflicts with the normal exploitation of the work, performance, or phonogram or unreasonably prejudices the legitimate interests of the author, performer, or producer of phonograms”[[1311]](#footnote-1311) |
| Preclusions (not part of school performance) |  |
| Subject to Attribution | source, name of author (if on source)[[1312]](#footnote-1312) |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Pakistan

## Legislation Reviewed

The Copyright Ordinance, 1962 (Act No. XXXIV) (as amended by Copyright (Amendment) Ordinance, 2000 dated 29 September 2000), (incorporating the Copyright (Amendment) Act 1992)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 57(1)(a)(i) |
| Scope of private/personal use | fair dealing |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work (or translation)[[1313]](#footnote-1313) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research or private study |
| Condition of private/personal use | deemed fair dealing with such work:   * literary or dramatic work in prose: a single extract up to four hundred words, or a series of extracts (with comments interposed) up to a total of eight hundred words with no one extract exceeding three hundred words * a literary or dramatic work in poetry: an extract or extracts up to a total of forty lines and in no case exceeding one-fourth of the whole of any poem |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 57(1)(p) |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | an unpublished literary, dramatic or musical work (or translation)[[1314]](#footnote-1314) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research or private study or with a view to publication of |
| Condition of private/personal use | work kept in a library, museum or other institution to which the public has access  (if identity of author/any of the authors is known) reproduction can only be made more than 50 years from death of author/author whose identity is known/author who dies last |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 57(1)(a)(ii) |
| Scope of quotation | fair dealing, whether of that work or of any other work, |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work (or translation)[[1315]](#footnote-1315) |
| Entity exercising quotation |  |
| Purpose of quotation | criticism or review |
| Condition of quotation | deemed fair dealing with such work:   * literary or dramatic work in prose: a single extract up to four hundred words, or a series of extracts (with comments interposed) up to a total of eight hundred words with no one extract exceeding three hundred words * a literary or dramatic work in poetry: an extract or extracts up to a total of forty lines and in no case exceeding one-fourth of the whole of any poem   unless review is of a newly published work, whereupon reasonably longer extracts may be deemed fair dealing with such a work[[1316]](#footnote-1316) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title of work (or other description), name of author (unless anonymous or author agreed that no acknowledgement be made)[[1317]](#footnote-1317) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 57(1)(h) |
| Nature of educational reproduction | reproduction or adaptation |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work (or translation)[[1318]](#footnote-1318) |
| Entity exercising reproduction | a teacher or a pupil |
| Purpose of educational reproduction |  |
| Qualification(s) | in the course and for the sole purpose of instruction, whether at an educational institution or elsewhere  reproduction or adaptation otherwise than by the use of a printing process |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 57(1)(h)(i), (ii) |
| Nature of educational reproduction | reproduction or adaptation |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work (or translation)[[1319]](#footnote-1319) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | as part of the questions to be answered in an examination, or in answers to such questions |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 57(1)(g) |
| Scope of anthologies/compilations limitation/exception | publication, in a collection, |
| Type(s) of source work(s) | short passages from published literary or dramatic works (or translation)[[1320]](#footnote-1320) |
| Entity exercising anthologies/compilations limitation/exception | NA |
| Purpose of anthologies/compilations limitation/exception | bona fide intended for the use of educational institutions |
| Condition of anthologies/compilations limitation/exception | collection is so described in its title and in any publisher’s advertisement  collection mainly composed of non-copyright matter  works not themselves published for use in educational institutions |
| Preclusions (not part of anthologies/compilations limitation/exception) | more than 2 excerpts from works by same author by same publisher within 5 year period[[1321]](#footnote-1321) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 57(1)(i) |
| Scope of school performance | performance, |
| Type(s) of source work(s) | a literary, dramatic or musical work, or  a cinematographic work or a record (or translation)[[1322]](#footnote-1322) |
| Entity exercising school performance | (performance a literary, dramatic or musical work by) staff and students of the institution |
| Purpose of school performance | course of the activities of an educational institution |
| Condition of school performance | audience is limited to such staff and students, the parents and guardians of the students and persons directly connected with the activities of the institution |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 57(1)(l) |
| Scope of school performance | performance |
| Type(s) of source work(s) | a literary, dramatic or musical work (or translation)[[1323]](#footnote-1323) |
| Entity exercising school performance | an amateur club or society |
| Purpose of school performance |  |
| Condition of school performance | non-paying audience, or for the benefit of a religious, charitable or educational institution |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | s 37 |
| Nature of compulsory licence for translation for educational purposes | non-exclusive, non-transferable[[1324]](#footnote-1324) compulsory licence, for production and publication of a translation in any Pakistani language or a language ordinarily used in Pakistan not being English, French or Spanish, |
| Type(s) of source work(s) | a literary or dramatic work |
| Licence applicant/entity | licence applicant is a citizen of Pakistan or domiciled in Pakistan[[1325]](#footnote-1325) |
| Purpose of licence |  |
| Qualification(s) | work has not been previously translated into the language in the licence application and published by the copyright owner within 1 year of first publication, or if translation has been so published, it is out of print[[1326]](#footnote-1326)  licence applicant has requested and been denied authorisation by copyright owner, or was unable to find owner after due diligence, and more than 2 months had lapsed[[1327]](#footnote-1327)  where practicable, an opportunity of copyright owner to be heard before a licence can be granted[[1328]](#footnote-1328)  licence applicant is competent to produce and publish a correct translation and possess the means to pay the copyright royalties due[[1329]](#footnote-1329)  Copyright Board to be satisfied that grant of licence will be in the public interest[[1330]](#footnote-1330) |
| Compulsory licence fee(s) | licence applicant to pay copyright owner royalties payable, in respect of copies of translation sold to the public, calculated at such rate as the Copyright Board may determine[[1331]](#footnote-1331) |
| Price of publication | licence application shall state the proposed retail price of a copy of the translation[[1332]](#footnote-1332) |
| Distribution conditions |  |
| Grantor of Collective Licence | Copyright Board directing Registrar of Copyrights |

## TPM/RMI Exceptions for Educational Purposes

# \*Panama

## Legislation Reviewed

Law No. 64 of October 10, 2012, on Copyright and Neighboring Rights

# Papua New Guinea

## Legislation Reviewed

Copyright and Neighbouring Rights Act 2000

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 8 |
| Scope of private/personal use | private reproduction of |
| Type(s) of source work(s) | a published work, (a performance, recording or broadcast)[[1333]](#footnote-1333) |
| Entity exercising private/personal use | a person |
| Purpose of private/personal use | exclusively for his own personal purposes |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a digital database, computer program[[1334]](#footnote-1334),  any work where “reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or other owner of copyright”[[1335]](#footnote-1335) |
| Subject to Attribution | sufficient acknowledgment: title of work (or other description), name of author (unless work is anonymous, pseudonymous or author has previously agreed or directed that an acknowledgment is not to be made) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 25(b) |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | a performance, recording or broadcast |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | solely for scientific research |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 10 |
| Scope of quotation | reproduction of |
| Type(s) of source work(s) | a short part of a published work, (a performance, recording or broadcast)[[1336]](#footnote-1336) |
| Entity exercising quotation |  |
| Purpose of quotation | in the form of quotation |
| Condition of quotation | reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 11(1)(b) |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | published articles, short works or short extracts of works |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | face-to-face teaching in educational institutions |
| Qualification(s) | activities of which do not serve direct or indirect commercial gain |
| Frequency/Multiple copies and Limits | reproduction to the extent justified by the purposes  reproduction is isolated; if repeated, each occurrence should be on separate and unrelated occasions  no licence or other copyright available under which approval for reproduction can be made |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (on all copies if practicable)[[1337]](#footnote-1337) |

|  |  |
| --- | --- |
| Provision | s 12(a) |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) | a published article, other short work or short extract of a work |
| Entity exercising reproduction | a “public institution”[[1338]](#footnote-1338) whose activities does not serve direct or indirect commercial gain |
| Purpose of educational reproduction | satisfy the request of a person for purposes of study, scholarship or private research, which the public institution must be satisfied[[1339]](#footnote-1339) |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits | act of reproduction is an isolated one; if repeated, on separate and unrelated occasions[[1340]](#footnote-1340)  no licence or other authority available under which approval for such copies can be made[[1341]](#footnote-1341) |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 11(1)(a) |
| Scope of anthologies/compilations limitation/exception | reproduction, by way of illustration, in writings or sound or visual recordings |
| Type(s) of source work(s) | a short part of a published work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | teaching purposes |
| Condition of anthologies/compilations limitation/exception | reproduction is compatible with fair practice and does not exceed the extent justified by the purpose |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author (on all copies if practicable)[[1342]](#footnote-1342) |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 11(1)(a) |
| Scope of broadcast/communication/recording | reproduction, by way of illustration, in writings or sound or visual recordings |
| Type(s) of source work(s) | a short part of a published work |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching purposes |
| Condition of broadcast/communication/recording | reproduction is compatible with fair practice and does not exceed the extent justified by the purpose |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (on all copies if practicable)[[1343]](#footnote-1343) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 25(c) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | a performance, recording or broadcast, except for performances and phonograms which have been published as teaching or instructional materials |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | face-to-face teaching activities |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Paraguay

## Legislation Reviewed

Law No. 1328/1998 on Copyright and Related Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 34 |
| Scope of private/personal use | personal use (reproduction (or other form of use)) |
| Type(s) of source work(s) | a work |
| Entity exercising private/personal use | an individual |
| Purpose of private/personal use | exclusively for an individual’s own use, in cases such as research and personal entertainment |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | owners of (works in graphic form, videograms, phonograms, sound or audiovisual recording) entitled to compensatory remuneration, payable to CMOs, for equipment, apparatus and materials used for making the reproduction[[1344]](#footnote-1344) |

|  |  |
| --- | --- |
| Provision | Art. 38(1) |
| Scope of private/personal use | communication |
| Type(s) of source work(s) | a work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusively domestic environment |
| Condition of private/personal use | no direct or indirect profit-making purpose |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 40 |
| Scope of quotation | make quotations |
| Type(s) of source work(s) | lawfully disclosed works |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotations are made in accordance with proper practice and to the extent justified by the aim pursued |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 38(3) |
| Nature of educational reproduction | copying |
| Type(s) of source work(s) | a work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | solely for teaching purposes by teaching staff at educational establishments |
| Qualification(s) | single, personal copies |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Art. 39(1) |
| Nature of educational reproduction | reproduction by reprographic means |
| Type(s) of source work(s) | articles or short extracts from lawfully published works |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | teaching or the holding of examinations at educational establishments |
| Qualification(s) | no gainful intent  use is in keeping with proper practice  reproduction allowed insofar as it “does not conflict with a normal exploitation of the work or does not unreasonably prejudice the legitimate interests of the author”[[1345]](#footnote-1345) |
| Frequency/Multiple copies and Limits | only to the extent justified by the objective pursued |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Peru

## Legislation Reviewed

Copyright Law (Legislative Decree No. 822 of April 23, 1996)

Law No. 30276 of November 13, 2014, amending the Copyright Law (Legislative Decree No. 822 of April 23, 1996)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 41(a) |
| Scope of private/personal use | communication |
| Type(s) of source work(s) | a work, (a performance, a phonogram, a broadcast)[[1346]](#footnote-1346) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusively domestic environment |
| Condition of private/personal use | no direct or indirect economic interest  communication is not deliberately relayed outside by any means, either in its entirety or in part |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 43(b) |
| Scope of private/personal use | reprographic reproduction |
| Type(s) of source work(s) | short fragments or of works, (performances, phonograms, broadcasts)[[1347]](#footnote-1347) published in graphic form that are out of print |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusively personal use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | “any use of works that competes with the author’s exclusive right to exploit his work shall be equivalent to unlawful use”[[1348]](#footnote-1348) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 48 |
| Scope of private/personal use | copies |
| Type(s) of source work(s) | works, performances, productions published as sound or audiovisual recordings |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusively personal use of works |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | works of architecture, reproduction of whole of book or musical notation or original or copy of 3-D work made and signed by author, a database or compilation |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 44 |
| Scope of quotation | quotations |
| Type(s) of source work(s) | lawfully disclosed works, (performances, phonograms, broadcasts)[[1349]](#footnote-1349) |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotations are made in accordance with proper practice  quotations only to the extent justified by the aim pursued |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 42 |
| Nature of educational reproduction | annotation |
| Type(s) of source work(s) | public or private lectures by lecturers of universities, higher institutes of learning and colleges |
| Entity exercising reproduction | those to whom lectures are addressed |
| Purpose of educational reproduction |  |
| Qualification(s) | no person may disclose them or reproduce them in either a complete or a partial collection without the prior written consent of the authors |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Art. 43(a) |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) | articles or brief extracts from lawfully published works |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | teaching or the holding of examinations at educational institutions |
| Qualification(s) | no gainful intent  use made of them is consistent with proper practice  use involves no sale or other transaction for consideration  use has no direct or indirect profit-making purpose  “any use of works that competes with the author’s exclusive right to exploit his work shall be equivalent to unlawful use”[[1350]](#footnote-1350) |
| Frequency/Multiple copies and Limits | to the extent justified by the aim pursued |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 41(c) |
| Scope of school performance | communication |
| Type(s) of source work(s) | a work, (a performance, a phonogram, a broadcast)[[1351]](#footnote-1351) |
| Entity exercising school performance | staff and students of educational institution |
| Purpose of school performance | exclusively educational purpose, being performed in the course of the activities of a teaching institution |
| Condition of school performance | communication pursues no direct or indirect profit-making purpose  audience is composed solely of the staff and students of the institution or parents or teachers of students and other persons directly associated with the institution’s activities |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Philippines

## Legislation Reviewed

Republic Act No. 8293, Intellectual Property Code of the Philippines, as amended by Republic Act No. 10372, entitled 'An Act Amending Certain Provisions of Republic Act No. 8293, otherwise known as the ‘Intellectual Property Code of the Philippines', and for other purposes'

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 184.1(a) |
| Scope of private/personal use | recitation or performance |
| Type(s) of source work(s) | a lawfully published work, (a performance,[[1352]](#footnote-1352) sound recording,[[1353]](#footnote-1353) broadcast[[1354]](#footnote-1354)), made accessible to the public |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | done privately |
| Condition of private/personal use | free of charge |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 184.1(b) |
| Scope of quotation | quotations |
| Type(s) of source work(s) | a published work, (a performance,[[1355]](#footnote-1355) sound recording,[[1356]](#footnote-1356) broadcast[[1357]](#footnote-1357)), including quotations from newspaper articles and periodicals in the form of press summaries |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotation is compatible with fair practice  quotation is only to the extent justified for the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 185.1 |
| Scope of quotation | fair use |
| Type(s) of source work(s) | a copyrighted work, (a performance,[[1358]](#footnote-1358) sound recording,[[1359]](#footnote-1359) broadcast[[1360]](#footnote-1360)), |
| Entity exercising quotation |  |
| Purpose of quotation | criticism, comment |
| Condition of quotation | to determine if use is fair use, consider all factors, including:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the use upon the potential market for or value of the work.  that work is unpublished is not by itself a bar to a finding of fair use |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 184.1(h) |
| Nature of educational reproduction | use |
| Type(s) of source work(s) | a work, (a performance,[[1361]](#footnote-1361) sound recording,[[1362]](#footnote-1362) broadcast[[1363]](#footnote-1363)), |
| Entity exercising reproduction | by or under the direction or control of the Government, by the National Library or by educational, scientific or professional institutions |
| Purpose of educational reproduction | public interest |
| Qualification(s) | compatible with fair use |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 185.1 |
| Nature of educational reproduction | fair use |
| Type(s) of source work(s) | a copyrighted work, (a performance,[[1364]](#footnote-1364) sound recording,[[1365]](#footnote-1365) broadcast[[1366]](#footnote-1366)), |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | teaching, including limited number of copies for classroom use, scholarship, research, and similar purposes |
| Qualification(s) | to determine if use is fair use, consider all factors, including:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the use upon the potential market for or value of the work.  that work is unpublished is not by itself a bar to a finding of fair use |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 184.1(e) |
| Scope of anthologies/compilations limitation/exception | inclusion, in a publication, broadcast, or other communication to the public, sound recording or film, of |
| Type(s) of source work(s) | a work, (a performance,[[1367]](#footnote-1367) sound recording,[[1368]](#footnote-1368) broadcast[[1369]](#footnote-1369)), |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | illustration for teaching purposes |
| Condition of anthologies/compilations limitation/exception | compatible with fair use |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 184.1(a) |
| Scope of school performance | recitation or performance |
| Type(s) of source work(s) | a lawfully published work, (a performance,[[1370]](#footnote-1370) sound recording,[[1371]](#footnote-1371) broadcast[[1372]](#footnote-1372)), made accessible to the public |
| Entity exercising school performance |  |
| Purpose of school performance | made strictly for a charitable or religious institution or society |
| Condition of school performance |  |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 184.1(i) |
| Scope of school performance | public performance or communication to the public of |
| Type(s) of source work(s) | a work, (a performance,[[1373]](#footnote-1373) sound recording,[[1374]](#footnote-1374) broadcast[[1375]](#footnote-1375)), |
| Entity exercising school performance | a club or institution for charitable or educational purpose only, whose aim is not profit making |
| Purpose of school performance |  |
| Condition of school performance | a place where no admission fee is charged in respect of such public performance or communication  subject to such other limitations as may be provided in Regulations |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 184.1(e) |
| Scope of broadcast/communication/recording | inclusion, in a publication, broadcast, or other communication to the public, sound recording or film, of |
| Type(s) of source work(s) | a work, (a performance,[[1376]](#footnote-1376) sound recording,[[1377]](#footnote-1377) broadcast[[1378]](#footnote-1378)), |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | illustration for teaching purposes |
| Condition of broadcast/communication/recording | compatible with fair use |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 184.1(f) |
| Scope of broadcast/communication/recording | recording |
| Type(s) of source work(s) | a work, (a performance,[[1379]](#footnote-1379) sound recording,[[1380]](#footnote-1380) broadcast[[1381]](#footnote-1381)), included in a broadcast |
| Entity exercising broadcast/communication/recording | schools, universities, or educational institutions |
| Purpose of broadcast/communication/recording | use of such schools, universities or educational institutions |
| Condition of broadcast/communication/recording | recording must be deleted within a reasonable period after they were first broadcast |
| Preclusions (not part of broadcast/communication/recording) | recording may not be made from audiovisual works which are part of the general cinema repertoire of feature films except for brief excerpts of the work |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 184.1(h) |
| Scope of broadcast/communication/recording | use |
| Type(s) of source work(s) | a work, (a performance,[[1382]](#footnote-1382) sound recording,[[1383]](#footnote-1383) broadcast[[1384]](#footnote-1384)), |
| Entity exercising broadcast/communication/recording | by or under the direction or control of the Government, by the National Library or by educational, scientific or professional institutions |
| Purpose of broadcast/communication/recording | public interest |
| Condition of broadcast/communication/recording | compatible with fair use |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 185.1 |
| Scope of broadcast/communication/recording | fair use |
| Type(s) of source work(s) | a copyrighted work, (a performance,[[1385]](#footnote-1385) sound recording,[[1386]](#footnote-1386) broadcast[[1387]](#footnote-1387)), |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching, including limited number of copies for classroom use, scholarship, research, and similar purposes |
| Condition of broadcast/communication/recording | to determine if use is fair use, consider all factors, including:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the use upon the potential market for or value of the work.  that work is unpublished is not by itself a bar to a finding of fair use |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Poland

## Legislation Reviewed

Act No. 83 of February 4, 1994, on Copyright and Neighboring Rights (as amended up to October 21, 2010)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 23.1 |
| Scope of private/personal use | use |
| Type(s) of source work(s) | a work, (performance, phonogram, videogram and programme broadcast, first edition or scientific and critical edition),[[1388]](#footnote-1388) having been already disseminated |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | personal use |
| Condition of private/personal use | includes single copies of works by a circle of people having personal relationships, and in particular any consanguinity, affinity or social relationship  permissible use “must not infringe the normal use of the work or violate the rightful interests of the author”[[1389]](#footnote-1389) |
| Preclusions (not part of private/personal use) | works of architecture, electronic databases (unless this applies to one's own scientific use not connected with any profit-gaining purposes) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 26 |
| Scope of quotation | quote, in the reports of current events |
| Type(s) of source work(s) | works, (performances, phonograms, videograms and programme broadcasts, first editions or scientific and critical editions),[[1390]](#footnote-1390) made available in the course of such events |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | within the limits justified by the purpose of the information  permissible use “must not infringe the normal use of the work or violate the rightful interests of the author”[[1391]](#footnote-1391) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 29.1 |
| Scope of quotation | quote, in works constituting an independent whole |
| Type(s) of source work(s) | fragments of disseminated works or minor works, (performances, phonograms, videograms and programme broadcasts, first editions or scientific and critical editions),[[1392]](#footnote-1392) in full |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | within the scope justified by explanation, critical analysis, teaching or the rights governing a given kind of creative activity  permissible use “must not infringe the normal use of the work or violate the rightful interests of the author”[[1393]](#footnote-1393) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 27 |
| Nature of educational reproduction | use, and make copies of fragments of, |
| Type(s) of source work(s) | disseminated works, (performances, phonograms, videograms and programme broadcasts, first editions or scientific and critical editions),[[1394]](#footnote-1394) in original and in translation |
| Entity exercising reproduction | research and educational institutions |
| Purpose of educational reproduction | teaching purposes or in order to conduct their own research  permissible use “must not infringe the normal use of the work or violate the rightful interests of the author”[[1395]](#footnote-1395) |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 29.2 |
| Scope of anthologies/compilations limitation/exception | include, in textbooks and reading books |
| Type(s) of source work(s) | disseminated minor works or excerpts from larger works, (performances, phonograms, videograms and programme broadcasts, first editions or scientific and critical editions),[[1396]](#footnote-1396) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for teaching and research reasons  permissible use “must not infringe the normal use of the work or violate the rightful interests of the author”[[1397]](#footnote-1397) |
| Condition of anthologies/compilations limitation/exception |  |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution |  |
| Subject to Remuneration | author has right to remuneration |

|  |  |
| --- | --- |
| Provision | Art. 29.21 |
| Scope of anthologies/compilations limitation/exception | include, in anthologies, |
| Type(s) of source work(s) | minor works of fragments or larger works which have already been disseminated, (performances, phonograms, videograms and programme broadcasts, first editions or scientific and critical editions),[[1398]](#footnote-1398) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for teaching or research purposes  permissible use “must not infringe the normal use of the work or violate the rightful interests of the author”[[1399]](#footnote-1399) |
| Condition of anthologies/compilations limitation/exception |  |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution |  |
| Subject to Remuneration | author has right to remuneration[[1400]](#footnote-1400) |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 31 |
| Scope of school performance | perform in public |
| Type(s) of source work(s) | any disseminated works, (performances, phonograms, videograms and programme broadcasts, first editions or scientific and critical editions),[[1401]](#footnote-1401) |
| Entity exercising school performance |  |
| Purpose of school performance | school and academic events |
| Condition of school performance | perform gratuitously  not, directly or indirectly, connected with any material benefits  artists do not receive any remuneration, except for any advertising, promotional or election events  permissible use “must not infringe the normal use of the work or violate the rightful interests of the author”[[1402]](#footnote-1402) |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 27 |
| Scope of broadcast/communication/recording | use, and make copies of fragments of, |
| Type(s) of source work(s) | disseminated works, (performances, phonograms, videograms and programme broadcasts, first editions or scientific and critical editions),[[1403]](#footnote-1403) in original and in translation |
| Entity exercising broadcast/communication/recording | research and educational institutions |
| Purpose of broadcast/communication/recording | teaching purposes or in order to conduct their own research  permissible use “must not infringe the normal use of the work or violate the rightful interests of the author”[[1404]](#footnote-1404) |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Portugal

## Legislation Reviewed

Code of Copyright and Related Rights (as last amended by Law No. 16/2008 of April 1, 2008)

# Qatar

## Legislation Reviewed

Law No. 7 of 2002 on the Protection of Copyright and Related Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 18(1) |
| Scope of private/personal use | using, through reproduction, translation, quotation, musical arrangement, acting, broadcast listening, television viewing, photography or by any other means |
| Type(s) of source work(s) | a work, (a performance, sound recording, broadcast)[[1405]](#footnote-1405) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusively for personal use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | use “shall not conflict with a normal exploitation of the work or unreasonably prejudice the legitimate interests of the author”[[1406]](#footnote-1406) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 18(2) |
| Scope of quotation | citing, in another work |
| Type(s) of source work(s) | paragraph of a work, (a performance, sound recording, broadcast)[[1407]](#footnote-1407) |
| Entity exercising quotation |  |
| Purpose of quotation | illustration, demonstration or criticism |
| Condition of quotation | within the acceptable practice and as justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 21(1) |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | articles, short works or extracts of works, (performances, sound recordings, broadcasts)[[1408]](#footnote-1408) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | teaching purposes in educational institutions |
| Qualification(s) | activities of which do not serve direct or indirect commercial gain  no collective licence available by competent authority in the collective management of rights of which educational institution is or should be aware |
| Frequency/Multiple copies and Limits | to the extent justified by the purpose  reproduction is isolated; if repeated, on separate and unrelated occasions |
| Collective Licence/remuneration |  |
| Attribution | title, name of author (on all copies if feasible) |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 18(2) |
| Scope of anthologies/compilations limitation/exception | use, by way of illustration, through publications, broadcasts, sound or visual recordings, films or by any other means |
| Type(s) of source work(s) | a work, (a performance, sound recording, broadcast)[[1409]](#footnote-1409) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for teaching |
| Condition of anthologies/compilations limitation/exception | use is nonprofit making |
| Preclusions (not part of anthologies/compilations limitation/exception) | the extent justified by the purpose  use “shall not conflict with a normal exploitation of the work or unreasonably prejudice the legitimate interests of the author”[[1410]](#footnote-1410) |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 18(2) |
| Scope of broadcast/communication/recording | use, by way of illustration, through publications, broadcasts, sound or visual recordings, films or by any other means |
| Type(s) of source work(s) | a work, (a performance, sound recording, broadcast)[[1411]](#footnote-1411) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for teaching |
| Condition of broadcast/communication/recording | use is nonprofit making |
| Preclusions (not part of broadcast/communication/recording) | the extent justified by the purpose  use “shall not conflict with a normal exploitation of the work or unreasonably prejudice the legitimate interests of the author”[[1412]](#footnote-1412) |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 21(1) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | articles, short works or extracts of works, (performances, sound recordings, broadcasts)[[1413]](#footnote-1413) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching purposes in educational institutions |
| Condition of broadcast/communication/recording | activities of which do not serve direct or indirect commercial gain  no collective licence available by competent authority in the collective management of rights of which educational institution is or should be aware |
| Preclusions (not part of broadcast/communication/recording) | to the extent justified by the purpose  reproduction is isolated; if repeated, on separate and unrelated occasions |
| Subject to Attribution | title, name of author (on all copies if feasible) |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 27(a) |
| Nature of compulsory licence for translation for educational purposes | non-exclusive, non-transferable[[1414]](#footnote-1414) compulsory licence, for translation into Arabic of a foreign work, and publication of such translation in printed form or any other form |
| Type(s) of source work(s) | foreign work published in a printed form or any other form |
| Licence applicant/entity | a Qatari citizen[[1415]](#footnote-1415) |
| Purpose of licence | school and university education or research[[1416]](#footnote-1416) |
| Qualification(s) | licence application may be made:  3 years from first publication  work has not been previously translated into Arabic and published in Qatar by the owner of the translation right or with his consent, or if translation has been so published, all editions in that language are out of print |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay fair compensation to author of original translated work, in conformity with the criteria of economic rights applied for voluntary licenses between persons in Qatar and persons in the author’s country[[1417]](#footnote-1417) |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | Minister or his delegate[[1418]](#footnote-1418) |

|  |  |
| --- | --- |
| Provision | Art. 27(b) |
| Nature of compulsory licence for translation for educational purposes | exclusive, non-transferable[[1419]](#footnote-1419) compulsory licence, for reproduction and publication of |
| Type(s) of source work(s) | any published work |
| Licence applicant/entity | a Qatari citizen[[1420]](#footnote-1420) |
| Purpose of licence | only for the use in school or university education[[1421]](#footnote-1421) |
| Qualification(s) | licence application may be made:  3 years from first publication (for work related to technology, natural science, physics or mathematics)  7 years from first publication (for works of poetry, theatre, music, art books and novels)  5 years from first publication (for other published works)[[1422]](#footnote-1422)  work has not been distributed in Qatar to satisfy the needs of the public or for school or university education by the owner or with his consent and for a price similar to the prices of similar works in Qatar[[1423]](#footnote-1423) |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay fair compensation to author of original translated work, in conformity with the criteria of economic rights applied for voluntary licenses between persons in Qatar and persons in the author’s country[[1424]](#footnote-1424) |
| Price of publication | for a price similar or less than the price of reproduced edition[[1425]](#footnote-1425) |
| Distribution conditions |  |
| Grantor of Collective Licence | Minister or his delegate[[1426]](#footnote-1426) |

## TPM/RMI Exceptions for Educational Purposes

# \*Republic of Korea

## Legislation Reviewed

Copyright Act (Act No. 432 of January 28, 1957, as amended up to Act No. 12137 of December 30, 2013)

## Private/Personal Use

## Quotations

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Republic of Moldova

## Legislation Reviewed

Law No. 139 of July 2, 2010, on Copyright and Neighbouring Rights

# Romania

## Legislation Reviewed

Law No. 8 of March 14, 1996 on Copyright and Neighboring Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 34 |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | a work that has already been disclosed to the public |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | personal use or for use by a normal family circle |
| Condition of private/personal use | “reproduction does not contravene […] the normal use of the work or prejudice the author or the owner of the utilization rights” |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | compensatory remuneration to authors, performers, publishers, producers by levy on manufacturer/importer[[1427]](#footnote-1427) of media on which reproductions of sound/audiovisual recordings and works graphically expressed can be made and apparatus dedicated for copying[[1428]](#footnote-1428), payable to CMOs[[1429]](#footnote-1429) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 33(1)(b) |
| Scope of quotation | use of brief quotations |
| Type(s) of source work(s) | a work already disclosed to the public |
| Entity exercising quotation |  |
| Purpose of quotation | analysis, commentary or criticism |
| Condition of quotation | to the extent justified by use |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (unless infeasible)[[1430]](#footnote-1430) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 33(1)(b) |
| Nature of educational reproduction | use of brief quotations |
| Type(s) of source work(s) | a work already disclosed to the public |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for illustration |
| Qualification(s) | to the extent justified by use |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (unless infeasible)[[1431]](#footnote-1431) |

|  |  |
| --- | --- |
| Provision | Art. 33(2)(d) |
| Nature of educational reproduction | reproduction, “distribution”[[1432]](#footnote-1432) |
| Type(s) of source work(s) | works |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | illustration for teaching or scientific research |
| Qualification(s) | neither direct nor indirect commercial or economic advantage |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (unless infeasible)[[1433]](#footnote-1433) |

|  |  |
| --- | --- |
| Provision | Art. 33(1)(e) |
| Nature of educational reproduction | specific acts of reproduction |
| Type(s) of source work(s) |  |
| Entity exercising reproduction | educational establishments |
| Purpose of educational reproduction | not for direct or indirect economic or commercial advantage |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (unless infeasible)[[1434]](#footnote-1434) |

|  |  |
| --- | --- |
| Provision | Art. 35(d) |
| Nature of educational reproduction | alteration |
| Type(s) of source work(s) | a work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | a short review of the work by didactic purpose |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | name of author |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 33(1)(c) |
| Scope of anthologies/compilations limitation/exception | use, in publications |
| Type(s) of source work(s) | isolated articles or brief excerpts from works |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | exclusively intended for teaching purposes and also the reproduction for teaching purposes, within the framework of public education or social welfare institutions |
| Condition of anthologies/compilations limitation/exception | extent justified by the intended purpose |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author (unless infeasible)[[1435]](#footnote-1435) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 33(1)(g) |
| Scope of school performance | representation and execution of |
| Type(s) of source work(s) | a work |
| Entity exercising school performance |  |
| Purpose of school performance | as part of the activities of educational establishments exclusively for specific purposes |
| Condition of school performance | both the representation or execution and the public’s access are free of charge |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 33(1)(c) |
| Scope of broadcast/communication/recording | use, in television or radio broadcasts or sound or audiovisual recordings |
| Type(s) of source work(s) | isolated articles or brief excerpts from works |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | exclusively intended for teaching purposes and also the reproduction for teaching purposes, within the framework of public education or social welfare institutions |
| Condition of broadcast/communication/recording | extent justified by the intended purpose |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (unless infeasible)[[1436]](#footnote-1436) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 33(2)(d) |
| Scope of broadcast/communication/recording | broadcasting or communication to the public |
| Type(s) of source work(s) | works |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | illustration for teaching or scientific research |
| Condition of broadcast/communication/recording | neither direct nor indirect commercial or economic advantage |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (unless infeasible)[[1437]](#footnote-1437) |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Russian Federation

## Legislation Reviewed

# Rwanda

## Legislation Reviewed

Law No. 31/2009 of 26/10/2009 on the Protection of Intellectual Property

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 203 |
| Scope of private/personal use | private reproduction |
| Type(s) of source work(s) | a published work |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use | exclusively for his own personal purposes |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a digital database, computer program[[1438]](#footnote-1438),  any work where “reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the owner of copyright” |
| Subject to Attribution | sufficient acknowledgment: title of work (or other description), name of author (unless work is anonymous, pseudonymous or author has previously agreed or directed that an acknowledgment is not to be made) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 247(1) |
| Scope of private/personal use | use |
| Type(s) of source work(s) | a performance, phonogram or broadcast |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | personal purposes |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Arts. 205, 247(5) |
| Scope of quotation | reproduction of |
| Type(s) of source work(s) | a short part of a published work, (a performance, phonogram, broadcast)[[1439]](#footnote-1439) |
| Entity exercising quotation |  |
| Purpose of quotation | in the form of quotation |
| Condition of quotation | reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | published work: source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 206(1) |
| Nature of educational reproduction | use, by way of illustration |
| Type(s) of source work(s) | a lawfully published work, (a performance, phonogram, broadcast)[[1440]](#footnote-1440) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | teaching purposes |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (if practicable) |

|  |  |
| --- | --- |
| Provision | Art. 206(2) |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) | various articles lawfully published in magazines or gazettes, short extracts of works obtained lawfully or a short creative work lawfully published |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | teaching or for examinations in educational institutions |
| Qualification(s) | do not serve direct or indirect commercial gain |
| Frequency/Multiple copies and Limits | to the extent justified by the purpose |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (if practicable) |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 213(2) |
| Scope of school performance | publicly perform |
| Type(s) of source work(s) | a work, (a performance, phonogram, broadcast)[[1441]](#footnote-1441) |
| Entity exercising school performance |  |
| Purpose of school performance | teaching activities of a teaching establishment |
| Condition of school performance | only the staff and students or the parents of students or other people so linked directly to activities of the establishment are entitled to attend to a such performance |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 206(1) |
| Scope of broadcast/communication/recording | use, by way of broadcasting or sound or visual recordings |
| Type(s) of source work(s) | lawfully published work, (a performance, phonogram, broadcast)[[1442]](#footnote-1442) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching purposes |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (if practicable) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 247(3) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | a performance, phonogram, broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 247(4) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | a performance, phonogram, broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for face-to-face teaching activities |
| Condition of broadcast/communication/recording | except for performances and phonograms published as teaching or instructional materials |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Arts. 238, 239 |
| Nature of compulsory licence for translation for educational purposes | non-exclusive, non-transferable[[1443]](#footnote-1443) compulsory licence, for translation into one or two (Kinyarwanda, French and English) languages, and publication in printed or analogous forms of reproduction in Rwanda[[1444]](#footnote-1444) |
| Type(s) of source work(s) | works published in printed or analogous forms of reproduction[[1445]](#footnote-1445) |
| Licence applicant/entity | any person[[1446]](#footnote-1446) |
| Purpose of licence | purpose of teaching, scholarship or research[[1447]](#footnote-1447) |
| Qualification(s) | licence application may be made:  3 years from first publication (where translation of work has not been published in Rwanda in Kinyarwanda, French and English by owner of translation right or with his authorisation), or if all editions of translation in language concerned are out of print[[1448]](#footnote-1448)  licence applicant has requested and been denied authorisation by owner of right of translation, or was unable to find owner after due diligence, despite sending request to Minister in charge of culture, publisher or to the empowered authority[[1449]](#footnote-1449)  a further period of 6 months has lapsed from date licence applicant complies with licence requirements[[1450]](#footnote-1450)  no licence shall be granted if, during further period, a translation into said language has been published by or with authorisation of owner[[1451]](#footnote-1451)  author has not withdrawn from circulation copies of the work[[1452]](#footnote-1452)  on all copies of the published translation are printed: the name of author and original title[[1453]](#footnote-1453)  empowered authority to ensure a correct translation of work[[1454]](#footnote-1454)  subject to licensee’s sale of existing copies, licence terminated if translation right owner has published or authorised the publishing of translated work, at a price reasonably related to that normally charged for comparable works[[1455]](#footnote-1455) |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay just compensation to owner of right, consistent with normally payable standards of royalties[[1456]](#footnote-1456) |
| Price of publication |  |
| Distribution conditions | copies of translated work may not be exported[[1457]](#footnote-1457) |
| Grantor of Collective Licence | Minister |

|  |  |
| --- | --- |
| Provision | Arts. 240, 241 |
| Nature of compulsory licence for translation for educational purposes | non-exclusive, non-transferable[[1458]](#footnote-1458) compulsory licence, for reproduction in printed or analogous forms of reproduction in Rwanda[[1459]](#footnote-1459) |
| Type(s) of source work(s) | works (including translations, but only if they are published by owner of right of translation or with his authorization)[[1460]](#footnote-1460) published in printed or analogous forms of reproduction[[1461]](#footnote-1461) |
| Licence applicant/entity | any person[[1462]](#footnote-1462) |
| Purpose of licence | general public interest, university teaching or in connection with systematic instructional activities[[1463]](#footnote-1463) |
| Qualification(s) | licence application may be made:  3 years from first publication (works of the natural and physical sciences and of technology)[[1464]](#footnote-1464)  7 years from first publication (works of fiction, poetry, drama and music, and for art books)[[1465]](#footnote-1465)  5 year from first publication (all other works)[[1466]](#footnote-1466), or  after expiration of above period, no authorized copies of that edition have been on sale for 6 months at a price reasonably related to that normally charged for comparable works[[1467]](#footnote-1467)  licence applicant has requested and been denied authorisation by owner of right of translation [sic], or was unable to find owner after due diligence, despite sending request to publisher, Minister in charge of culture or to any empowered authority[[1468]](#footnote-1468)  a further period of 6 months has lapsed from date licence applicant complies with licence requirements[[1469]](#footnote-1469)  no licence shall be granted if, during further period, copies of work have been distributed by or with authorisation of owner [of right of translation [sic]][[1470]](#footnote-1470)  author has not withdrawn from circulation copies of the work[[1471]](#footnote-1471)  on all copies of the published translation are printed: the name of author and original title[[1472]](#footnote-1472)  subject to licensee’s sale of existing copies, licence terminated if reproduction right owner has published or authorised the publishing of work, at a price reasonably related to that normally charged for comparable works[[1473]](#footnote-1473) |
| Compulsory licence fee(s) |  |
| Price of publication | at a price reasonably related to that normally charged for comparable works or a lower price[[1474]](#footnote-1474) |
| Distribution conditions | copies of translated work may not be exported[[1475]](#footnote-1475) |
| Grantor of Collective Licence | empowered authority |

## TPM/RMI Exceptions for Educational Purposes

# Saint Kitts and Nevis

## Legislation Reviewed

Copyright Act (Cap. 18.08)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 54 |
| Scope of private/personal use | fair dealing |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work, published edition |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research or private study |
| Condition of private/personal use | to determine if act done in relation to a work is fair dealing, court to consider all factors, including:  (a) the purpose and character of the use;  (b) the nature of the work in question;  (c) the extent and substantially of the part of the work affected by the act in relation to the whole of the work;  (d) the effect of the act upon the potential market for or commercial value of the work. |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | ss 53(1), 118(a) |
| Scope of quotation | fair dealing |
| Type(s) of source work(s) | a protected work |
| Entity exercising quotation |  |
| Purpose of quotation | criticism or review of that or another work, (performance or recording,) or of a performance of a work |
| Condition of quotation | to determine if act done in relation to a work is fair dealing, court to consider all factors, including:  (a) the purpose and character of the use;  (b) the nature of the work in question;  (c) the extent and substantially of the part of the work affected by the act in relation to the whole of the work;  (d) the effect of the act upon the potential market for or commercial value of the work. |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | work: title, name of author (unless anonymous or author unascertainable by reasonable inquiry for unpublished work)[[1476]](#footnote-1476) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 56(1) |
| Nature of educational reproduction | copying a work (non-reprographic process) |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work |
| Entity exercising reproduction | a person giving or receiving instruction |
| Purpose of educational reproduction | in the course of instruction or of preparation for instruction |
| Qualification(s) | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1477]](#footnote-1477) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 56(3) |
| Nature of educational reproduction | anything done |
| Type(s) of source work(s) |  |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | purposes of an examination by way of setting the questions, communicating the questions to candidates or answering the questions |
| Qualification(s) | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1478]](#footnote-1478) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 59 |
| Nature of educational reproduction | reprographic copies |
| Type(s) of source work(s) | passages from published literary, dramatic or musical works |
| Entity exercising reproduction | made by or on behalf of an educational establishment |
| Purpose of educational reproduction | purposes of instruction |
| Qualification(s) | no copying if, or to extent that, licences are available authorizing copying and person making copies knows or ought to have been aware of licences[[1479]](#footnote-1479)  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1480]](#footnote-1480) |
| Frequency/Multiple copies and Limits | not more than 5% in any quarter of the year[[1481]](#footnote-1481) |
| Collective Licence/remuneration | any collective licence granted not to derogate from this provision[[1482]](#footnote-1482) |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 57 |
| Scope of anthologies/compilations limitation/exception | inclusion, in a collection |
| Type(s) of source work(s) | a short passage from a published literary or dramatic work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for use in educational establishments |
| Condition of anthologies/compilations limitation/exception | collection is so described in its title and in any publisher’s advertisement  collection consists mainly of material in which no copyright subsists  work itself is not intended for use in educational establishments |
| Preclusions (not part of anthologies/compilations limitation/exception) | more than 2 excerpts from works by same author[[1483]](#footnote-1483) are contained in collections by same publisher within 5 year period[[1484]](#footnote-1484) |
| Subject to Attribution | title, name of author (unless anonymous or author unascertainable by reasonable inquiry for unpublished work)[[1485]](#footnote-1485) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | ss 79, 125 |
| Scope of school performance | play |
| Type(s) of source work(s) | a sound recording |
| Entity exercising school performance | a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare |
| Purpose of school performance | as part of the activities of, or for the benefit of [entity] |
| Condition of school performance | proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 56(2) |
| Scope of broadcast/communication/recording | making a film or film soundtrack |
| Type(s) of source work(s) | a sound recording, film, broadcast or cable programme |
| Entity exercising broadcast/communication/recording | a person giving or receiving instruction |
| Purpose of broadcast/communication/recording | making a film or film soundtrack in the course of instruction |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1486]](#footnote-1486) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 58 |
| Scope of broadcast/communication/recording | making a recording or a copy of a recording, of |
| Type(s) of source work(s) | a broadcast or cable programme |
| Entity exercising broadcast/communication/recording | by or on behalf of an educational establishment |
| Purpose of broadcast/communication/recording |  |
| Condition of broadcast/communication/recording | no recording if certified licensing scheme under s 102 providing for grant of licences[[1487]](#footnote-1487)  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1488]](#footnote-1488) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 121 |
| Scope of broadcast/communication/recording | recording |
| Type(s) of source work(s) | a broadcast or cable programme or a copy of the recording |
| Entity exercising broadcast/communication/recording | by or on behalf of an educational establishment |
| Purpose of broadcast/communication/recording | for its educational purposes |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) | reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1489]](#footnote-1489) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 120(1)(a) |
| Scope of broadcast/communication/recording | copying of a recording of |
| Type(s) of source work(s) | a performance |
| Entity exercising broadcast/communication/recording | person giving or receiving instructions |
| Purpose of broadcast/communication/recording | course of instruction, or of preparation for instruction, in the making of films or film soundtracks |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1490]](#footnote-1490) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 120(1)(b), (c) |
| Scope of broadcast/communication/recording | copying of a recording, or anything done |
| Type(s) of source work(s) | a performance |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | purpose of setting or answering the questions in an examination  communicating the questions to candidates |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1491]](#footnote-1491) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Saint Lucia

## Legislation Reviewed

# Saint Vincent and the Grenadines

## Legislation Reviewed

Copyright Act 2003 (Act No. 21 of 2003)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 50(1) |
| Scope of private/personal use | fair dealing with |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work (or published edition) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research or private study |
| Condition of private/personal use | court to take into account all factors to determine if act done in relation to a work constitutes fair dealing, including:  (a) the nature of the work in question;  (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work;  (c) the purpose and character of the use; and  (d) the effect of the act upon the potential market for, or the commercial value of, the work.[[1492]](#footnote-1492) |
| Preclusions (not part of private/personal use) | person (not researcher or student)[[1493]](#footnote-1493) 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[[1494]](#footnote-1494) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | ss 51, 110 |
| Scope of quotation | fair dealing with |
| Type(s) of source work(s) | a work, (performance, recording)[[1495]](#footnote-1495) |
| Entity exercising quotation |  |
| Purpose of quotation | for purposes of criticism or review of that work, (performance, recording,) or of performance of a work |
| Condition of quotation | court to take into account all factors to determine if act done in relation to a work constitutes fair dealing, including:  (a) the nature of the work in question;  (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work;  (c) the purpose and character of the use; and  (d) the effect of the act upon the potential market for, or the commercial value of, the work.[[1496]](#footnote-1496) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title of work (or other description), name of author (unless anonymous or author agreed or required that no acknowledgement be made)[[1497]](#footnote-1497) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 50(1) |
| Nature of educational reproduction | fair dealing with |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work (or published edition) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | research or private study |
| Qualification(s) | court to take into account all factors to determine if act done in relation to a work constitutes fair dealing, including:  (a) the nature of the work in question;  (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work;  (c) the purpose and character of the use; and  (d) the effect of the act upon the potential market for, or the commercial value of, the work.[[1498]](#footnote-1498) |
| Frequency/Multiple copies and Limits | person (not researcher or student)[[1499]](#footnote-1499) 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[[1500]](#footnote-1500) |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 56(1) |
| Nature of educational reproduction | copying (not by means of a reprographic process) |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work |
| Entity exercising reproduction | a person giving or receiving instruction |
| Purpose of educational reproduction | in the course of instruction or of preparation for instruction |
| Qualification(s) | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1501]](#footnote-1501) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 56(3) |
| Nature of educational reproduction | anything done |
| Type(s) of source work(s) |  |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | an examination by way of setting the questions, communicating the questions to candidates or answering the questions |
| Qualification(s) | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1502]](#footnote-1502) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 60 |
| Nature of educational reproduction | reprographic copies[[1503]](#footnote-1503) |
| Type(s) of source work(s) | passages from published literary, dramatic or musical works |
| Entity exercising reproduction | by or on behalf of an educational establishment |
| Purpose of educational reproduction | instruction |
| Qualification(s) | no copying if licences under licensing scheme are available authorizing copying and person making copies knows or ought to have been aware of licences[[1504]](#footnote-1504)  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1505]](#footnote-1505) |
| Frequency/Multiple copies and Limits | not more than 1% in any quarter of the year[[1506]](#footnote-1506) |
| Collective Licence/remuneration | any collective licence[[1507]](#footnote-1507) granted not to derogate from this provision[[1508]](#footnote-1508) |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 57 |
| Scope of anthologies/compilations limitation/exception | inclusion in collection of |
| Type(s) of source work(s) | a short passage from a published literary or dramatic work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for use in educational establishments |
| Condition of anthologies/compilations limitation/exception | collection to be described and advised as being for use in educational establishments  work was not itself published for use of educational establishments  collection consists mainly of material in which no copyright subsists  not more than 1 other such passage/part from works by same author is published by same publisher within 5 year period[[1509]](#footnote-1509) |
| Preclusions (not part of anthologies/compilations limitation/exception) | more than 2 extracts from works by same author[[1510]](#footnote-1510) are contained in collections by same publisher within 5 year period[[1511]](#footnote-1511) |
| Subject to Attribution | title, name of author (unless anonymous or author has previously agreed/required no acknowledgement)[[1512]](#footnote-1512) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 58(1) |
| Scope of school performance | performance of |
| Type(s) of source work(s) | a literary, dramatic or musical work |
| Entity exercising school performance | by a teacher or pupil, or at the institution by any person for the purposes of instruction |
| Purpose of school performance | in the course of the activities of the establishment or for the purposes of instruction |
| Condition of school performance | audience consisting of teachers and pupils at an educational institution and other “persons directly connected”[[1513]](#footnote-1513) with the activities of the establishment |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 58(2) |
| Scope of school performance | playing or showing of |
| Type(s) of source work(s) | a sound recording, film, broadcast or cable program |
| Entity exercising school performance |  |
| Purpose of school performance | for the purposes of instruction |
| Condition of school performance | audience consisting of teachers and pupils at an educational institution and other “persons directly connected”[[1514]](#footnote-1514) with the activities of the establishment |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 116 |
| Scope of school performance | play |
| Type(s) of source work(s) | a sound recording |
| Entity exercising school performance | a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare |
| Purpose of school performance | as part of the activities of, or for the benefit of [entity] |
| Condition of school performance | proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 56(2) |
| Scope of broadcast/communication/recording | copying by making a film or film sound-track |
| Type(s) of source work(s) | a sound recording, film, broadcast or cable programme |
| Entity exercising broadcast/communication/recording | a person giving or receiving instruction |
| Purpose of broadcast/communication/recording | in the course of instruction or of preparation for instruction, in the making of films or film sound-tracks |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1515]](#footnote-1515) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | ss 59, 112[[1516]](#footnote-1516) |
| Scope of broadcast/communication/recording | recording of |
| Type(s) of source work(s) | broadcast or cable programme or copy of such a recording |
| Entity exercising broadcast/communication/recording | by or on behalf of educational institution |
| Purpose of broadcast/communication/recording | for educational purposes of educational institution |
| Condition of broadcast/communication/recording | copies of recording made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1517]](#footnote-1517) |
| Preclusions (not part of broadcast/communication/recording) | no recording if, or to extent that, licensing scheme under which licences are available authorising making of such recordings or copies, and person making recordings knows or ought to have been aware[[1518]](#footnote-1518)  special considerations by Court regarding the licence charges payable by educational establishments[[1519]](#footnote-1519) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 111(1) |
| Scope of broadcast/communication/recording | copying |
| Type(s) of source work(s) | a recording of a performance |
| Entity exercising broadcast/communication/recording | a person giving or receiving instruction |
| Purpose of broadcast/communication/recording | in the course of instruction, or of preparation for instruction, in the making of films or film sound-tracks |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1520]](#footnote-1520) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 111(2)(a), (b) |
| Scope of broadcast/communication/recording | copying of a recording of, or anything done |
| Type(s) of source work(s) | a performance, (a recording) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | setting or answering questions in an examination, or for purposes of an examination by way of communicating the questions to the candidates |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1521]](#footnote-1521) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Samoa

## Legislation Reviewed

Copyright Act 1998 (as consolidated in 2011)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | ss 8, 24(a) |
| Scope of private/personal use | private reproduction of |
| Type(s) of source work(s) | a published work, (a performance, a sound recording)[[1522]](#footnote-1522) |
| Entity exercising private/personal use | a physical person |
| Purpose of private/personal use | exclusively for his own personal purposes |
| Condition of private/personal use | work: in a single copy |
| Preclusions (not part of private/personal use) | works of architecture, whole or substantial part of a database, computer program[[1523]](#footnote-1523),  any work where “reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or other owner of copyright” |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | ss 8A, 24(c) |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | a work, (a performance, a sound recording)[[1524]](#footnote-1524) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | (scientific)[[1525]](#footnote-1525) research or private study |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | if person reproducing the work 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 |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 9 |
| Scope of quotation | reproduction of |
| Type(s) of source work(s) | a short part of a published work, (a performance, a sound recording)[[1526]](#footnote-1526) |
| Entity exercising quotation |  |
| Purpose of quotation | in the form of quotation |
| Condition of quotation | reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 10(1)(b) |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | published articles, other short works or short extracts of works |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | face-to-face teaching in educational institutions |
| Qualification(s) | activities of which do not serve direct or indirect commercial gain |
| Frequency/Multiple copies and Limits | reproduction to the extent justified by the purpose  reproduction is an isolated one; if repeated, each occurrence be separate and unrelated  no collective licence available by competent authority in the collective management of rights under which such reproduction can be made of which educational institution is or should be aware |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (all copies if practicable) |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 10(1)(a) |
| Scope of anthologies/compilations limitation/exception | reproduction, by way of illustration, in writings or sound or visual recordings |
| Type(s) of source work(s) | a short part of a published work, (a performance, a sound recording)[[1527]](#footnote-1527) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | teaching purposes |
| Condition of anthologies/compilations limitation/exception | reproduction is compatible with fair practice  reproduction does not exceed the extent justified by the purpose |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author (all copies if practicable) |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 10(1)(a) |
| Scope of broadcast/communication/recording | reproduction, by way of illustration, in writings or sound or visual recordings |
| Type(s) of source work(s) | a short part of a published work, (a performance, a sound recording)[[1528]](#footnote-1528) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching purposes |
| Condition of broadcast/communication/recording | reproduction is compatible with fair practice  reproduction does not exceed the extent justified by the purpose |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (all copies if practicable) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 24(c) |
| Scope of broadcast/communication/recording | use |
| Type(s) of source work(s) | a performance, a sound recording |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | face-to-face teaching activities or for scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*San Marino

## Legislation Reviewed

Law No. 8 of 25 January 1991 - Protection of Copyright

# \*Sao Tome and Principe

## Legislation Reviewed

Copyright Code (approved by Decree-Law No. 46 980 of April 27, 1966)

# Saudi Arabia

## Legislation Reviewed

Copyright Law (promulgated by Royal Decree No. M/41 of 2 Rajab, 1424 (August 30th,2003))

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 15(1) |
| Scope of private/personal use | copying |
| Type(s) of source work(s) | a work, in its original language or in translation |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for personal use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | audio and audio-visual works, computer software |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 15(2) |
| Scope of quotation | quoting, in another work |
| Type(s) of source work(s) | a work, in its original language or in translation, including journalistic summaries abstracted from newspapers and periodicals |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotation be consistent with the conventional practice  quotation is within the limits justified by the intended objective |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 15(11) |
| Scope of quotation | citing |
| Type(s) of source work(s) | parts of scientific articles and works |
| Entity exercising quotation | research institutions |
| Purpose of quotation | internal use or to fulfil the requirements of those who are conducting studies and research |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 15(3) |
| Nature of educational reproduction | using, by way of clarification, |
| Type(s) of source work(s) | a work, in its original language or in translation |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | educational purposes |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits | within the limits justified by the intended objective[[1529]](#footnote-1529) |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 15(9) |
| Scope of anthologies/compilations limitation/exception | copying, in school books prepared for educational curricula or in books of history, literature and art |
| Type(s) of source work(s) | published works, drawings, pictures, designs or maps |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception |  |
| Condition of anthologies/compilations limitation/exception | copying is within the limits of necessity |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | title, name of author |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 15(8) |
| Scope of school performance | music playing, acting, performing or showing |
| Type(s) of source work(s) | any work, in its original language or in translation, after publication |
| Entity exercising school performance | school theatre |
| Purpose of school performance |  |
| Condition of school performance | such playing, performance or acting does not lead to direct or indirect financial gains |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 16 |
| Nature of compulsory licence for translation for educational purposes | licence, for publication (and optionally translation) |
| Type(s) of source work(s) | the published work |
| Licence applicant/entity |  |
| Purpose of licence | publication: publication of work serves the public interest  translation: purpose is to make use of translation in educational curricula |
| Qualification(s) | licence application may be made:  \* no copies of published work in its original language are made available in Saudi Arabia by the copyright owner to satisfy the general needs of the public/school/university education, at a price comparable to similar works in Saudi Arabia, upon the author’s declining to make them so available  \* all editions of the original work or its Arabic translation are out of print, and copyright owner failed to make it available upon request  \* no translation has been published for work by owner of translation copyright or with his permission  \* heirs, successors of Saudi author decline to exercise the copyrights inherited by them, within 1 year of request by licence applicant  licence terminated if owner has published or authorised the publishing of work/translation[[1530]](#footnote-1530) |
| Compulsory licence fee(s) | Minister to specify remuneration payable by licensee to copyright owners for every license issued[[1531]](#footnote-1531) |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | Minister |

## TPM/RMI Exceptions for Educational Purposes

# Senegal

## Legislation Reviewed

Law No. 2008-09 of January 25, 2008 on Copyright and Related Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 38 |
| Scope of private/personal use | communication |
| Type(s) of source work(s) | a work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | within a family circle |
| Condition of private/personal use | free of charge |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 40 |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | a work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | intended for strictly personal and private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of textbooks, musical notation, works of visual art in limited editions, electronic database, computer program |
| Subject to Attribution |  |
| Subject to Remuneration | levy[[1532]](#footnote-1532) payable on blank recording media (whether removable or not) and recording equipment[[1533]](#footnote-1533), payable by importer, manufacturer,[[1534]](#footnote-1534) to account of CMOs[[1535]](#footnote-1535) to be distributed among approved authors, performers and producers of phonograms and videograms[[1536]](#footnote-1536) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 44 |
| Scope of quotation | analyses of and short quotations from |
| Type(s) of source work(s) | a work |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | compatible with fair practice |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title, name of author |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 42 |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | a work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | purposes of illustration for teaching |
| Qualification(s) | without the purpose of making a profit |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 42 |
| Scope of broadcast/communication/recording | communication |
| Type(s) of source work(s) | a work |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | purposes of illustration for teaching |
| Condition of broadcast/communication/recording | without the purpose of making a profit |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Serbia

## Legislation Reviewed

Law on Copyright and Related Rights

Regulation on establishing the list of devices and objects for which there is liability to pay

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 46 |
| Scope of private/personal use | reproduce |
| Type(s) of source work(s) | a disclosed work, (a performance, phonogram, videogram) |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use | personal noncommercial purposes |
| Condition of private/personal use | in a single copy  copies made shall not be placed on the market or be used for any other form of public communication of that work[[1537]](#footnote-1537) |
| Preclusions (not part of private/personal use) | works of architecture and new building constructions, three-dimensional realizations of drawings for works of fine arts, reproduction of whole of book (unless copies have been sold out for at least two years), musical notation (except by manual copying), electronic databases, computer programs,  scope of limitation of exclusive rights may not conflict with a normal exploitation of the work nor may unreasonably prejudice the legitimate interests of the author[[1538]](#footnote-1538) |
| Subject to Attribution | source, name of author[[1539]](#footnote-1539) |
| Subject to Remuneration | fair compensatory remuneration[[1540]](#footnote-1540) to authors, (performers, producers of phonograms and videograms)[[1541]](#footnote-1541) by levy on manufacturer/importer[[1542]](#footnote-1542) of empty carriers of sound, picture and text, new devices for sound or visual recording and new devices for photocopying or other devices with similar technology of copying[[1543]](#footnote-1543), and commercial photocopying service providers,[[1544]](#footnote-1544) payable to CMOs[[1545]](#footnote-1545) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 49 |
| Scope of quotation | reproduction (or communicated to the public) of |
| Type(s) of source work(s) | short excerpts of a work of authorship, or individual short copyright protected works, which have been disclosed, or (a performance, phonogram, videogram)[[1546]](#footnote-1546) |
| Entity exercising quotation |  |
| Purpose of quotation | for the sake of illustration, confirmation or reference |
| Condition of quotation | mentioned parts or short works are integrated into another work without alterations  clear indication that a reference is involved and in compliance with the fair practices |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title, name of author, when and where quoted work was disclosed or published (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 45 |
| Nature of educational reproduction | multiply |
| Type(s) of source work(s) | works or (performances, phonograms, videograms)[[1547]](#footnote-1547) |
| Entity exercising reproduction | public libraries, educational institutions, museums and archives |
| Purpose of educational reproduction | only for the own archive needs |
| Qualification(s) | work is copied from the copy in their possession  by such copying these institutions have no intention to realize direct or indirect economic or commercial benefit  scope of limitation of exclusive rights may not conflict with a normal exploitation of the work nor may unreasonably prejudice the legitimate interests of the author[[1548]](#footnote-1548) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author[[1549]](#footnote-1549) |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 55 |
| Scope of anthologies/compilations limitation/exception | copy, on paper or similar carrier, by photocopying or some other form of photographic or similar technology which gives similar results, |
| Type(s) of source work(s) | parts of the published copyright protected works, individual short published copyright protected works in the field of science, literature and music or individual published copyright protected works in the field of photography, industrial and graphic design and cartography, if it concerns published works of several different authors, or (performances, phonograms, videograms)[[1550]](#footnote-1550) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | manual for tuition, examination or scientific research |
| Condition of anthologies/compilations limitation/exception | unless author explicitly prohibits  scope of limitation of exclusive rights may not conflict with a normal exploitation of the work nor may unreasonably prejudice the legitimate interests of the author[[1551]](#footnote-1551) |
| Preclusions (not part of anthologies/compilations limitation/exception) | sheet music[[1552]](#footnote-1552) |
| Subject to Attribution | source, name of author[[1553]](#footnote-1553) |
| Subject to Remuneration | obligation of payment/remuneration for copyright |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 44(1) |
| Scope of school performance | perform publicly or represent, in the shape of direct presentation of a lecture in the process of tuition |
| Type(s) of source work(s) | published works or (performances, phonograms, videograms)[[1554]](#footnote-1554) |
| Entity exercising school performance |  |
| Purpose of school performance | non commercial purposes of education |
| Condition of school performance | scope of limitation of exclusive rights may not conflict with a normal exploitation of the work nor may unreasonably prejudice the legitimate interests of the author[[1555]](#footnote-1555) |
| Preclusions (not part of school performance) |  |
| Subject to Attribution | source, name of author[[1556]](#footnote-1556) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 44(2) |
| Scope of school performance | public performance or representation at the school festivals |
| Type(s) of source work(s) | published works or (performances, phonograms, videograms)[[1557]](#footnote-1557) |
| Entity exercising school performance |  |
| Purpose of school performance | non commercial purposes of education |
| Condition of school performance | interpreters are not given compensation for their performance  entrance is not charged  scope of limitation of exclusive rights may not conflict with a normal exploitation of the work nor may unreasonably prejudice the legitimate interests of the author[[1558]](#footnote-1558) |
| Preclusions (not part of school performance) |  |
| Subject to Attribution | source, name of author[[1559]](#footnote-1559) |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 45 |
| Scope of broadcast/communication/recording | multiply |
| Type(s) of source work(s) | works or (performances, phonograms, videograms)[[1560]](#footnote-1560) |
| Entity exercising broadcast/communication/recording | public libraries, educational institutions, museums and archives |
| Purpose of broadcast/communication/recording | only for the own archive needs |
| Condition of broadcast/communication/recording | work is copied from the copy in their possession  by such copying these institutions have no intention to realize direct or indirect economic or commercial benefit  scope of limitation of exclusive rights may not conflict with a normal exploitation of the work nor may unreasonably prejudice the legitimate interests of the author[[1561]](#footnote-1561) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author[[1562]](#footnote-1562) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 44(3) |
| Scope of broadcast/communication/recording | communication to the public, of |
| Type(s) of source work(s) | broadcasted school emissions, or (performances, phonograms, videograms)[[1563]](#footnote-1563) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | non commercial purposes of education |
| Condition of broadcast/communication/recording | by means of technical devices internally within the educational establishment  scope of limitation of exclusive rights may not conflict with a normal exploitation of the work nor may unreasonably prejudice the legitimate interests of the author[[1564]](#footnote-1564) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | Art. 208a |
| Scope of TPM/RMI limitation/exception | exception to require rightholder who used effective technological measures in respect of his work to alter or remove technological measures to ensure for the “beneficiaries” legal access to copy of |
| Type(s) of source work(s) | work/subject-matter (but not applicable to works/subject-matter available to the public on agreed contractual conditions in a manner enabling members of the public to access them from a place and at a time individually chosen by them[[1565]](#footnote-1565)) |
| Beneficiary exercising limitation/exception | “beneficiaries”: persons who have, on the basis of this law on the limitations of copyright, a legal access to a copy of the work/subject-matter |
| Purpose of limitation/exception | to enable beneficiaries to realize the material limitations of rights, in the shortest term possible |
| Condition of limitation/exception | right holder/importer/person who applied technological measure or has authority to remove them must clearly and visibly notify, on every copy of the work or subject matter of related rights, data on the used technological measures, and his name or title and contact address[[1566]](#footnote-1566) |

# Seychelles

## Legislation Reviewed

Copyright Act, 2014 (Act No. 5 of 2014)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 9 |
| Scope of private/personal use | private reproduction of |
| Type(s) of source work(s) | a published work, (a performance, phonogram, broadcast)[[1567]](#footnote-1567) |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use | exclusively for his own personal purposes |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a database, computer program[[1568]](#footnote-1568),  any work where “reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or other owner of the copyright” |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 11 |
| Scope of quotation | quotation |
| Type(s) of source work(s) | a work that has lawfully been made available to the public, (a performance, phonogram, broadcast)[[1569]](#footnote-1569) |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 12(1)(c) |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) | published articles, other short works or short extracts of works |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | face-to- face teaching in educational institutions |
| Qualification(s) | activities of which do not serve direct or indirect commercial gain  no collective licence, under which such reproduction can be made, is available by collective administration organisation of which educational institution is or should be aware[[1570]](#footnote-1570) |
| Frequency/Multiple copies and Limits | reproduction of any particular work is an isolated one; if repeated, each occurrence be separate and unrelated  not more than a single copy for each pupil or student and the teacher is made |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (on all copies if feasible)[[1571]](#footnote-1571) |

|  |  |
| --- | --- |
| Provision | s 27(c) |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | a performance, phonogram, broadcast (except performances and phonograms published as teaching or instructional materials) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | solely for face-to- face teaching or distance teaching activities |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 12(1)(a) |
| Scope of anthologies/compilations limitation/exception | utilisation, by way of illustration, in publications, broadcasting or sound or visual recordings |
| Type(s) of source work(s) | a work that has lawfully been made available to the public |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | teaching or scientific research |
| Condition of anthologies/compilations limitation/exception | utilisation is compatible with fair practice |
| Preclusions (not part of anthologies/compilations limitation/exception) | utilisation not exceed the extent justified by the purpose |
| Subject to Attribution | source, name of author (on all copies if feasible)[[1572]](#footnote-1572) |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 12(1)(a) |
| Scope of broadcast/communication/recording | utilisation, by way of illustration, in publications, broadcasting or sound or visual recordings |
| Type(s) of source work(s) | a work that has lawfully been made available to the public |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching or scientific research |
| Condition of broadcast/communication/recording | utilisation is compatible with fair practice |
| Preclusions (not part of broadcast/communication/recording) | utilisation not exceed the extent justified by the purpose |
| Subject to Attribution | source, name of author (on all copies if feasible)[[1573]](#footnote-1573) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 12(1)(b) |
| Scope of broadcast/communication/recording | utilisation by making available, in computer networks |
| Type(s) of source work(s) | a work that has lawfully been made available to the public, (a performance, phonogram, broadcast)[[1574]](#footnote-1574) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching or scientific research |
| Condition of broadcast/communication/recording | access to the works is only available to enrolled pupils or students and their teachers |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (on all copies if feasible)[[1575]](#footnote-1575) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 27(b) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | a performance, phonogram, broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | s 32 |
| Scope of TPM/RMI limitation/exception | exception that notwithstanding effective technological measures applied to work/ other subject-matter, necessary means be ordered by Registrar or court to be made available to beneficiaries |
| Type(s) of source work(s) | work/other subject-matter (but not applicable to works/subject-matter made available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them[[1576]](#footnote-1576)) |
| Beneficiary exercising limitation/exception | “beneficiaries”: users who seek to exercise an exception or limitation in, *inter alia*, teaching or scientific research (s 12) |
| Purpose of limitation/exception | to the extent required for beneficiaries to benefit from the exceptions/limitations |
| Condition of limitation/exception |  |

# Sierra Leone

## Legislation Reviewed

The Copyright Act, 2011 (Act No. 8 of 2011)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 27 |
| Scope of private/personal use | private reproduction of |
| Type(s) of source work(s) | a published work |
| Entity exercising private/personal use | an individual |
| Purpose of private/personal use | exclusively for his own personal purposes |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a digital database, computer program[[1577]](#footnote-1577),  any work where “reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or other owner of the copyright”[[1578]](#footnote-1578) |
| Subject to Attribution | sufficient acknowledgment: title of work (or other description), name of author (unless work is anonymous, pseudonymous or author has previously agreed or directed that an acknowledgment is not to be made) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 42(a) |
| Scope of private/personal use | use |
| Type(s) of source work(s) | a performance, a broadcast |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use | private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 29 |
| Scope of quotation | reproduction of |
| Type(s) of source work(s) | a short part of a published work |
| Entity exercising quotation |  |
| Purpose of quotation | in the form of quotation |
| Condition of quotation | reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 42(d) |
| Scope of quotation | quotations |
| Type(s) of source work(s) | short excepts of a performance, sound recording, audiovisual work or broadcast |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotations are compatible with fair practice  quotations are justified by informative purpose of those quotations |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 30(1)(b) |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) | a short part of a published work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | face-to-face teaching in educational institutions |
| Qualification(s) | activities of which do not serve direct or indirect commercial gain |
| Frequency/Multiple copies and Limits | reproduction is an isolated one; if repeated, each occurrence be separate and unrelated  no collective licence available by Collecting Society of which educational institution is or should be aware, under which reproduction can be made |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (if indicated on source) |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 30(1)(a) |
| Scope of anthologies/compilations limitation/exception | reproduction, by way of illustration, in writing or sound or visual recording, of |
| Type(s) of source work(s) | a short part of a published work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | teaching purposes |
| Condition of anthologies/compilations limitation/exception | reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 30(1)(a) |
| Scope of broadcast/communication/recording | reproduction, by way of illustration, in writing or sound or visual recording, of |
| Type(s) of source work(s) | a short part of a published work |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching purposes |
| Condition of broadcast/communication/recording | reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 42(c) |
| Scope of broadcast/communication/recording | use |
| Type(s) of source work(s) | a performance, a broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching or scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Singapore

## Legislation Reviewed

Copyright Act (Cap. 63, 2006 Rev. Ed.) (consolidated as of 31 March 2015)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | ss 35, 109 |
| Scope of private/personal use | fair dealing with a literary, dramatic, musical or artistic work, or adaptation of |
| Type(s) of source work(s) | a literary, dramatic or musical work, published edition,[[1579]](#footnote-1579) or “audio-visual item”[[1580]](#footnote-1580) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | (literary, dramatic, musical or artistic work) fair dealing shall include research and study[[1581]](#footnote-1581)  (audio-visual item) fair dealing shall include research and study[[1582]](#footnote-1582) |
| Condition of private/personal use | in determining whether a dealing is fair dealing, the matters to have regard shall include:  (a) the purpose and character of the dealing, including whether such dealing is of a commercial nature or is for non-profit educational purposes;  (b) the nature of the work/adaptation/audio-visual item in question;  (c) the amount and substantiality of the part copied taken in relation to the whole work/adaptation/audio-visual item;  (d) the effect of the dealing upon the potential market for, or value of, the work/adaptation/audio-visual item;  (e) the possibility of obtaining the work/adaptation/audio-visual item within a reasonable time at an ordinary commercial price. |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 246 |
| Scope of private/personal use | direct or indirect recording of |
| Type(s) of source work(s) | a performance[[1583]](#footnote-1583) as an “exempt recording”[[1584]](#footnote-1584) (exemption from performance rights) |
| Entity exercising private/personal use | (for the educational purposes of educational institution) recording by, or on behalf of, body administering an educational institution  (for course of cinematographic instruction) recording by a person giving or receiving such instruction |
| Purpose of private/personal use | * solely for the purpose of the private and domestic use of the person who made it[[1585]](#footnote-1585) * solely for the purpose of use in scientific research[[1586]](#footnote-1586) * solely for the educational purposes of “educational institution”[[1587]](#footnote-1587) or of another educational institution[[1588]](#footnote-1588) * solely for the purposes of setting or answering the questions in an examination or communicating the questions to the candidates[[1589]](#footnote-1589) * in the course of instruction, or preparation for instruction, in the making of a cinematograph film or a sound-track associated with the visual images forming part of a cinematograph film[[1590]](#footnote-1590) * for the purpose of criticism or review[[1591]](#footnote-1591) |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

Note: s 246(f) and (g) exemptions for recordings made by, or on behalf of, institutions assisting persons with reading disabilities or intellectually handicapped persons.

|  |  |
| --- | --- |
| Provision | s 40(3) |
| Scope of private/personal use | reproduction as fair dealing of |
| Type(s) of source work(s) | a literary, dramatic or musical work, , published edition,[[1592]](#footnote-1592) or an adaptation of such a work/edition |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for the purpose of research or study |
| Condition of private/personal use | * if work/adaptation comprises an article in a periodical publication: whole or a part of work/adaptation * otherwise, a “reasonable portion”:   + if published edition has 10 pages or more: not more than 10% of number of pages in edition, or if more than 10% of number of pages, a single chapter if work/adaptation is divided into chapters[[1593]](#footnote-1593)   + if published edition is not divided into pages: not more than 10% of total bytes, 10% of total number of words, or 10% of edition contents, or if these are exceeded, a single chapter if work/adaptation is divided into chapters[[1594]](#footnote-1594) |
| Preclusions (not part of private/personal use) | any subsequent reproduction of whole or part of another article in same publication dealing with a different subject-matter[[1595]](#footnote-1595) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | ss 36, 110 |
| Scope of quotation | fair dealing with, or with an adaptation of, |
| Type(s) of source work(s) | a literary, dramatic or musical work, , published edition,[[1596]](#footnote-1596) “audio-visual item”[[1597]](#footnote-1597) |
| Entity exercising quotation |  |
| Purpose of quotation | for the purpose of criticism or review, whether of that work/audio-visual item or of another work/audio-visual item |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | sufficient acknowledgment: title of work/ audio-visual item (or other description), name of author (unless work is anonymous, pseudonymous or author has previously agreed or directed that an acknowledgment is not to be made)[[1598]](#footnote-1598) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | ss 35, 109 |
| Nature of educational reproduction | fair dealing with a literary, dramatic, musical or artistic work, or adaptation of |
| Type(s) of source work(s) | a literary, dramatic or musical work, published edition,[[1599]](#footnote-1599) or “audio-visual item”[[1600]](#footnote-1600) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | (literary, dramatic, musical or artistic work) fair dealing shall include research and study[[1601]](#footnote-1601)  (audio-visual item) fair dealing shall include research and study[[1602]](#footnote-1602) |
| Qualification(s) | in determining whether a dealing is fair dealing, the matters to have regard shall include:  (a) the purpose and character of the dealing, including whether such dealing is of a commercial nature or is for non-profit educational purposes;  (b) the nature of the work/adaptation/audio-visual item in question;  (c) the amount and substantiality of the part copied taken in relation to the whole work/adaptation/audio-visual item;  (d) the effect of the dealing upon the potential market for, or value of, the work/adaptation/audio-visual item;  (e) the possibility of obtaining the work/adaptation/audio-visual item within a reasonable time at an ordinary commercial price. |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Part III, Division 6, s 50A |
| Nature of educational reproduction | copying |
| Type(s) of source work(s) | works |
| Entity exercising reproduction | person conducting or undergoing the course of education |
| Purpose of educational reproduction | for the purposes of a course of education |
| Qualification(s) | reproduction is not by means of a reprographic process[[1603]](#footnote-1603) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Part III, Division 6, s 51 |
| Nature of educational reproduction | multiple copies or communication of part of (“insubstantial portions”, not whole of[[1604]](#footnote-1604)) |
| Type(s) of source work(s) | work in an edition of the work |
| Entity exercising reproduction | by any person |
| Purpose of educational reproduction | for purposes of a course of education provided by institution |
| Qualification(s) | on the premises of an educational institution (including making a copy of part of work on network operated or controlled by educational institution to enable persons undertaking a course of education provided by the educational institution to access the work – “distance learning”[[1605]](#footnote-1605)) |
| Frequency/Multiple copies and Limits | * (for non-electronic edition of work or electronic edition divided into pages) not more than 5 pages of work in an edition of work, or not more than 5% of total number of pages if edition has more than 500 pages[[1606]](#footnote-1606) * (for electronic edition of work not divided into pages) not more than 5% of total number of bytes, 5% of total number of words or 5% of contents of edition[[1607]](#footnote-1607)   no reproduction/communication under this exception of any other part of same work within 14 days of previous reproduction/communication[[1608]](#footnote-1608) |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Part III, Division 6, s 52 |
| Nature of educational reproduction | multiple reproductions (including an electronic form)[[1609]](#footnote-1609) of the whole or part of |
| Type(s) of source work(s) | * an article in a periodical publication[[1610]](#footnote-1610) * a work (other than an article contained in a periodical publication)[[1611]](#footnote-1611)   including artistic works included for purposes of explaining or illustrating the article or other work[[1612]](#footnote-1612) |
| Entity exercising reproduction | by, or on behalf of, a body administering an educational institution |
| Purpose of educational reproduction | for the educational purposes of the institution or of another educational institution  for the educational purposes of an educational institution for distribution to persons undertaking a correspondence course, or an external study course (otherwise than as a part of the lecture notes prepared in connection with that course)[[1613]](#footnote-1613) |
| Qualification(s) | prescribed record of copying made, by or on behalf of educational institution, as soon as practicable[[1614]](#footnote-1614) |
| Frequency/Multiple copies and Limits | - provision does not apply to copies of, or parts of, 2 or more articles contained in same periodical publication unless they relate to same subject-matter[[1615]](#footnote-1615)  - provision does not apply to copies of, or parts of, more than a reasonable portion of a work that has been separately published unless person making the reproductions or causes them to be made, is satisfied, after reasonable investigations, that copies (not secondhand copies) are not available within a reasonable time at an ordinary commercial price[[1616]](#footnote-1616) |
| Collective Licence/remuneration | body administering educational institution shall make equitable remuneration to copyright owner, upon request, for making of copies; remuneration as agreed upon between owner and body or as determined by Copyright Tribunal[[1617]](#footnote-1617) |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | ss 52A, 115B |
| Nature of educational reproduction | anything done |
| Type(s) of source work(s) | a work, “audio-visual item”[[1618]](#footnote-1618) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | purposes of an examination, whether by way of setting the questions, communicating the questions to the candidates or answering the questions |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 40 |
| Scope of anthologies/compilations limitation/exception | inclusion of a short extract from |
| Type(s) of source work(s) | a published work/published edition,[[1619]](#footnote-1619) or adaptation in a collection of literary, dramatic, musical or artistic works contained in a book, sound recording or cinematograph film |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for use by educational institutions |
| Condition of anthologies/compilations limitation/exception | collection is described as being intended for use by places of education in an appropriate place/label in book, record, film  work or adaptation was not published for the purpose of being used by educational institutions |
| Preclusions (not part of anthologies/compilations limitation/exception) | 2 or more extracts from works/adaptations by same author[[1620]](#footnote-1620) are contained in collection or similar collection by same publisher within 5 year period[[1621]](#footnote-1621) |
| Subject to Attribution | sufficient acknowledgment: title of work (or other description), name of author (unless work is anonymous, pseudonymous or author has previously agreed or directed that an acknowledgment is not to be made)[[1622]](#footnote-1622) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 23 |
| Scope of school performance | performance, or causing sounds/visual images to be heard and seen[[1623]](#footnote-1623), of |
| Type(s) of source work(s) | a musical work[[1624]](#footnote-1624), a literary or dramatic work[[1625]](#footnote-1625), a cinematograph film, a broadcast, a cable programme, a recording of performance |
| Entity exercising school performance | performed by students or staff[[1626]](#footnote-1626) of an educational institution |
| Purpose of school performance | in the course of activities of an educational institution |
| Condition of school performance | performed in premises of institution or elsewhere in presence of an audience  (for literary or dramatic work) audience is limited to persons who are taking part in the instruction or are otherwise “directly connected”[[1627]](#footnote-1627) with the place where the instruction is given |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Part III, Division 6, s 52 |
| Scope of broadcast/communication/recording | communication (including an electronic form)[[1628]](#footnote-1628) of the whole or part of |
| Type(s) of source work(s) | * an article in a periodical publication[[1629]](#footnote-1629) * a work (other than an article contained in a periodical publication)[[1630]](#footnote-1630)   including artistic works included for purposes of explaining or illustrating the article or other work[[1631]](#footnote-1631) |
| Entity exercising broadcast/communication/recording | by, or on behalf of, a body administering an educational institution |
| Purpose of broadcast/communication/recording | for the educational purposes of the institution or of another educational institution  for the educational purposes of an educational institution for distribution to persons undertaking a correspondence course, or an external study course (otherwise than as a part of the lecture notes prepared in connection with that course)[[1632]](#footnote-1632) |
| Condition of broadcast/communication/recording | prescribed record of communication made, by or on behalf of educational institution, as soon as practicable[[1633]](#footnote-1633) |
| Preclusions (not part of broadcast/communication/recording) | * provision does not apply to communication of, or parts of, 2 or more articles contained in same periodical publication unless they relate to same subject-matter[[1634]](#footnote-1634) * provision does not apply to communication of, or parts of, more than a reasonable portion of a work that has been separately published unless person making the communication or causes them to be made, is satisfied, after reasonable investigations, that copies (not secondhand copies) are not available within a reasonable time at an ordinary commercial price[[1635]](#footnote-1635) |
| Subject to Attribution |  |
| Subject to Remuneration | body administering educational institution shall make equitable remuneration to copyright owner, upon request, for making of copies; remuneration as agreed upon between owner and body or as determined by Copyright Tribunal[[1636]](#footnote-1636) |

|  |  |
| --- | --- |
| Provision | s 115 |
| Scope of broadcast/communication/recording | making of a record or cinematograph film (not an infringement of copyright in work, sound recording or cinematograph film included in broadcast/programme, or in broadcast/programme), of |
| Type(s) of source work(s) | a sound broadcast, TV broadcast or cable programme |
| Entity exercising broadcast/communication/recording | made by, or on behalf of, person or authority in charge of educational institution |
| Purpose of broadcast/communication/recording | record/film used in the course of instruction at educational institution |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 115A |
| Scope of broadcast/communication/recording | making of a cinematograph film, or a sound-track associated with the visual images forming part of a cinematograph film, |
| Type(s) of source work(s) | a sound recording, cinematograph film, television broadcast, sound broadcast or cable programme |
| Entity exercising broadcast/communication/recording | a person giving or receiving such instruction |
| Purpose of broadcast/communication/recording | course of instruction, or preparation for instruction, in the making of a cinematograph film or sound-track associated with the visual images forming part of a cinematograph film |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | s 261D(1)(e) |
| Scope of TPM/RMI limitation/exception | exception for circumventing technological access control measure |
| Type(s) of source work(s) |  |
| Beneficiary exercising limitation/exception | person is engaged in a legitimate course of study, or employee is trained or experienced, in the field of encryption technology, or is doing so on behalf of someone so engaged, employed, trained, or experienced[[1637]](#footnote-1637) |
| Purpose of limitation/exception | research on any encryption technology[[1638]](#footnote-1638) |
| Condition of limitation/exception | circumvention relates to lawfully obtained copy of work/subject-matter/performance  circumvention is done in good faith and necessary to conduct such research  person has made reasonable effort to obtain such permission from copyright owner/performer |

|  |  |
| --- | --- |
| Provision | s 261D(1)(a) |
| Scope of TPM/RMI limitation/exception | exception for circumventing access control technological protection measure |
| Type(s) of source work(s) |  |
| Beneficiary exercising limitation/exception | educational institution |
| Purpose of limitation/exception | sole purpose of making an acquisition decision in relation to the work, subject-matter or recording[[1639]](#footnote-1639) |
| Condition of limitation/exception | work/subject-matter will not be otherwise available to the educational institution for making its acquisition decision if the circumvention is not done[[1640]](#footnote-1640) |

# Slovakia

## Legislation Reviewed

Act No. 618/2003 on Copyright and Related Rights (as amended up to Act No. 283/2014 Coll.)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 24(1) |
| Scope of private/personal use | directly or indirectly make a copy of |
| Type(s) of source work(s) | a released work |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use | for his personal use and for non-commercial purposes |
| Condition of private/personal use | a copy |
| Preclusions (not part of private/personal use) | works of architecture, whole or essential part of literary work or cartographic work, musical notation written on paper, an electronic database, computer program[[1641]](#footnote-1641) |
| Subject to Attribution |  |
| Subject to Remuneration | levy (remuneration)[[1642]](#footnote-1642) payable on blank recording media, technical device designated for making of reproductions of phonograms or audiovisual recordings, reprographic equipment, personal computer and paid reproduction services[[1643]](#footnote-1643), payable by importer, manufacturer, service provider, etc. to account of CMOs[[1644]](#footnote-1644) to be distributed among authors,[[1645]](#footnote-1645) (performers and producers of phonograms, audiovisual recording producers and broadcasters)[[1646]](#footnote-1646) |

|  |  |
| --- | --- |
| Provision | Art. 24(2) |
| Scope of private/personal use | a copy, by transferring the  work to paper or another similar basis by means of a technical device for making printed reproductions or other technical equipment, of |
| Type(s) of source work(s) | a copy of a work |
| Entity exercising private/personal use | a natural person or legal entity |
| Purpose of private/personal use | such a copy may be publicly distributed by sale or other form of transfer of title |
| Condition of private/personal use | a copy |
| Preclusions (not part of private/personal use) | works of architecture, whole or essential part of literary work or cartographic work, musical notation written on paper, an electronic database, computer program[[1647]](#footnote-1647) |
| Subject to Attribution |  |
| Subject to Remuneration | levy (remuneration)[[1648]](#footnote-1648) payable on blank recording media, technical device designated for making of reproductions of phonograms or audiovisual recordings, reprographic equipment, personal computer and paid reproduction services[[1649]](#footnote-1649), payable by importer, manufacturer, service provider, etc.[[1650]](#footnote-1650) to account of CMOs[[1651]](#footnote-1651) to be distributed among authors[[1652]](#footnote-1652) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 25 |
| Scope of quotation | use, in another work, in the form of quotation |
| Type(s) of source work(s) | a short part of a released work, (a performance, phonogram, audiovisual recording, broadcast)[[1653]](#footnote-1653) |
| Entity exercising quotation |  |
| Purpose of quotation | exclusively for the purpose of the review or critique of the released work |
| Condition of quotation | use must be in accordance with customs  scope does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title of work, source, name of author/performer (if not anonymous) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 25 |
| Nature of educational reproduction | use |
| Type(s) of source work(s) | a short part of a released work, (a performance, phonogram, audiovisual recording, broadcast)[[1654]](#footnote-1654) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | teaching, scientific and research purposes or artistic purposes |
| Qualification(s) | use must be in accordance with customs  scope does not exceed extent justified by the purpose |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | title of work, source, name of author/performer (if not anonymous) |

|  |  |
| --- | --- |
| Provision | Art. 28(2) |
| Nature of educational reproduction | a copy, by reprographic equipment, of |
| Type(s) of source work(s) | a short part of a released work, a short released work or a work of fine art |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | teaching purposes at “school”[[1655]](#footnote-1655) |
| Qualification(s) | purpose is not to acquire direct or indirect property benefit |
| Frequency/Multiple copies and Limits | use does not exceed the scope justified by teaching purposes at school |
| Collective Licence/remuneration |  |
| Attribution | title of work, source, name of author/performer (if not anonymous)[[1656]](#footnote-1656) |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 28(1) |
| Scope of anthologies/compilations limitation/exception | creation of a copy, for its public distribution by other forms of assignment of title such as its sale, of |
| Type(s) of source work(s) | a short part of a released work, (a performance, phonogram, audiovisual recording, broadcast)[[1657]](#footnote-1657) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | teaching purposes at “school”[[1658]](#footnote-1658) |
| Condition of anthologies/compilations limitation/exception | use does not exceed the scope justified by teaching purposes at school  purpose is not to acquire direct or indirect property benefit |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | title of work, source, name of author/performer (if not anonymous)[[1659]](#footnote-1659) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 28(2) |
| Scope of anthologies/compilations limitation/exception | a copy, for its public distribution by other forms of assignment of title such as its sale, of |
| Type(s) of source work(s) | a short part of a released work, a short released work or a work of fine art |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | teaching purposes at “school”[[1660]](#footnote-1660) |
| Condition of anthologies/compilations limitation/exception | purpose is not to acquire direct or indirect property benefit |
| Preclusions (not part of anthologies/compilations limitation/exception) | use does not exceed the scope justified by teaching purposes at school |
| Subject to Attribution | title of work, source, name of author/performer (if not anonymous)[[1661]](#footnote-1661) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 30(1)(b) |
| Scope of school performance | use, at school exhibitions, |
| Type(s) of source work(s) | a work, (a performance, phonogram, audiovisual recording, broadcast)[[1662]](#footnote-1662) |
| Entity exercising school performance |  |
| Purpose of school performance | children, pupils, students or “school”[[1663]](#footnote-1663) teachers are performing |
| Condition of school performance | exhibitions are free of charge |
| Preclusions (not part of school performance) |  |
| Subject to Attribution | title of work, source, name of author/performer (if not anonymous)[[1664]](#footnote-1664) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 30(1)(c) |
| Scope of school performance | use |
| Type(s) of source work(s) | school works, (performances, phonograms, audiovisual recordings, broadcasts)[[1665]](#footnote-1665) |
| Entity exercising school performance |  |
| Purpose of school performance | performance of tasks pertaining to the subject of activities of the “school”[[1666]](#footnote-1666) |
| Condition of school performance | performance is free of charge |
| Preclusions (not part of school performance) |  |
| Subject to Attribution | title of work, source, name of author/performer (if not anonymous)[[1667]](#footnote-1667) |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 25 |
| Scope of broadcast/communication/recording | use |
| Type(s) of source work(s) | a short part of a released work, (a performance, phonogram, audiovisual recording, broadcast)[[1668]](#footnote-1668) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching, scientific and research purposes or artistic purposes |
| Condition of broadcast/communication/recording | use must be in accordance with customs  scope does not exceed extent justified by the purpose |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | title of work, source, name of author/performer (if not anonymous) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 28(1) |
| Scope of broadcast/communication/recording | creation of a copy, for the communication to the public of |
| Type(s) of source work(s) | a short part of a released work, (a performance, phonogram, audiovisual recording, broadcast)[[1669]](#footnote-1669) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching purposes at “school”[[1670]](#footnote-1670) |
| Condition of broadcast/communication/recording | use does not exceed the scope justified by teaching purposes at school  purpose is not to acquire direct or indirect property benefit |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | title of work, source, name of author/performer (if not anonymous)[[1671]](#footnote-1671) |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Slovenia

## Legislation Reviewed

Copyright and Related Rights Act of 30 March 1995 as last amended on December 15, 2006

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 50(2) |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | a disclosed work, (a performance, phonogram, film, broadcast, published edition)[[1672]](#footnote-1672) |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use |  |
| Condition of private/personal use | no more than 3 copies  \* on paper or similar medium by photographic or similar technique, or  \* on any other medium if for private use, if copies are not available to the public and not done for direct or indirect economic advantage  “extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author”[[1673]](#footnote-1673) |
| Preclusions (not part of private/personal use) | works of architecture, whole book (unless out of print for at least 2 years),[[1674]](#footnote-1674) musical notation (unless by handwritten transcription),[[1675]](#footnote-1675) electronic database, computer program |
| Subject to Attribution |  |
| Subject to Remuneration | levy (equitable remuneration) for making a sound or visual fixation, and for photocopying of work[[1676]](#footnote-1676) payable on blank audio or video fixation media, appliances for sound or visual fixation or for photocopying and photocopies made for sale,[[1677]](#footnote-1677) payable by manufacturer, importer, paid photocopy service providers,[[1678]](#footnote-1678) to account of CMOs, to be distributed among approved authors,[[1679]](#footnote-1679) performers,[[1680]](#footnote-1680) producers of phonograms,[[1681]](#footnote-1681) film producers[[1682]](#footnote-1682) and publishers[[1683]](#footnote-1683) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 51 |
| Scope of quotation | quotations, of parts of |
| Type(s) of source work(s) | a disclosed work and of single disclosed photographs, works of fine arts, architecture, applied art, industrial design and cartography, (a performance, phonogram, film, broadcast, published edition)[[1684]](#footnote-1684) |
| Entity exercising quotation |  |
| Purpose of quotation | illustration, argumentation or referral |
| Condition of quotation | “extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author”[[1685]](#footnote-1685) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 50(3) |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | a disclosed work, (a performance, phonogram, film, broadcast, published edition)[[1686]](#footnote-1686) from their own copies |
| Entity exercising reproduction | publicly accessible archives and libraries, museums and educational or scientific establishments |
| Purpose of educational reproduction | for internal use |
| Qualification(s) | not done for direct or indirect economic advantage  “extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author”[[1687]](#footnote-1687) |
| Frequency/Multiple copies and Limits | no more than 3 copies |
| Collective Licence/remuneration | levy (equitable remuneration) for making a sound or visual fixation, and for photocopying of work[[1688]](#footnote-1688) payable on blank audio or video fixation media, appliances for sound or visual fixation or for photocopying and photocopies made for sale,[[1689]](#footnote-1689) payable by manufacturer, importer, paid photocopy service providers,[[1690]](#footnote-1690) to account of CMOs, to be distributed among approved authors,[[1691]](#footnote-1691) performers,[[1692]](#footnote-1692) producers of phonograms,[[1693]](#footnote-1693) film producers[[1694]](#footnote-1694) and publishers[[1695]](#footnote-1695) |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 47(1).1 |
| Scope of anthologies/compilations limitation/exception | reproduce, in readers and textbooks |
| Type(s) of source work(s) | parts of works, as well as single works of photography, fine arts, architecture, applied art, industrial design and cartography, as already disclosed works of a number of authors, (a performance, phonogram, film, broadcast, published edition)[[1696]](#footnote-1696) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | intended for teaching |
| Condition of anthologies/compilations limitation/exception | “extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author”[[1697]](#footnote-1697) |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author (if indicated)[[1698]](#footnote-1698) |
| Subject to Remuneration | on payment of equitable remuneration[[1699]](#footnote-1699) |

|  |  |
| --- | --- |
| Provision | Art. 47(1).2 |
| Scope of anthologies/compilations limitation/exception | reproduce, in periodical publications |
| Type(s) of source work(s) | articles on current topics of general interest published in other periodicals |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception |  |
| Condition of anthologies/compilations limitation/exception | author did not expressly prohibit [such reproductions]  “extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author”[[1700]](#footnote-1700) |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author (if indicated)[[1701]](#footnote-1701) |
| Subject to Remuneration | on payment of equitable remuneration[[1702]](#footnote-1702) |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 49(1).1 |
| Scope of school performance | publicly perform |
| Type(s) of source work(s) | a disclosed work, (a performance, phonogram, film, broadcast, published edition)[[1703]](#footnote-1703) |
| Entity exercising school performance |  |
| Purpose of school performance | direct teaching |
| Condition of school performance | “extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author”[[1704]](#footnote-1704) |
| Preclusions (not part of school performance) |  |
| Subject to Attribution | source, name of author (if indicated)[[1705]](#footnote-1705) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 49(1).2 |
| Scope of school performance | publicly perform, at school events |
| Type(s) of source work(s) | a disclosed work, (a performance, phonogram, film, broadcast, published edition)[[1706]](#footnote-1706) |
| Entity exercising school performance |  |
| Purpose of school performance |  |
| Condition of school performance | free admission  performers receive no payment for their performance  “extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author”[[1707]](#footnote-1707) |
| Preclusions (not part of school performance) |  |
| Subject to Attribution | source, name of author (if indicated)[[1708]](#footnote-1708) |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 50(3) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | a disclosed work, (a performance, phonogram, film, broadcast, published edition)[[1709]](#footnote-1709) from their own copies |
| Entity exercising broadcast/communication/recording | publicly accessible archives and libraries, museums and educational or scientific establishments |
| Purpose of broadcast/communication/recording | for internal use |
| Condition of broadcast/communication/recording | not done for direct or indirect economic advantage  “extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author”[[1710]](#footnote-1710) |
| Preclusions (not part of broadcast/communication/recording) | no more than 3 copies |
| Subject to Attribution |  |
| Subject to Remuneration | levy (equitable remuneration) for making a sound or visual fixation, and for photocopying of work[[1711]](#footnote-1711) payable on blank audio or video fixation media, appliances for sound or visual fixation or for photocopying and photocopies made for sale,[[1712]](#footnote-1712) payable by manufacturer, importer, paid photocopy service providers,[[1713]](#footnote-1713) to account of CMOs, to be distributed among approved authors,[[1714]](#footnote-1714) performers,[[1715]](#footnote-1715) producers of phonograms,[[1716]](#footnote-1716) film producers[[1717]](#footnote-1717) and publishers[[1718]](#footnote-1718) |

|  |  |
| --- | --- |
| Provision | Art. 47(2) |
| Scope of broadcast/communication/recording | communication of readers and textbooks, which reproduce |
| Type(s) of source work(s) | parts of works, as well as single works of photography, fine arts, architecture, applied art, industrial design and cartography, as already disclosed works of a number of authors, (performances, phonograms, films, broadcasts, published editions)[[1719]](#footnote-1719) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | intended for teaching |
| Condition of broadcast/communication/recording | “extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author”[[1720]](#footnote-1720) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (if indicated)[[1721]](#footnote-1721) |
| Subject to Remuneration | on payment of equitable remuneration[[1722]](#footnote-1722) |

|  |  |
| --- | --- |
| Provision | Art. 49(1).3 |
| Scope of broadcast/communication/recording | rebroadcast |
| Type(s) of source work(s) | a radio or television school broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording |  |
| Condition of broadcast/communication/recording | “extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author”[[1723]](#footnote-1723) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (if indicated)[[1724]](#footnote-1724) |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | Art. 166c |
| Scope of TPM/RMI limitation/exception | request to require rightholder, who used technological measures in respect of his work, to take appropriate means (except for agreements implemented by rightholder for this purpose)[[1725]](#footnote-1725) |
| Type(s) of source work(s) | work/subject-matter (but not applicable to works/subject-matter available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them[[1726]](#footnote-1726)) |
| Beneficiary exercising limitation/exception | “beneficiaries”: users who have legal access to work/subject-matter for, *inter alia*, teaching (Art. 49), private and other internal reproduction (Art. 50) |
| Purpose of limitation/exception | means to enable “beneficiaries” to enforce the copyright and related rights limitations |
| Condition of limitation/exception |  |

# \*Somalia

## Legislation Reviewed

# South Africa

## Legislation Reviewed

Copyright Act, 1978 (Act No. 98 of 1978, as amended up to Copyright Amendment Act 2002)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 12(1)(a) |
| Scope of private/personal use | fair dealing |
| Type(s) of source work(s) | a literary or musical work, (and its adaptation),[[1727]](#footnote-1727) (in its original language or in a different language)[[1728]](#footnote-1728), an artistic work,[[1729]](#footnote-1729) a broadcast,[[1730]](#footnote-1730) a published edition[[1731]](#footnote-1731) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research or private study by, or the personal or private use of, the person using the work |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 12(1)(b) |
| Scope of quotation | criticism or review |
| Type(s) of source work(s) | a literary or musical work, (and its adaptation),[[1732]](#footnote-1732) (in its original language or in a different language)[[1733]](#footnote-1733), an artistic work,[[1734]](#footnote-1734) a cinematograph film,[[1735]](#footnote-1735) a sound recording,[[1736]](#footnote-1736) a broadcast,[[1737]](#footnote-1737) a published edition[[1738]](#footnote-1738) |
| Entity exercising quotation |  |
| Purpose of quotation | of that work or of another work |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 12(3) |
| Scope of quotation | quotation |
| Type(s) of source work(s) | a literary or musical work, (and its adaptation),[[1739]](#footnote-1739) (in its original language or in a different language)[[1740]](#footnote-1740) which is lawfully available to the public, articles in newspapers or periodicals that are in the form of summaries of any such work, a cinematograph film,[[1741]](#footnote-1741) a sound recording,[[1742]](#footnote-1742) a broadcast[[1743]](#footnote-1743) |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated) |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 12(4) |
| Scope of anthologies/compilations limitation/exception | use, by way of illustration in any publication, broadcast or sound or visual record |
| Type(s) of source work(s) | a literary or musical work, (and its adaptation),[[1744]](#footnote-1744) (in its original language or in a different language)[[1745]](#footnote-1745), an artistic work,[[1746]](#footnote-1746) a cinematograph film,[[1747]](#footnote-1747) a sound recording,[[1748]](#footnote-1748) a broadcast,[[1749]](#footnote-1749) a published edition[[1750]](#footnote-1750) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for teaching |
| Condition of anthologies/compilations limitation/exception |  |
| Preclusions (not part of anthologies/compilations limitation/exception) | use to extent justified by the purpose  use is compatible with fair practice |
| Subject to Attribution | source, name of author (if indicated) |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 12(4) |
| Scope of broadcast/communication/recording | use, by way of illustration in any publication, broadcast or sound or visual record |
| Type(s) of source work(s) | a literary or musical work, (and its adaptation),[[1751]](#footnote-1751) (in its original language or in a different language)[[1752]](#footnote-1752), an artistic work,[[1753]](#footnote-1753) a cinematograph film,[[1754]](#footnote-1754) a sound recording,[[1755]](#footnote-1755) a broadcast,[[1756]](#footnote-1756) a published edition[[1757]](#footnote-1757) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for teaching |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) | use to extent justified by the purpose  use is compatible with fair practice |
| Subject to Attribution | source, name of author (if indicated) |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Spain

## Legislation Reviewed

Consolidated text of the Law on Intellectual Property, regularizing, clarifying and harmonizing the Applicable Statutory Provisions (approved by Royal Legislative Decree No. 1/1996 of April 12, 1996, and last amended by Royal Decree-Law No. 20/2011 of December 30, 2011)

# Sri Lanka

## Legislation Reviewed

Intellectual Property Act, No. 36 of 2003

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 12(1) |
| Scope of private/personal use | private reproduction of |
| Type(s) of source work(s) | a lawful copy of a published work, (a performance, sound recording, broadcast)[[1758]](#footnote-1758) |
| Entity exercising private/personal use | a physical person |
| Purpose of private/personal use | exclusively for his own personal purposes |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a database, computer program[[1759]](#footnote-1759),  any work where “reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the owner of the copyright”[[1760]](#footnote-1760) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 11(1) |
| Scope of quotation | fair use, including such use by reproduction in copies or by any other means specified by s 9, |
| Type(s) of source work(s) | a work, (a performance, sound recording, broadcast)[[1761]](#footnote-1761) |
| Entity exercising quotation |  |
| Purpose of quotation | criticism, comment |
| Condition of quotation | to determine if use is fair use, consider following factors:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the use upon the potential market for or value of the work.  acts of fair use shall include the circumstances specified in s 12 |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 12(3) |
| Scope of quotation | reproduction of |
| Type(s) of source work(s) | a short part of a published work, (a performance, sound recording, broadcast)[[1762]](#footnote-1762) |
| Entity exercising quotation |  |
| Purpose of quotation | in the form of quotation |
| Condition of quotation | reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 11(1) |
| Nature of educational reproduction | fair use, including such use by reproduction in copies or by any other means specified by s 9, |
| Type(s) of source work(s) | a work, (a performance, sound recording, broadcast)[[1763]](#footnote-1763) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | teaching (including multiple copies for classroom use), scholarship or research |
| Qualification(s) | to determine if use is fair use, consider following factors:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the use upon the potential market for or value of the work.  acts of fair use shall include the circumstances specified in s 12 |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 12(4)(b) |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) | published articles, other short works or short extracts of works, (performances, sound recordings, broadcasts)[[1764]](#footnote-1764) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | face to face teaching in any educational institution |
| Qualification(s) | activities of which do not serve direct or indirect commercial gain |
| Frequency/Multiple copies and Limits | reproduction does not exceed the extent justified by the purpose  reproduction is an isolated act; if repeated, each occurrence should be separate and unrelated |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (if indicated on source, on all copies if practicable) |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 12(4)(a) |
| Scope of anthologies/compilations limitation/exception | reproduction, by way of illustration, in writing or sound or visual recordings, |
| Type(s) of source work(s) | a short part of a published work, (a performance, sound recording, broadcast)[[1765]](#footnote-1765) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | teaching purposes |
| Condition of anthologies/compilations limitation/exception | reproduction is compatible with fair practice |
| Preclusions (not part of anthologies/compilations limitation/exception) | reproduction does not exceed the extent justified by the purpose |
| Subject to Attribution | source, name of author (if indicated on source, on all copies if practicable) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 12(10)(a) |
| Scope of school performance | performance or display |
| Type(s) of source work(s) | a work, (a performance, sound recording, broadcast)[[1766]](#footnote-1766) |
| Entity exercising school performance | government or non profit educational institutions, in classrooms or similar places set aside for education |
| Purpose of school performance | educational or teaching purposes |
| Condition of school performance | audiovisual work: performance or display of individual images, is given by means of a lawfully made copy, or the person responsible for the performance did not know or had no reason to believe that the copy was not lawfully made |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 11(1) |
| Scope of broadcast/communication/recording | fair use, including such use by reproduction in copies or by any other means specified by s 9, |
| Type(s) of source work(s) | a work, (a performance, sound recording, broadcast)[[1767]](#footnote-1767) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching (including multiple copies for classroom use), scholarship or research |
| Condition of broadcast/communication/recording | to determine if use is fair use, consider following factors:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the use upon the potential market for or value of the work.  acts of fair use shall include the circumstances specified in s 12 |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 12(4)(a) |
| Scope of broadcast/communication/recording | reproduction, by way of illustration, in writing or sound or visual recordings, |
| Type(s) of source work(s) | a short part of a published work, (a performance, sound recording, broadcast)[[1768]](#footnote-1768) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching purposes |
| Condition of broadcast/communication/recording | reproduction is compatible with fair practice |
| Preclusions (not part of broadcast/communication/recording) | reproduction does not exceed the extent justified by the purpose |
| Subject to Attribution | source, name of author (if indicated on source, on all copies if practicable) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 21(c) |
| Scope of broadcast/communication/recording | use |
| Type(s) of source work(s) | performances, sound recordings, broadcasts |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for face-to-face teaching activities or for scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Sudan

## Legislation Reviewed

The Copyright and Neighboring Rights Protection Act 1996

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 14(4) |
| Scope of private/personal use | reproduce, translate or adapt |
| Type(s) of source work(s) | a published work, (a performance, sound recording, audiovisual recording, broadcast)[[1769]](#footnote-1769) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | personal and private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | musical notation, database, computer program |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 33(1)(a) |
| Scope of private/personal use | use |
| Type(s) of source work(s) | a performance, sound recording, audiovisual recording, broadcast[[1770]](#footnote-1770) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | personal or private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 14(6) |
| Nature of educational reproduction | reproduce |
| Type(s) of source work(s) | short works, articles or short part of a published work |
| Entity exercising reproduction | educational institutions |
| Purpose of educational reproduction | illustrating in the teaching process |
| Qualification(s) | non-commercial purpose of illustrating/teaching |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 14(7) |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | scientific articles, short scientific works or short parts thereof |
| Entity exercising reproduction | private commercial research institutions |
| Purpose of educational reproduction | internal purposes to satisfy the requirements of persons studying or carrying out research work |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 14(3) |
| Scope of anthologies/compilations limitation/exception | make/reproduce, in connection with publication of school textbooks or books prepared for educational purposes or books of history, literature or art, from |
| Type(s) of source work(s) | \* short quotations from works already published  \* any published drawing, photograph, design, inscription or map  \* (a performance, sound recording, audiovisual recording, broadcast)[[1771]](#footnote-1771) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception |  |
| Condition of anthologies/compilations limitation/exception | drawing, photograph, design, inscription or map: reproduction is restricted to what is necessary for the purpose of illustrating the written text |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | title of work, name of author[[1772]](#footnote-1772) |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 14(6) |
| Scope of broadcast/communication/recording | incorporation in school broadcasts or sound recordings, |
| Type(s) of source work(s) | short works, articles or short part of a published work, (performances, sound recordings, audiovisual recordings, broadcasts)[[1773]](#footnote-1773) |
| Entity exercising broadcast/communication/recording | educational institutions |
| Purpose of broadcast/communication/recording | illustrating in the teaching process |
| Condition of broadcast/communication/recording | non-commercial purpose of illustrating/teaching |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 33(1)(c) |
| Scope of broadcast/communication/recording | use |
| Type(s) of source work(s) | a performance, sound recording, audiovisual recording, broadcast[[1774]](#footnote-1774) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for teaching or scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Suriname

## Legislation Reviewed

Law of 22 March 1913 laying down new rules on Copyright (G.B. 1913 No. 15), as it stands after the amendments thereto in G.B. 1915 No. 78, G.B. 1946 No. 2, G.B. 1946 No. 77, G.B. 1959 No. 76, S.B. 1980 No. 116, S.B. 23, 1981.

# Swaziland

## Legislation Reviewed

Copyright Act, 1912 (based on the U.K. Copyright Act, 1911 (1 & 2 Geo. 5, Ch. 46))

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 4(1)(a) |
| Scope of private/personal use | fair dealing |
| Type(s) of source work(s) | any work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private study, research |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 4(1)(a) |
| Scope of quotation | fair dealing |
| Type(s) of source work(s) | any work |
| Entity exercising quotation |  |
| Purpose of quotation | criticism, review |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 4(1)(d) |
| Scope of anthologies/compilations limitation/exception | publication in a collection, |
| Type(s) of source work(s) | short passages from published literary works not themselves published for the use of schools in which copyright subsists |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | bona fide intended for the use of schools |
| Condition of anthologies/compilations limitation/exception | collection is so described in its title and in any publisher’s advertisement  collection is mainly composed of non-copyright matter |
| Preclusions (not part of anthologies/compilations limitation/exception) | more than 2 of such passages from works by same author are contained in collections by same publisher within 5 year period |
| Subject to Attribution | source |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Sweden

## Legislation Reviewed

Act on Copyright in Literary and Artistic Works (1960:729), as amended up to April 1, 2011

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 12 |
| Scope of private/personal use | make copies of |
| Type(s) of source work(s) | a work that has been made public, (a performance,[[1775]](#footnote-1775) sound and image recording,[[1776]](#footnote-1776) broadcast,[[1777]](#footnote-1777) catalogue,[[1778]](#footnote-1778) photograph[[1779]](#footnote-1779)) |
| Entity exercising private/personal use | anybody |
| Purpose of private/personal use | for private purposes |
| Condition of private/personal use | one or a few copies  copies must not be used for purposes other than private use  literary works in written form: making of copies concern only limited parts of works, or such works of limited scope  no right to engage, for private purposes, another person to make copies of musical works, cinematograph works, utilitarian articles or sculptures, another person’s work of fine art by means of artistic reproduction |
| Preclusions (not part of private/personal use) | works of architecture, digital compilations, computer programs,  source work has been prepared or made available to the public in violation of copyright rights in Art. 2 |
| Subject to Attribution |  |
| Subject to Remuneration | levy as remuneration[[1780]](#footnote-1780) payable on digital/analogue recording media[[1781]](#footnote-1781) (on which sounds or moving images may be recorded and which are especially suitable for the making of copies of works for private purposes),[[1782]](#footnote-1782) payable by importer, manufacturer,[[1783]](#footnote-1783) to account of CMOs[[1784]](#footnote-1784) to be distributed among approved authors,[[1785]](#footnote-1785) performers,[[1786]](#footnote-1786) producers of sound and image recordings,[[1787]](#footnote-1787) photographers[[1788]](#footnote-1788) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 22 |
| Scope of quotation | quote |
| Type(s) of source work(s) | works which have been made available to the public, (a performance,[[1789]](#footnote-1789) sound and image recording,[[1790]](#footnote-1790) broadcast,[[1791]](#footnote-1791) catalogue[[1792]](#footnote-1792)) |
| Entity exercising quotation | anyone |
| Purpose of quotation |  |
| Condition of quotation | quotation in accordance with proper usage  quotation to the extent necessary for the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 42 c |
| Nature of educational reproduction | copies |
| Type(s) of source work(s) | works which have been made public, (a performance,[[1793]](#footnote-1793) sound and image recording,[[1794]](#footnote-1794) catalogue,[[1795]](#footnote-1795) photograph[[1796]](#footnote-1796)) |
| Entity exercising reproduction | an entity who carries out educational activities in organised forms[[1797]](#footnote-1797) |
| Purpose of educational reproduction | for educational purposes |
| Qualification(s) | copies may be used only in such educational activities that are covered by extended collective licence  author has not filed a prohibition against the reproduction with any of the contracting parties (to the extended collective licence) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration | through extended collective license,[[1798]](#footnote-1798) remuneration payable to account of CMOs to be distributed among authors (including authors not represented by the CMO)[[1799]](#footnote-1799) |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 18 |
| Scope of anthologies/compilations limitation/exception | preparing a composite work, consisting of |
| Type(s) of source work(s) | minor portions of literary or musical works by a comparatively large number of authors and such works of a limited scope, including works of fine art in connection with the text, (a catalogue,[[1800]](#footnote-1800) photograph[[1801]](#footnote-1801)) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for use in educational activities |
| Condition of anthologies/compilations limitation/exception | lapse of five years from first publication of works  no right to prepare composite works for commercial purposes |
| Preclusions (not part of anthologies/compilations limitation/exception) | works that have been created for use in educational activities |
| Subject to Attribution |  |
| Subject to Remuneration | authors have a right to remuneration |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 21(2) |
| Scope of school performance | publicly perform |
| Type(s) of source work(s) | works, with the exception of cinematographic works and works made for the stage, that have been made public, (a performance,[[1802]](#footnote-1802) sound and image recording,[[1803]](#footnote-1803) broadcast,[[1804]](#footnote-1804) catalogue[[1805]](#footnote-1805)) |
| Entity exercising school performance |  |
| Purpose of school performance | in the course of educational activities |
| Condition of school performance |  |
| Preclusions (not part of school performance) | no right to publicly perform , for commercial purposes, compilations in the course of educational activities |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 14 |
| Scope of broadcast/communication/recording | recordings |
| Type(s) of source work(s) | teachers’ and pupils’ own performances of works, (catalogues[[1806]](#footnote-1806)) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for educational purposes |
| Condition of broadcast/communication/recording | recordings may not be used for other purposes |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | if recordings are used publicly: source (as required by proper usage)[[1807]](#footnote-1807) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 42 c |
| Scope of broadcast/communication/recording | copies |
| Type(s) of source work(s) | works which have been made public, (a performance,[[1808]](#footnote-1808) sound and image recording,[[1809]](#footnote-1809) catalogue,[[1810]](#footnote-1810) photograph[[1811]](#footnote-1811)) |
| Entity exercising broadcast/communication/recording | an entity who carries out educational activities in organised forms[[1812]](#footnote-1812) |
| Purpose of broadcast/communication/recording | for educational purposes |
| Condition of broadcast/communication/recording | copies may be used only in such educational activities that are covered by extended collective licence  author has not filed a prohibition against the reproduction with any of the contracting parties (to the extended collective licence) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration | through extended collective license,[[1813]](#footnote-1813) remuneration payable to account of CMOs to be distributed among authors (including authors not represented by the CMO)[[1814]](#footnote-1814) |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | Art. 52 c |
| Scope of TPM/RMI limitation/exception | protection of technological measures do not apply |
| Type(s) of source work(s) |  |
| Beneficiary exercising limitation/exception |  |
| Purpose of limitation/exception | research into cryptography |
| Condition of limitation/exception |  |

|  |  |
| --- | --- |
| Provision | Art. 52 d |
| Scope of TPM/RMI limitation/exception | no probation against circumvention of any digital or analogue lock or a technological process or measure that prevents or limits the making of copies or making available to the public of a work, for beneficiary |
| Type(s) of source work(s) |  |
| Beneficiary exercising limitation/exception | “beneficiaries”: someone, who in a lawful way, has access to a copy of a work protected by copyright |
| Purpose of limitation/exception | in order to be able to watch or listen to the work |
| Condition of limitation/exception |  |

# Switzerland

## Legislation Reviewed

Federal Act of October 9, 1992 on Copyright and Related Rights (status as of January 1, 2011)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 19.1.a |
| Scope of private/personal use | “private use”[[1815]](#footnote-1815) |
| Type(s) of source work(s) | a published work, (a performance, phonogram, audiovisual fixation, broadcast)[[1816]](#footnote-1816) |
| Entity exercising private/personal use | persons entitled to make copies may also have them made by “third parties”[[1817]](#footnote-1817) |
| Purpose of private/personal use | “private use” as any personal use of a work or use within a circle of persons closely connected to each other, such as relatives or friends |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | complete or substantial copying of a work obtainable commercially  reproduction of works of art, musical notation, fixation of recitations, performances or presentations of a work on blank media, computer programs[[1818]](#footnote-1818) |
| Subject to Attribution |  |
| Subject to Remuneration | ,[[1819]](#footnote-1819) unless reproduction made by third party, whereupon levy as remuneration is payable by “third party”[[1820]](#footnote-1820) and on blank media suitable for the fixation of works by manufacturer, importer,[[1821]](#footnote-1821) to account of CMOs[[1822]](#footnote-1822) to be distributed among authors,[[1823]](#footnote-1823) (performers, producers and broadcasters)[[1824]](#footnote-1824) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 25 |
| Scope of quotation | quotations |
| Type(s) of source work(s) | published works, (performances, phonograms, audiovisual fixations, broadcasts)[[1825]](#footnote-1825) |
| Entity exercising quotation |  |
| Purpose of quotation | if quotation serves as an explanation, a reference or an illustration |
| Condition of quotation | extent of quotation is justified by the purpose  quotation designated as such |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 19.1.b |
| Nature of educational reproduction | “private use”[[1826]](#footnote-1826) |
| Type(s) of source work(s) | a published work, (a performance, phonogram, audiovisual fixation, broadcast)[[1827]](#footnote-1827) |
| Entity exercising reproduction | a teacher and his class, who may also have copies made by third parties[[1828]](#footnote-1828) |
| Purpose of educational reproduction | “private use” as any use for educational purposes |
| Qualification(s) | no reproduction works of art, musical notation, fixation of recitations, performances or presentations of a work on blank media, computer programs[[1829]](#footnote-1829) |
| Frequency/Multiple copies and Limits | no complete or substantial copying of a work obtainable commercially |
| Collective Licence/remuneration | levy as remuneration is payable by entity (teacher/his class)[[1830]](#footnote-1830) and “third party”[[1831]](#footnote-1831) and on blank media suitable for the fixation of works by manufacturer, importer,[[1832]](#footnote-1832) to the account of CMOs,[[1833]](#footnote-1833) to be distributed among authors,[[1834]](#footnote-1834) (performers, producers and broadcasters)[[1835]](#footnote-1835) |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 19.1.b |
| Scope of school performance | “private use”[[1836]](#footnote-1836) |
| Type(s) of source work(s) | a published work, (a performance, phonogram, audiovisual fixation, broadcast)[[1837]](#footnote-1837) |
| Entity exercising school performance | a teacher and his class, who may also have copies made by third parties[[1838]](#footnote-1838) |
| Purpose of school performance | “private use” as any use for educational purposes |
| Condition of school performance |  |
| Preclusions (not part of school performance) | [not relevant - preclusions in Art. 19.3 refer to copying or fixation] |
| Subject to Attribution |  |
| Subject to Remuneration | [not relevant – remuneration provisions in Art. 20 refer to reproduction of works, not to performances] |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Syrian Arab Republic

## Legislation Reviewed

Law No. 12/2001 Copyright Law of Syria

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 37 First a) |
| Scope of private/personal use | reproduction, translation |
| Type(s) of source work(s) | a legitimately published work, its excerpts, its (musical) compositions and its adaptation |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | personal use |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 9 |
| Scope of quotation | quotations or analysis |
| Type(s) of source work(s) | a published work |
| Entity exercising quotation |  |
| Purpose of quotation | intended for criticism, discussion, education or information |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 37 First b) |
| Scope of quotation | quotation |
| Type(s) of source work(s) | a legitimately published work, its excerpts, including texts transcribed from press articles and periodicals in the form of press extracts |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotation complies with prevailing customs  quotation is justified |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title of work, name of author/creator |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 37 First c) |
| Scope of anthologies/compilations limitation/exception | use, in the form of publications |
| Type(s) of source work(s) | a legitimately published work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for educational, pedagogical or vocational training purposes |
| Condition of anthologies/compilations limitation/exception | utilization complies with customary practice |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | title of work, author |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 37 First c) |
| Scope of broadcast/communication/recording | use, in the form of broadcasts or televised programs, audiovisual recordings |
| Type(s) of source work(s) | a legitimately published work |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for educational, pedagogical or vocational training purposes |
| Condition of broadcast/communication/recording | utilization complies with customary practice |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | title of work, author |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Tajikistan

## Legislation Reviewed

Law of the Republic of Tajikistan on Copyright and Related Rights (as amended up to 2009)

# \*Thailand

## Legislation Reviewed

Copyright Act (No. 2) B.E. 2558 (2015)

Copyright Act (No. 3) B.E. 2558 (2015)

# The former Yugoslav Republic of Macedonia

## Legislation Reviewed

Law on Copyright and Related Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 46 |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | work, performance, phonogram, videogram/film |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private purpose[[1839]](#footnote-1839) |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | fair compensation payable by providers of (photocopying services), producers/importers of (equipment for photocopying, sound and visual fixation, blank sound or sound/image carriers) at first sale/import/provision of photocopy services, to be collected by CMOs[[1840]](#footnote-1840) on behalf of author,[[1841]](#footnote-1841) performer,[[1842]](#footnote-1842) phonogram producer,[[1843]](#footnote-1843) film producer,[[1844]](#footnote-1844) publisher[[1845]](#footnote-1845) |

|  |  |
| --- | --- |
| Provision | Art. 54 |
| Scope of private/personal use | reproduction on any medium |
| Type(s) of source work(s) | work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private use |
| Condition of private/personal use | without direct or indirect commercial advantage |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | use subject to fair compensation |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 51(1).7 |
| Scope of quotation | use |
| Type(s) of source work(s) | parts of disclosed copyrighted works[[1846]](#footnote-1846) |
| Entity exercising quotation |  |
| Purpose of quotation | scientific research, education, criticism, polemics, or review |
| Condition of quotation | in a scope and to the extent required by the specific purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 52(1).2 |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | a disclosed copyrighted work[[1847]](#footnote-1847) |
| Entity exercising reproduction | by public libraries, educational establishments or museums, or by archives |
| Purpose of educational reproduction | carrying out their activity |
| Qualification(s) | activities without direct or indirect economic or commercial advantage  use “can be carried out only in certain special cases, provided that the use does not conflict with the normal exploitation of the work, and does not unreasonably prejudice the legitimate interests of the author”[[1848]](#footnote-1848) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration | reproduction on paper or any similar medium, *by way of photocopying or any other analogous technique or other process having similar effects*, with the exception of graphic editions of a musical work (sheet music), to be subject to fair compensation[[1849]](#footnote-1849) |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Art. 52(1).4 |
| Nature of educational reproduction | use of |
| Type(s) of source work(s) | a disclosed copyrighted work[[1850]](#footnote-1850) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for illustration for teaching or scientific research |
| Qualification(s) | to the extent justified by the non-commercial purpose to be achieved  use “can be carried out only in certain special cases, provided that the use does not conflict with the normal exploitation of the work, and does not unreasonably prejudice the legitimate interests of the author”[[1851]](#footnote-1851) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (unless infeasible) |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 52(1).17 |
| Scope of broadcast/communication/recording | public communication and making available |
| Type(s) of source work(s) | a disclosed copyrighted work[[1852]](#footnote-1852) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for the purpose of research or private study in certain locations within the public scientific, cultural, educational and other establishments of similar nature |
| Condition of broadcast/communication/recording | work is not subject to purchase, or its use is not subject to having an authorization  work is contained in the collections/fonds of these establishments |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Togo

## Legislation Reviewed

Law No. 91-12 of June 10, 1991 on the Protection of Copyright, Folklore and Related Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 20.1(a) |
| Scope of private/personal use | communication such as performance or broadcast |
| Type(s) of source work(s) | a work lawfully made accessible to the public, (a performance, phonogram, broadcast)[[1853]](#footnote-1853) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private, carried out exclusively within the family circle |
| Condition of private/personal use | give rise to no form of revenue |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 20.2 |
| Scope of private/personal use | reproduction, translations and adaptations |
| Type(s) of source work(s) | a published work, (a performance, phonogram, broadcast)[[1854]](#footnote-1854) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | designed for strictly personal and private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 109(a) |
| Scope of private/personal use | use |
| Type(s) of source work(s) | a performance, phonogram, broadcast |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private use |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 21 |
| Scope of quotation | short quotations and analyses |
| Type(s) of source work(s) | a work already lawfully made available to the public, including quotations from articles from newspapers and periodicals in the form of press reviews (in original version or in translation) |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotation is compatible with fair practice  quotation is to the extent justified by the scientific, critical, polemical, teaching or information purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 109(d) |
| Scope of quotation | quotations |
| Type(s) of source work(s) | short fragments of a performance, phonogram, broadcast |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotations are in accordance with proper practice  quotations are justified by their information purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 109(c) |
| Scope of broadcast/communication/recording | use |
| Type(s) of source work(s) | a performance, phonogram, broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | single usage for exclusively teaching or scientific research purposes |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration | phonograms: Minister for Culture shall issue licences for the production of copies of phonograms when such reproduction is carried out and distributed in Togo to the exclusion of any export of copies; fair remuneration set by Ministry for phonogram producer, taking particular account of number of copies made and distributed[[1855]](#footnote-1855) |

|  |  |
| --- | --- |
| Provision | Art. 20.1(b) |
| Scope of broadcast/communication/recording | communication such as performance or broadcast |
| Type(s) of source work(s) | a work lawfully made accessible to the public, (a performance, phonogram, broadcast)[[1856]](#footnote-1856) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | strictly educational or teaching purposes |
| Condition of broadcast/communication/recording | communication is carried out free of charge |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 25 |
| Nature of compulsory licence for translation for educational purposes | authorisation from competent authority, for translation into French and into the national languages and publication of such translation in Togo |
| Type(s) of source work(s) |  |
| Licence applicant/entity |  |
| Purpose of licence |  |
| Qualification(s) |  |
| Compulsory licence fee(s) |  |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | competent authority |

|  |  |
| --- | --- |
| Provision | Art. 26 |
| Nature of compulsory licence for translation for educational purposes | licence granted by competent authority, for reproduction and publication of a specific edition of work on Togolese territory |
| Type(s) of source work(s) |  |
| Licence applicant/entity |  |
| Purpose of licence |  |
| Qualification(s) |  |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay just compensation to owner of work, consistent with normally payable standards of royalties[[1857]](#footnote-1857) |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | competent authority |

## TPM/RMI Exceptions for Educational Purposes

# Tonga

## Legislation Reviewed

Copyright Act (Act No. 12 of 2002)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | ss 8, 26(d) |
| Scope of private/personal use | private reproduction of |
| Type(s) of source work(s) | a published work, (a performance, phonogram, broadcast)[[1858]](#footnote-1858) |
| Entity exercising private/personal use | a person |
| Purpose of private/personal use | exclusively for his own personal purposes |
| Condition of private/personal use | work: in a single copy |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of whole or substantial part of a book or musical notation, whole or substantial part of a digital database, computer program[[1859]](#footnote-1859),  any work where “reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or other owner of copyright” |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 26(b) |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | a performance, phonogram, broadcast |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | solely for scientific research |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 10 |
| Scope of quotation | reproduction of |
| Type(s) of source work(s) | a short part of a published work, (a performance, phonogram, broadcast)[[1860]](#footnote-1860) |
| Entity exercising quotation |  |
| Purpose of quotation | in the form of quotation |
| Condition of quotation | reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 11(1)(b) |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) | published articles, other short works or short extracts of works |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | face-to-face teaching in educational institutions |
| Qualification(s) | activities of which do not serve direct or indirect commercial gain |
| Frequency/Multiple copies and Limits | reproduction to the extent justified by the purpose  reproduction is an isolated one; if repeated, each occurrence be separate and unrelated  no collective licence available by CMO under which such reproduction can be made of which educational institution is or should be aware |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (all copies if practicable) |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 11(1)(a) |
| Scope of anthologies/compilations limitation/exception | reproduction, by way of illustration, in writings or sound or visual recordings |
| Type(s) of source work(s) | a short part of a published work, (a performance, phonogram, broadcast)[[1861]](#footnote-1861) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | teaching purposes |
| Condition of anthologies/compilations limitation/exception | reproduction is compatible with fair practice  reproduction does not exceed the extent justified by the purpose |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author (all copies if practicable) |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 11(1)(a) |
| Scope of broadcast/communication/recording | reproduction, by way of illustration, in writings or sound or visual recordings |
| Type(s) of source work(s) | a short part of a published work, (a performance, phonogram, broadcast)[[1862]](#footnote-1862) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching purposes |
| Condition of broadcast/communication/recording | reproduction is compatible with fair practice  reproduction does not exceed the extent justified by the purpose |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (all copies if practicable) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 26(c) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | a performance, phonogram, broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for the purposes of face-to-face teaching activities |
| Condition of broadcast/communication/recording | except for performances and phonograms which have been published as teaching or instructional materials |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Trinidad and Tobago

## Legislation Reviewed

Copyright Act, Cap. 82:80 (Act 8 of 1997, Amended by Act 18 of 2000 and Act 5 of 2008)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | ss 9, 25(1)(a) |
| Scope of private/personal use | private reproduction of |
| Type(s) of source work(s) | a published work, (a performance, sound recording, broadcast)[[1863]](#footnote-1863) |
| Entity exercising private/personal use | a natural person |
| Purpose of private/personal use | exclusively for his own personal purposes |
| Condition of private/personal use | work: in a single copy |
| Preclusions (not part of private/personal use) | works of architecture, reprographic reproduction of whole or substantial part of a book or musical notation, whole or substantial part of a database, computer program[[1864]](#footnote-1864),  any work, (performance, sound recording, broadcast) where “reproduction would conflict with a normal exploitation of the work, (performance, sound recording, broadcast) or would otherwise unreasonably prejudice the legitimate interests of the owner of copyright”[[1865]](#footnote-1865) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 10 |
| Scope of quotation | reproduction of |
| Type(s) of source work(s) | a short part of a published work, (a performance, sound recording, broadcast)[[1866]](#footnote-1866) |
| Entity exercising quotation |  |
| Purpose of quotation | in the form of quotation |
| Condition of quotation | reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 11(1)(b) |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) | published articles, other short works or short extracts of works |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | face-to-face teaching in educational institutions |
| Qualification(s) | activities of which do not serve direct or indirect commercial gain |
| Frequency/Multiple copies and Limits | reproduction to the extent justified by the purpose  reproduction is an isolated one; if repeated, each occurrence be separate and unrelated  no collective licence available by CMO under which such reproduction can be made of which educational institution is or should be aware |
| Collective Licence/remuneration |  |
| Attribution | source, name of author (all copies if practicable) |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 11(1)(a) |
| Scope of anthologies/compilations limitation/exception | reproduction, by way of illustration, in writings or sound or visual recordings |
| Type(s) of source work(s) | a short part of a published work, (a performance, phonogram, broadcast)[[1867]](#footnote-1867) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | teaching purposes |
| Condition of anthologies/compilations limitation/exception | reproduction is compatible with fair practice  reproduction does not exceed the extent justified by the purpose |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author (all copies if practicable) |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 11(1)(a) |
| Scope of broadcast/communication/recording | reproduction, by way of illustration, in writings or sound or visual recordings |
| Type(s) of source work(s) | a short part of a published work, (a performance, phonogram, broadcast)[[1868]](#footnote-1868) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching purposes |
| Condition of broadcast/communication/recording | reproduction is compatible with fair practice  reproduction does not exceed the extent justified by the purpose |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author (all copies if practicable) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 25(c) |
| Scope of broadcast/communication/recording | use |
| Type(s) of source work(s) | a performance, sound recording, broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for the purposes of face-to-face teaching activities or for scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Tunisia

## Legislation Reviewed

Law No. 94-36 of February 24, 1994, on Literary and Artistic Property

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 10(a) |
| Scope of private/personal use | making available to the public |
| Type(s) of source work(s) | a work that is lawfully made available to the public |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private purposes |
| Condition of private/personal use | free of charge  organizers of theatrical performances, whether free of charge or against payment, shall be required to inform beforehand either the author, his successors in title or the Copyright Protection Agency |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 10(b) |
| Scope of private/personal use | reproductions, translations and adaptations |
| Type(s) of source work(s) | a work that is lawfully made available to the public |
| Entity exercising private/personal use | strictly personal and private use |
| Purpose of private/personal use |  |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 11 |
| Scope of quotation | quotations and borrowings |
| Type(s) of source work(s) | a work already lawfully made available to the public, including articles in the form of press summaries (in original version or in translation) |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotations and borrowings are compatible with fair practice  quotations and borrowings are justified by a scientific, educational or informational purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 13 |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | literary, scientific or artistic works |
| Entity exercising reproduction | public libraries, the non-commercial documentation centers, the scientific institutes and teaching establishments, the youth centers and culture centers |
| Purpose of educational reproduction |  |
| Qualification(s) |  |
| Frequency/Multiple copies and Limits | in the necessary quantity and limited to the needs of their activities |
| Collective Licence/remuneration | remuneration to be laid down by Tunisian Copyright Protection Agency, failing amicable agreement between the parties |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 10(a) |
| Scope of school performance | making available to the public |
| Type(s) of source work(s) | a work that is lawfully made available to the public |
| Entity exercising school performance |  |
| Purpose of school performance | educational, teaching or cultural purposes |
| Condition of school performance | organizers of theatrical performances, whether free of charge or against payment, shall be required to inform beforehand either the author, his successors in title or the Copyright Protection Agency |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 10(a) |
| Scope of broadcast/communication/recording | making available to the public |
| Type(s) of source work(s) | a work that is lawfully made available to the public |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | educational, teaching or cultural purposes |
| Condition of broadcast/communication/recording | organizers of theatrical performances, whether free of charge or against payment, shall be required to inform beforehand either the author, his successors in title or the Copyright Protection Agency |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 12 |
| Scope of broadcast/communication/recording | recordings, reproductions of |
| Type(s) of source work(s) | sound or audiovisual recordings and reproductions of broadcast literary, scientific or artistic works |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | recordings or reproductions are made for educational or cultural purposes |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Turkey

## Legislation Reviewed

Law No. 5846 of December 5, 1951 on Intellectual and Artistic Works (as last amended by Law No. 5728 of January 23, 2008)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 38.1 para. 1 |
| Scope of private/personal use | reproduce |
| Type(s) of source work(s) | all intellectual and artistic works |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | personal use |
| Condition of private/personal use | without pursuing profit  “reproduction may not prejudice the legitimate interests of rightholders without good reason or conflict with the normal exploitation of the work” |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 35.1 |
| Scope of quotation | quoting, in an independent literary or scientific work |
| Type(s) of source work(s) | a few sentences or passages of a work made public, (a performance, phonogram, broadcast)[[1869]](#footnote-1869) |
| Entity exercising quotation |  |
| Purpose of quotation | quotations |
| Condition of quotation | quotation made in a manifest way  performance, phonogram, broadcast: such application may “not prejudice the legitimate interests of the right holders without good reason or conflict with the normal exploitation of the work”[[1870]](#footnote-1870) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | scientific work: name of work, name of author, passage from quoted part |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 35.2 |
| Scope of quotation | incorporating, into an independent musical work |
| Type(s) of source work(s) | certain elements of a published composition, at the most such as themes, patterns, passages or ideas, (a performance, phonogram, broadcast)[[1871]](#footnote-1871) |
| Entity exercising quotation |  |
| Purpose of quotation | quotations |
| Condition of quotation | quotation made in a manifest way  performance, phonogram, broadcast: such application may “not prejudice the legitimate interests of the right holders without good reason or conflict with the normal exploitation of the work”[[1872]](#footnote-1872) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | scientific work: name of work, name of author, passage from quoted part |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 35.3 |
| Scope of quotation | reproducing, in a scientific work |
| Type(s) of source work(s) | works of fine arts that have been made public and other published works, (a performance, phonogram, broadcast)[[1873]](#footnote-1873) |
| Entity exercising quotation |  |
| Purpose of quotation | quotations, for the purpose of explaining its content |
| Condition of quotation | quotation made in a manifest way  quotation to the extent justified by such purpose  performance, phonogram, broadcast: such application may “not prejudice the legitimate interests of the right holders without good reason or conflict with the normal exploitation of the work”[[1874]](#footnote-1874) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | scientific work: name of work, name of author, passage from quoted part |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 35.4 |
| Scope of quotation | displaying, by projection or  similar means |
| Type(s) of source work(s) | works of fine arts that have been made public, (a performance, phonogram, broadcast)[[1875]](#footnote-1875) |
| Entity exercising quotation |  |
| Purpose of quotation | quotations, to explain a subject at scientific conferences or lectures |
| Condition of quotation | quotation made in a manifest way  performance, phonogram, broadcast: such application may “not prejudice the legitimate interests of the right holders without good reason or conflict with the normal exploitation of the work”[[1876]](#footnote-1876) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | scientific work: name of work, name of author, passage from quoted part |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 34 |
| Scope of anthologies/compilations limitation/exception | create selected or collected works, by way of making quotations |
| Type(s) of source work(s) | published musical, literary and scientific works and works of fine arts that are made public, (a performance, phonogram, broadcast)[[1877]](#footnote-1877) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | educational purposes |
| Condition of anthologies/compilations limitation/exception | all kinds of technical and scientific photographic works etc. lacking in aesthetic quality,[[1878]](#footnote-1878) all types of drawings,[[1879]](#footnote-1879) photographic works and slides[[1880]](#footnote-1880) may only be quoted to explain the content of the selected and collected work  quotations in an amount justified by the purpose  “may not be used in a way which would prejudice the legitimate interests of the author/right holders without good reason or which would conflict with the normal exploitation of the work”[[1881]](#footnote-1881) |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | title of work, name of author (in customary manner) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 33 |
| Scope of school performance | performance |
| Type(s) of source work(s) | published works |
| Entity exercising school performance | in all educational institutions |
| Purpose of school performance | face-to-face education |
| Condition of school performance | without directly or indirectly aiming for profit |
| Preclusions (not part of school performance) |  |
| Subject to Attribution | source, name of author (in customary manner) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 80.2 para. 7 item 1 |
| Scope of school performance | performance to the public |
| Type(s) of source work(s) | intellectual and artistic works |
| Entity exercising school performance |  |
| Purpose of school performance | public order, education and instruction, scientific research or news |
| Condition of school performance | without aiming for profit |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 34 |
| Scope of broadcast/communication/recording | school radio broadcasts of selected or collected works, by way of making quotations |
| Type(s) of source work(s) | published musical, literary and scientific works and works of fine arts that are made public, (a performance, phonogram, broadcast)[[1882]](#footnote-1882) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | broadcasts made exclusively for schools and approved by the Ministry of Education |
| Condition of broadcast/communication/recording | all kinds of technical and scientific photographic works etc. lacking in aesthetic quality,[[1883]](#footnote-1883) all types of drawings,[[1884]](#footnote-1884) photographic works and slides[[1885]](#footnote-1885) may only be quoted to explain the content of the selected and collected work  quotations in an amount justified by the purpose  “may not be used in a way which would prejudice the legitimate interests of the author/right holders without good reason or which would conflict with the normal exploitation of the work”[[1886]](#footnote-1886) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | title of work, name of author (in customary manner) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 80.2 para. 7 item 1 |
| Scope of broadcast/communication/recording | communication to the public |
| Type(s) of source work(s) | intellectual and artistic works |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | public order, education and instruction, scientific research or news |
| Condition of broadcast/communication/recording | without aiming for profit |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Turkmenistan

## Legislation Reviewed

Law of Turkmenistan No. 257-IV of January 10, 2012, on Copyright and Related Rights

# Tuvalu

## Legislation Reviewed

Copyright Ordinance (Chapter 60) (adopting the application of parts of UK Copyright Act 1956 (4 & 5 Eliz. 2, Cap. 74)[[1887]](#footnote-1887), but excluding s 22[[1888]](#footnote-1888))

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | ss 6(1), 9(1) |
| Scope of private/personal use | fair dealing |
| Type(s) of source work(s) | a literary, dramatic or musical work, (or its adaptation)[[1889]](#footnote-1889), an artistic work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research or private study |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | ss 6(2), 9(2) |
| Scope of quotation | fair dealing |
| Type(s) of source work(s) | a literary, dramatic or musical work, (or its adaptation)[[1890]](#footnote-1890) or an artistic work |
| Entity exercising quotation |  |
| Purpose of quotation | purposes of criticism or review, whether of that work or of another work |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title (or other description), name of author (unless anonymous or author has agreed otherwise)[[1891]](#footnote-1891) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 41(1)(a) |
| Nature of educational reproduction | reproduction (otherwise than by the use of a “duplicating process”[[1892]](#footnote-1892)) or making of an adaptation, of |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work |
| Entity exercising reproduction | by a teacher or pupil |
| Purpose of educational reproduction | in the course of instruction, whether at a school[[1893]](#footnote-1893) or elsewhere |
| Qualification(s) | reproduction or adaptation shall not be published[[1894]](#footnote-1894) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 41(1)(b) |
| Nature of educational reproduction | reproduction (otherwise than by the use of a duplicating process) or making of an adaptation, of |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | as part of the questions to be answered in an examination, or in an answer to such a question |
| Qualification(s) | reproduction or adaptation shall not be published[[1895]](#footnote-1895) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 6(6) |
| Scope of anthologies/compilations limitation/exception | inclusion of a short passage in a collection, from |
| Type(s) of source work(s) | a published literary or dramatic work, (or its adaptation)[[1896]](#footnote-1896) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for use of schools |
| Condition of anthologies/compilations limitation/exception | collection is so described in its title and in any publisher’s advertisement  [source] work was not published for use of schools  collection consists mainly of material in which no copyright subsists |
| Preclusions (not part of anthologies/compilations limitation/exception) | 2 or more excerpts from works by same author[[1897]](#footnote-1897) are contained in that collection, or that collection with every similar collection by same publisher within 5 year period[[1898]](#footnote-1898) |
| Subject to Attribution | title (or other description), name of author (unless anonymous or author has agreed otherwise)[[1899]](#footnote-1899) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 12(7) |
| Scope of school performance | causing to be heard in public |
| Type(s) of source work(s) | a sound recording |
| Entity exercising school performance | a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare |
| Purpose of school performance | as part of the activities of, or for the benefit of |
| Condition of school performance | proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 41(3), (5) |
| Scope of school performance | performance [of a work]  causing to be heard or seen, the sounds or visual images [of a sound recording, cinematograph film, a television broadcast] |
| Type(s) of source work(s) | a literary, dramatic or musical work  a sound recording, cinematograph film, a television broadcast |
| Entity exercising school performance | by a person who is a teacher in, or a pupil in attendance at, the school[[1900]](#footnote-1900) |
| Purpose of school performance | in the course of the activities of a school |
| Condition of school performance | performance in class, or otherwise in the presence of an audience  audience is limited to persons who are teachers in, or pupils in attendance at, the school, or are otherwise “directly connected”[[1901]](#footnote-1901) with the activities of the school |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Uganda

## Legislation Reviewed

The Copyright and Neighbouring Rights Act, 2006

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 15(1)(a) |
| Scope of private/personal use | fair use, by way of production, translation, adaptation, arrangement or other transformation of |
| Type(s) of source work(s) | a protected work, in its original language or in a translation, (a performance, sound recording, audiovisual fixation, broadcast, programme carrying signals)[[1902]](#footnote-1902) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private personal use |
| Condition of private/personal use | to determine if use is fair use, consider following factors, including:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the protected work;  (c) the amount and substantially of the portion used in relation to the protected work as a whole;  (d) the effect of the use upon the potential market for or value of the protected work[[1903]](#footnote-1903) |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 15(1)(b) |
| Scope of quotation | fair use, by way of quotation, used in another work, |
| Type(s) of source work(s) | a published work, including a quotation from a newspaper or periodical in the form of press summary, in its original language or in a translation |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose  to determine if use is fair use, consider following factors, including:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the protected work;  (c) the amount and substantially of the portion used in relation to the protected work as a whole;  (d) the effect of the use upon the potential market for or value of the protected work[[1904]](#footnote-1904) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title of work |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 32(d) |
| Scope of quotation | quotations |
| Type(s) of source work(s) | short excerpts of a performance, sound recording, audio-visual fixation or fixation or broadcast |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotations are compatible with fair practice  quotations are justified by the informative purpose of the quotations |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 15(1)(j) |
| Nature of educational reproduction | fair use, by way of reproduction, and copies made, |
| Type(s) of source work(s) | a literary, artistic or scientific work |
| Entity exercising reproduction | a public library, a non-commercial documentation centre, a scientific institution or an educational institute |
| Purpose of educational reproduction |  |
| Qualification(s) | reproduction and copies do not conflict with the normal exploitation of the work reproduced  reproduction and copies do not unreasonably affect the right of the author in the work  to determine if use is fair use, consider following factors, including:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the protected work;  (c) the amount and substantially of the portion used in relation to the protected work as a whole;  (d) the effect of the use upon the potential market for or value of the protected work[[1905]](#footnote-1905) |
| Frequency/Multiple copies and Limits | subject to conditions prescribed by Minister |
| Collective Licence/remuneration | subject to conditions prescribed by Minister |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 15(1)(c) |
| Scope of anthologies/compilations limitation/exception | fair use, by way of illustration in a publication |
| Type(s) of source work(s) | a published work, in its original language or in a translation |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for teaching purpose |
| Condition of anthologies/compilations limitation/exception | to the extent justified for the purpose  use is compatible with fair practice  to determine if use is fair use, consider following factors, including:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the protected work;  (c) the amount and substantially of the portion used in relation to the protected work as a whole;  (d) the effect of the use upon the potential market for or value of the protected work[[1906]](#footnote-1906) |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | title of work, author |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 15(1)(c) |
| Scope of broadcast/communication/recording | fair use, by way of illustration in broadcast or sound or visual recording |
| Type(s) of source work(s) | a published work, in its original language or in a translation |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for teaching purpose |
| Condition of broadcast/communication/recording | to the extent justified for the purpose  use is compatible with fair practice  to determine if use is fair use, consider following factors, including:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the protected work;  (c) the amount and substantially of the portion used in relation to the protected work as a whole;  (d) the effect of the use upon the potential market for or value of the protected work[[1907]](#footnote-1907) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | title of work, author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 15(1)(d) |
| Scope of broadcast/communication/recording | fair use, by way of communication to the public |
| Type(s) of source work(s) | a protected work, in its original language or in a translation |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for teaching purposes for schools, colleges, universities or other educational institution or for professional training or public education |
| Condition of broadcast/communication/recording | use is compatible with fair practice  to determine if use is fair use, consider following factors, including:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the protected work;  (c) the amount and substantially of the portion used in relation to the protected work as a whole;  (d) the effect of the use upon the potential market for or value of the protected work[[1908]](#footnote-1908) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | title of work, author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 34(c) |
| Scope of broadcast/communication/recording | use |
| Type(s) of source work(s) | a performance, sound recording, audiovisual fixation, programme carrying signals, broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching science |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | s 17(1)(a) |
| Nature of compulsory licence for translation for educational purposes | non-exclusive,[[1909]](#footnote-1909) non-transferable[[1910]](#footnote-1910) compulsory licence, for making and publishing a translation into English, Swahili or any Ugandan language, and publication of such translation in copies in Uganda[[1911]](#footnote-1911) |
| Type(s) of source work(s) | a work |
| Licence applicant/entity | a citizen of Uganda or is ordinarily resident in Uganda |
| Purpose of licence | purpose of teaching, scholarship or research[[1912]](#footnote-1912) |
| Qualification(s) | licence application may be made:  1 year from first publication[[1913]](#footnote-1913)  work has not been previously translated into the language in the licence application and published by the owner of the right of translation, or if translation has been so published, all previous editions in that language are out of print[[1914]](#footnote-1914)  licence applicant has requested and been denied authorisation by owner of right of translation, or was unable to find owner after due diligence, despite sending request to publisher or to any designated national or international information centre[[1915]](#footnote-1915)  licence terminated if copies of an edition of the translated work are distributed to the general public in Uganda[[1916]](#footnote-1916)  author has not withdrawn from circulation copies of the work[[1917]](#footnote-1917)  published translation of the work is correct[[1918]](#footnote-1918)  on all copies of the published translation are printed: the name of author and original title,[[1919]](#footnote-1919) a notice in the language of the translation stating that the copy is available for distribution only in Uganda,[[1920]](#footnote-1920) a reprint of the original copyright notice[[1921]](#footnote-1921)  subject to licensee’s sale of existing copies, licence terminated if translation right owner has published or authorised the publishing of translated work, at a reasonable price in Uganda[[1922]](#footnote-1922) |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay just compensation to owner of right/owner’s agent/Registrar, consistent with normally payable standards of royalties[[1923]](#footnote-1923) |
| Price of publication |  |
| Distribution conditions | copies of translated work may not be exported[[1924]](#footnote-1924) |
| Grantor of Collective Licence | Minister |

|  |  |
| --- | --- |
| Provision | s 17(1)(b) |
| Nature of compulsory licence for reproduction for educational purposes | non-exclusive,[[1925]](#footnote-1925) non-transferable[[1926]](#footnote-1926) compulsory licence, for reproduction and publication in a material form the work reproduced[[1927]](#footnote-1927) in Uganda[[1928]](#footnote-1928) |
| Type(s) of source work(s) |  |
| Licence applicant/entity | a citizen of Uganda or is ordinarily resident in Uganda[[1929]](#footnote-1929) |
| Purpose of licence | purpose of teaching, scholarship or research[[1930]](#footnote-1930) |
| Qualification(s) | licence application may be made:  3 years from first publication (for work of technology or natural or physical science, including mathematics)  5 years from first publication (for music or any other related work)  7 years from first publication (for work of fiction, poetry, drama or for a book of art)  7 years from first publication (for an audiovisual fixation)[[1931]](#footnote-1931)  copies of the particular edition authorised by the owner of the reproduction have not been sold or distributed in Uganda to the public or in connection with systematic instructional activities, or there has been no sale/distribution during the immediately preceding 6 months[[1932]](#footnote-1932)  licence applicant has requested and been denied authorisation by owner of right of reproduction, or was unable to find owner after due diligence, despite sending request to publisher or to any designated national or international information centre[[1933]](#footnote-1933)  licence terminated if copies of an edition of the reproduced work are distributed to the general public in Uganda[[1934]](#footnote-1934)  published reproduction of the work is correct[[1935]](#footnote-1935)  on all copies of the published reproduction are printed: the name of author and original title,[[1936]](#footnote-1936) a notice in the language of the reproduction stating that the copy is available for distribution only in Uganda,[[1937]](#footnote-1937) a reprint of the original copyright notice[[1938]](#footnote-1938)  subject to licensee’s sale of existing copies, licence terminated if copies of the edition in the same language and substantially the same in content as the edition published under the licence have been distributed by reproduction right owner in Uganda in connection with systematic instructional activities, at a reasonable price[[1939]](#footnote-1939) |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay just compensation to owner of right/owner’s agent/Registrar, consistent with normally payable standards of royalties[[1940]](#footnote-1940) |
| Price of publication |  |
| Distribution conditions | copies of reproduced work may not be exported[[1941]](#footnote-1941) |
| Grantor of Collective Licence | Minister |

|  |  |
| --- | --- |
| Provision | s 19 |
| Nature of compulsory licence for translation for educational purposes | non-exclusive,[[1942]](#footnote-1942) compulsory licence, for making a translation and lawful broadcasting for reception in Uganda[[1943]](#footnote-1943) |
| Type(s) of source work(s) | published work or text of an audio-visual fixation[[1944]](#footnote-1944) |
| Licence applicant/entity | a broadcasting company[[1945]](#footnote-1945) |
| Purpose of licence |  |
| Qualification(s) | translation is to be made from lawfully acquired copy, *or* for broadcast intended for teaching or for dissemination of the results of specialised technical or scientific research to experts in a particular profession by broadcast[[1946]](#footnote-1946)  translation may not be used for any commercial purpose[[1947]](#footnote-1947) |
| Compulsory licence fee(s) |  |
| Price of publication |  |
| Distribution conditions | translations of audiovisual work or sound recording may only be exchanged between divisions/departments of broadcasting organisation[[1948]](#footnote-1948) |
| Grantor of Collective Licence | Minister |

## TPM/RMI Exceptions for Educational Purposes

# \*Ukraine

## Legislation Reviewed

Law of 23 December 1993 No. 3792-XII on Copyright and Related Rights (as amended up to 05.12.2012)

# United Arab Emirates

## Legislation Reviewed

Federal Law No. 7 of the Year 2002 Concerning Copyrights and Neighboring Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 22.1 |
| Scope of private/personal use | make a copy |
| Type(s) of source work(s) | a published work, (a performance, phonogram, broadcast)[[1949]](#footnote-1949) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | merely personal and non-commercial or professional but personal use of the copier |
| Condition of private/personal use | in a single copy |
| Preclusions (not part of private/personal use) | works of architecture and works of fine and applied arts (unless they are permanently present in public places),[[1950]](#footnote-1950) computer programs[[1951]](#footnote-1951) |
| Subject to Attribution | sufficient acknowledgment: title of work (or other description), name of author (unless work is anonymous, pseudonymous or author has previously agreed or directed that an acknowledgment is not to be made) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 22.6 |
| Scope of private/personal use | performing |
| Type(s) of source work(s) | a work, (a performance, phonogram, broadcast)[[1952]](#footnote-1952) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | in family meetings |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 22.5 |
| Scope of quotation | quotation |
| Type(s) of source work(s) | short paragraphs, derivation or reasonable analysis of the work, (a performance, phonogram, broadcast)[[1953]](#footnote-1953) |
| Entity exercising quotation |  |
| Purpose of quotation | criticism, discussion, or information |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 22.8 |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | written, sound or audio-visual short excerpts of works, (performances, phonograms, broadcasts)[[1954]](#footnote-1954) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | cultural, religious, educational or vocational training purposes |
| Qualification(s) | copying authority does not aim at direct or indirect profit  license for copying was unobtainable in accordance with the provisions of this law |
| Frequency/Multiple copies and Limits | copying be in the reasonable limits of its purpose |
| Collective Licence/remuneration |  |
| Attribution | title of work, name of author (if feasible) |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | Art. 22.6 |
| Scope of school performance | performing |
| Type(s) of source work(s) | a work, (a performance, phonogram, broadcast)[[1955]](#footnote-1955) |
| Entity exercising school performance | by students |
| Purpose of school performance | in an educational institution |
| Condition of school performance | no direct or indirect remuneration |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | Art. 21 |
| Nature of compulsory licence for translation for educational purposes | compulsory licence, for translation (and optionally, copying) |
| Type(s) of source work(s) | a protected work |
| Licence applicant/entity | any person |
| Purpose of licence | exclusively to meet the needs of education in all its types, levels and to the needs of public libraries and archives |
| Qualification(s) | licence application may be made: 3 years from first publication  licence application to be supported with reasons to determine the time and place of exploitation  licence granted to effect ordinary exploitation of the work |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay fair reward to author; licence granted to secure non-occurrence of unjustifiable damage to the legitimate interests of the author or his successors in title; council of ministers to issue a decision specifying the fees to be charged |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | ministry |

|  |  |
| --- | --- |
| Provision | Art. 21 |
| Nature of compulsory licence for translation for educational purposes | compulsory licence, for copying |
| Type(s) of source work(s) | a protected work |
| Licence applicant/entity | any person |
| Purpose of licence | exclusively to meet the needs of education in all its types, levels and to the needs of public libraries and archives |
| Qualification(s) | licence application to be supported with reasons to determine the time and place of exploitation  licence granted to effect ordinary exploitation of the work |
| Compulsory licence fee(s) | beneficiary of compulsory licence to pay fair reward to author; licence granted to secure non-occurrence of unjustifiable damage to the legitimate interests of the author or his successors in title; council of ministers to issue a decision specifying the fees to be charged |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | ministry |

## TPM/RMI Exceptions for Educational Purposes

# United Kingdom

## Legislation Reviewed

Copyright, Designs and Patents Act 1988 (c. 48), revised and updated as of (as of Mar. 31, 2016)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 29(1) |
| Scope of private/personal use | fair dealing |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research for a non-commercial purpose |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | not fair dealing if copying by a person other than researcher or student (or librarian), and 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[[1956]](#footnote-1956) |
| Subject to Attribution | unless infeasible: title of work, name of author (unless anonymous or not possible to ascertain its author if unpublished)[[1957]](#footnote-1957) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 29(1C) |
| Scope of private/personal use | fair dealing |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | private study |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | not fair dealing if copying by a person other than researcher or student (or librarian), and 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[[1958]](#footnote-1958) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 29(2) |
| Scope of private/personal use | fair dealing |
| Type(s) of source work(s) | typographical arrangement of a published edition |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research or private study |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | not fair dealing if copying by a person other than researcher or student (or librarian), and 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[[1959]](#footnote-1959) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 30, Schedule 2, para. 2(1) |
| Scope of quotation | fair dealing |
| Type(s) of source work(s) | a work, (a performance or recording)[[1960]](#footnote-1960) “made available to the public”[[1961]](#footnote-1961), |
| Entity exercising quotation |  |
| Purpose of quotation | criticism or review, of that work or another work/performance/recording or of a performance of a work |
| Condition of quotation | reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title of work, name of author (unless anonymous or not possible to ascertain its author if unpublished)[[1962]](#footnote-1962) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 32(1) |
| Nature of educational reproduction | copying |
| Type(s) of source work(s) | in a literary, dramatic, musical or artistic work |
| Entity exercising reproduction | a person giving or receiving instruction |
| Purpose of educational reproduction | course of instruction or of preparation for instruction, which is for a non-commercial purpose |
| Qualification(s) | copying not done by means of a reprographic process  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1963]](#footnote-1963) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | unless infeasible: title of work, name of author (unless anonymous or not possible to ascertain its author if unpublished)[[1964]](#footnote-1964) |

|  |  |
| --- | --- |
| Provision | s 32(2A) |
| Nature of educational reproduction | copying, not by means of a reprographic process, of |
| Type(s) of source work(s) | a literary, dramatic, musical or artistic work which has been “made available to the public”[[1965]](#footnote-1965) |
| Entity exercising reproduction | a person giving or receiving instruction |
| Purpose of educational reproduction | course of instruction or of preparation for instruction |
| Qualification(s) | copying is fair dealing  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1966]](#footnote-1966) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | unless infeasible: title of work, name of author (unless anonymous or not possible to ascertain its author if unpublished)[[1967]](#footnote-1967) |

|  |  |
| --- | --- |
| Provision | s 32(3) |
| Nature of educational reproduction | anything done |
| Type(s) of source work(s) |  |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | for the purposes of an examination by way of setting the questions, communicating the questions to the candidates or answering the questions |
| Qualification(s) | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1968]](#footnote-1968) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | unless infeasible, for questions: title of work, name of author (unless anonymous or not possible to ascertain its author if unpublished)[[1969]](#footnote-1969) |

|  |  |
| --- | --- |
| Provision | s 36 |
| Nature of educational reproduction | reprographic copying |
| Type(s) of source work(s) | published literary, dramatic or musical works, published editions |
| Entity exercising reproduction | made by or on behalf of an “educational establishment”[[1970]](#footnote-1970) |
| Purpose of educational reproduction | for the purposes of instruction |
| Qualification(s) | instruction is for a non-commercial purpose  no licence authorising copying of which person making the copies knew or ought to have been aware[[1971]](#footnote-1971)  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1972]](#footnote-1972) |
| Frequency/Multiple copies and Limits | not more than 1% of any work in any quarter |
| Collective Licence/remuneration | any licence granted not to derogate from this provision[[1973]](#footnote-1973) |
| Attribution | unless infeasible: title of work, name of author (unless anonymous or not possible to ascertain its author if unpublished)[[1974]](#footnote-1974) |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 33 |
| Scope of anthologies/compilations limitation/exception | inclusion, in a collection, of |
| Type(s) of source work(s) | a short passage from a published literary or dramatic work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | collection intended for (any use for the educational purposes)[[1975]](#footnote-1975) in educational establishments |
| Condition of anthologies/compilations limitation/exception | collection is so described in its title and in any publisher’s advertisement  collection consists mainly of material in which no copyright subsists  work itself is not intended for use in such establishment  must not exceed extent defined by legal provisions and bylaws in force |
| Preclusions (not part of anthologies/compilations limitation/exception) | more than 2 excerpts from works by same author[[1976]](#footnote-1976) are contained in collections by same publisher within 5 year period[[1977]](#footnote-1977) |
| Subject to Attribution | title of work, author (unless anonymous published work, or author identity cannot be ascertained by reasonable inquiry for unpublished work)[[1978]](#footnote-1978) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 34(1) |
| Scope of school performance | performance |
| Type(s) of source work(s) | a literary, dramatic or musical work |
| Entity exercising school performance | by a teacher or pupil in the course of the activities of educational establishment,  or by any person for the purposes of instruction at the educational establishment |
| Purpose of school performance | an audience consisting of teachers and pupils at an educational establishment and other persons “directly connected” [[1979]](#footnote-1979) with the activities of the establishment |
| Condition of school performance |  |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 34(2), Sch. 2, para. 5(1) |
| Scope of school performance | playing or showing |
| Type(s) of source work(s) | a sound recording, film or broadcast |
| Entity exercising school performance |  |
| Purpose of school performance | for the purposes of instruction  before an audience consisting of teachers and pupils at an educational establishment and other persons “directly connected” [[1980]](#footnote-1980) with the activities of the establishment |
| Condition of school performance |  |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 32(2) |
| Scope of broadcast/communication/recording | copying, by making a film or film sound-track, |
| Type(s) of source work(s) | a sound recording, film or broadcast |
| Entity exercising broadcast/communication/recording | a person giving or receiving instruction |
| Purpose of broadcast/communication/recording | in the course of instruction, or of preparation for instruction, in the making of films or film sound-tracks |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1981]](#footnote-1981) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | unless infeasible: title of work, name of author (unless anonymous or not possible to ascertain its author if unpublished)[[1982]](#footnote-1982) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 35(1), Sch. 2, para. 6(1) |
| Scope of broadcast/communication/recording | a recording, or a copy of such a recording, of |
| Type(s) of source work(s) | a broadcast (and any work [and performance] included in it) |
| Entity exercising broadcast/communication/recording | by or on behalf of an educational establishment |
| Purpose of broadcast/communication/recording | educational purposes of that establishment |
| Condition of broadcast/communication/recording | educational purposes are non-commercial  no recording if certified licensing scheme under s 143 (or Schedule 2A, para. 16) providing for grant of licences |
| Preclusions (not part of broadcast/communication/recording) | copies/recordings made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1983]](#footnote-1983) |
| Subject to Attribution |  |
| Subject to Remuneration | [special licences for educational establishments][[1984]](#footnote-1984) |

|  |  |
| --- | --- |
| Provision | s 35(1A), Sch. 2, para. 6(1A) |
| Scope of broadcast/communication/recording | communication of a recording, or a copy of such a recording (made by virtue of s 35(1) or Sch. 2, para. 6(1)), of |
| Type(s) of source work(s) | a broadcast (and any work [and performance] included in it) |
| Entity exercising broadcast/communication/recording | by a person situated within the premises of an educational establishment |
| Purpose of broadcast/communication/recording |  |
| Condition of broadcast/communication/recording | communication cannot be received by any person situated outside the premises of that establishment  no recording if certified licensing scheme under s 143 (or Schedule 2A, para. 16) providing for grant of licences |
| Preclusions (not part of broadcast/communication/recording) | copies/recordings made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1985]](#footnote-1985) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Schedule 2, para. 4(1) |
| Scope of broadcast/communication/recording | copying, |
| Type(s) of source work(s) | a recording of a performance |
| Entity exercising broadcast/communication/recording | a person giving or receiving instruction |
| Purpose of broadcast/communication/recording | in the course of instruction, or of preparation for instruction, in the making of films or film sound-tracks |
| Condition of broadcast/communication/recording | instruction is for a non-commercial purpose  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1986]](#footnote-1986) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Schedule 2, para. 4(2)(a) |
| Scope of broadcast/communication/recording | copying |
| Type(s) of source work(s) | a recording of a performance |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for the purposes of setting answering the questions in an examination |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1987]](#footnote-1987) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Schedule 2, para. 4(2)(a) |
| Scope of broadcast/communication/recording | anything done |
| Type(s) of source work(s) | a performance, a recording of a performance |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | purposes of an examination by way of communicating the questions to the candidates |
| Condition of broadcast/communication/recording | copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire)[[1988]](#footnote-1988) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | s 296ZE |
| Scope of TPM/RMI limitation/exception | exception to require rightholder/exclusive licensee who used effective “technological measures”[[1989]](#footnote-1989) in respect of work to take voluntary measures[[1990]](#footnote-1990) or make available means[[1991]](#footnote-1991) to ensure for the “beneficiaries” the benefit of the exception |
| Type(s) of source work(s) | work, performance,[[1992]](#footnote-1992) database,[[1993]](#footnote-1993) publication[[1994]](#footnote-1994) (but not applicable to works available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them[[1995]](#footnote-1995)) |
| Beneficiary exercising limitation/exception | “beneficiaries”: a person (or a person being a representative of a class of persons) who are prevented, by any effective technological measure from carrying out an act in relation to copyright works etc. (to which they have lawful access[[1996]](#footnote-1996)) which are permitted (“permitted acts”), as listed in Schedule 5A, for, *inter alia*:  things done for purposes of instruction or examination (ss 32(1), (3), (3)),  recording by educational establishments of broadcasts (s 35),  reprographic copying by educational establishments of passages from published works (s 36),  paragraph 4 of Schedule 2 (things done for purposes of instruction or examination) (Sch. 2, para. 4),  recording of broadcasts by educational establishments (Sch. 2, para. 6) |
| Purpose of limitation/exception | to the extent necessary and to have legal access to the protected work or subject-matter |
| Condition of limitation/exception |  |

# United Republic of Tanzania

## Legislation Reviewed

Copyright and Neighbouring Rights Act, 1999

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 12(2)(a) |
| Scope of private/personal use | production, translation, adaptation, arrangement or other transformation |
| Type(s) of source work(s) | a lawfully published work (in original or in translation), (a performance, sound recording, broadcast)[[1997]](#footnote-1997) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | user’s own personal and private use |
| Condition of private/personal use | “reproduction does not conflict with normal exploitation of the work and does not unreasonably prejudice the legitimate interest of the author” |
| Preclusions (not part of private/personal use) | works of architecture, computer program |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 12(2)(b) |
| Scope of quotation | inclusion, in another work |
| Type(s) of source work(s) | a lawfully published work (in original or in translation), including[[1998]](#footnote-1998) newspaper articles and periodicals in the form of press summaries, (a performance, sound recording, broadcast)[[1999]](#footnote-1999) |
| Entity exercising quotation |  |
| Purpose of quotation | in the form of quotation |
| Condition of quotation | quotations are compatible with fair practice  quotations do not exceed extent justified by the purpose |
| Preclusions (not part of quotation) | works of architecture, computer program |
| Subject to Attribution | source, name of author (if indicated on source) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 12(7) |
| Nature of educational reproduction | reproduction, by photography of sound or video recording, or electronic storage |
| Type(s) of source work(s) | literary and artistic works which have already been lawfully made available to the public, (a performance, sound recording, broadcast)[[2000]](#footnote-2000) |
| Entity exercising reproduction | by photography of sound or video recording, or electronic storage |
| Purpose of educational reproduction | regular activities of the entity |
| Qualification(s) | reproduction, the number of copies made, and the use thereof are limited to the need of the entity reproducing the work  “neither conflict with the normal exploitation of the work nor unreasonably prejudice the legitimate interests of the author” |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 12(2)(c) |
| Scope of anthologies/compilations limitation/exception | utilization in publications |
| Type(s) of source work(s) | a lawfully published work (in original or in translation), (a performance, sound recording, broadcast)[[2001]](#footnote-2001) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for teaching purposes of the work, for use in schools, education, universities and professional training |
| Condition of anthologies/compilations limitation/exception | utilization to extent justified by the purpose  use is compatible with fair practice |
| Preclusions (not part of anthologies/compilations limitation/exception) | works of architecture, computer program |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 12(7) |
| Scope of broadcast/communication/recording | reproduction, by photography of sound or video recording, or electronic storage |
| Type(s) of source work(s) | literary and artistic works which have already been lawfully made available to the public, (a performance, sound recording, broadcast)[[2002]](#footnote-2002) |
| Entity exercising broadcast/communication/recording | by photography of sound or video recording, or electronic storage |
| Purpose of broadcast/communication/recording | regular activities of the entity |
| Condition of broadcast/communication/recording | reproduction, the number of copies made, and the use thereof are limited to the need of the entity reproducing the work  “neither conflict with the normal exploitation of the work nor unreasonably prejudice the legitimate interests of the author” |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 12(2)(c) |
| Scope of broadcast/communication/recording | utilization in broadcasts, programs distributed by cable, or sound or visual recordings, |
| Type(s) of source work(s) | a lawfully published work (in original or in translation), (a performance, sound recording, broadcast)[[2003]](#footnote-2003) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for teaching purposes of the work, for use in schools, education, universities and professional training |
| Condition of broadcast/communication/recording | utilization to extent justified by the purpose  use is compatible with fair practice |
| Preclusions (not part of broadcast/communication/recording) | works of architecture, computer program |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 35(b) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | a performance, sound recording, broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 35(c) |
| Scope of broadcast/communication/recording | reproduction |
| Type(s) of source work(s) | a performance, sound recording, broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | solely for face-to-face teaching activities |
| Condition of broadcast/communication/recording | excluding performances and phonograms which have been published as teaching or instructional materials |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# United States of America

## Legislation Reviewed

U.S. Copyright Act, Title 17

Federal Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes, Oct. 14, 1981

Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with respect to books and periodicals

Guidelines for Educational Uses of Music

U.S. Copyright Office, Circular 21: Reproduction Of Copyrighted Works By Educators and Librarians (2014)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 107 |
| Scope of private/personal use | fair use, including such use by reproduction in copies or phonorecords or by any other means specified by [ss 106 and 106A] |
| Type(s) of source work(s) | a copyrighted work (the fact that a work is unpublished shall not itself bar a finding of fair use) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | [any *individual* may reproduce a copyrighted work for […] fair use][[2004]](#footnote-2004) purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research |
| Condition of private/personal use | to determine if use is fair use, factors to be considered shall include:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the use upon the potential market for or value of the work. |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | s 107 |
| Scope of quotation | fair use, including such use by reproduction in copies or phonorecords or by any other means specified by [ss 106 and 106A] |
| Type(s) of source work(s) | a copyrighted work (the fact that a work is unpublished shall not itself bar a finding of fair use) |
| Entity exercising quotation |  |
| Purpose of quotation | purposes such as criticism, comment,[[2005]](#footnote-2005) |
| Condition of quotation | to determine if use is fair use, factors to be considered shall include:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the use upon the potential market for or value of the work. |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 107 |
| Nature of educational reproduction | fair use, including such use by reproduction in copies or phonorecords or by any other means specified by [ss 106 and 106A] |
| Type(s) of source work(s) | a copyrighted work (the fact that a work is unpublished shall not itself bar a finding of fair use) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | purposes such as teaching (including multiple copies for classroom use)[[2006]](#footnote-2006), scholarship, or research |
| Qualification(s) | to determine if use is fair use, factors to be considered shall include:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the use upon the potential market for or value of the work. |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with respect to books and periodicals[[2007]](#footnote-2007) |
| Nature of educational reproduction | single copying |
| Type(s) of source work(s) | books and periodicals: a chapter from a book, an article from a periodical or newspaper, a short story, short essay or short poem, a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper |
| Entity exercising reproduction | not-for-profit educational institutions, by or for a teacher |
| Purpose of educational reproduction | scholarly research or use in teaching or preparation to teach a class |
| Qualification(s) | copy at the teacher’s individual request  preclusions: copying to create or replace or substitute for anthologies, compilations or collective works, copying of works intended to be “consumable” in the course of study or of teaching e.g. workbooks etc., copying as a substitute for the purchase of books, reprints or periodicals etc.[[2008]](#footnote-2008) |
| Frequency/Multiple copies and Limits | a single copy |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with respect to books and periodicals[[2009]](#footnote-2009) |
| Nature of educational reproduction | multiple copying |
| Type(s) of source work(s) | books and periodicals |
| Entity exercising reproduction | not-for-profit educational institutions, by or for a teacher giving the course |
| Purpose of educational reproduction | for classroom use or discussion |
| Qualification(s) | “spontaneity” test: copying is at the instance and inspiration of the individual teacher, and that the inspiration and decision to use the work and moment of its use for maximum teaching effectiveness are so close that it would be unreasonable to expect a timely reply to a request for permission  preclusions: copying to create or replace or substitute for anthologies, compilations or collective works, copying of works intended to be “consumable” in the course of study or of teaching e.g. workbooks etc., copying as a substitute for the purchase of books, reprints or periodicals etc.[[2010]](#footnote-2010) |
| Frequency/Multiple copies and Limits | not to exceed more than 1 copy per pupil in a course  “brevity” test: poetry – a complete poem if less than 250 words and if printed on not more than 2 pages, or from a longer poem, an excerpt of not more than 250 words; prose – either a complete article, story or essay of less than 2,500 words, or an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event, a minimum of 500 words (but the aforesaid limits may be expanded to permit the completion of an unfinished line of poem or prose paragraph); illustration – one chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue; special works – certain works in poetry, prose or poetic prose which combine language with illustrations and are intended sometimes for children and at other times for a more general audience that are less than 2,500 words in their entirety, may not be reproduced in their entirety but an excerpt comprising not more than 2 of the published pages and not more than 10% of the words found in the text may be reproduced  “cumulative effects” test: (i) copying is for only one course in the school, (ii) not more than 1 short poem, article, story, essay or two excerpts may be copied from the same author, or more than 3 from the same collective work or periodical volume during one class term, and (iii) not more than 9 instances of such multiple copying for one course during one class term, but (ii) and (iii) shall not apply to current news periodicals and newspapers and current news sections of other periodicals  each copy includes a notice of copyright[[2011]](#footnote-2011) |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | Guidelines for Educational Uses of Music[[2012]](#footnote-2012) |
| Nature of educational reproduction | copying |
| Type(s) of source work(s) | musical works, recordings of performances, sound recordings |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | educational uses of music |
| Qualification(s) | emergency copying to replace purchased copies, or  academic purposes other than performance: single or multiple copies where the excerpts do not comprise a performable unit (but not more than 10% of the whole work), and not more than 1 copy per pupil; or  editing or simplification of purchased printed copies, without distorting the character of the work or lyrics; or  for evaluation or rehearsal purposes: a single copy of recordings of performances by students; or  conducting aural exercises or examinations: a single copy of a sound recording of copyrighted music from sound recordings owned by an educational institution or teacher.[[2013]](#footnote-2013)  preclusions (except as allowed above): copying to create or replace or substitute for anthologies, compilations or collective works, copying of or form works intended to be “consumable” e.g. workbooks, exercises, etc., copying for the purpose of performance, copying for the purpose of substituting for the purchase of music, and copying without inclusion of existing copyright notice.[[2014]](#footnote-2014) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 107 |
| Scope of anthologies/compilations limitation/exception | fair use, including such use by reproduction in copies or phonorecords or by any other means specified by [ss 106 and 106A] |
| Type(s) of source work(s) | a copyrighted work (the fact that a work is unpublished shall not itself bar a finding of fair use) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | purposes such as teaching (including multiple copies for classroom use), scholarship, or research |
| Condition of anthologies/compilations limitation/exception | to determine if use is fair use, factors to be considered shall include:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the use upon the potential market for or value of the work. |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution |  |
| Subject to Remuneration | coursepacks:[[2015]](#footnote-2015) copyright clearance obtained via department administration, university bookstores, private clearance services such as Copyright Clearance Center (fees are based on cost of copyright permission for material copied – approximately US$0.08 to US$0.10 per copied page, plus copying, binding, clearance service’s processing fee and store markup)[[2016]](#footnote-2016) |

## School Performances

|  |  |
| --- | --- |
| Provision | s 107 |
| Scope of school performance | fair use, including such use by reproduction in copies or phonorecords or by any other means specified by [ss 106 and 106A] |
| Type(s) of source work(s) | a copyrighted work (the fact that a work is unpublished shall not itself bar a finding of fair use) |
| Entity exercising school performance |  |
| Purpose of school performance | purposes such as teaching (including multiple copies for classroom use), scholarship, or research |
| Condition of school performance | to determine if use is fair use, factors to be considered shall include:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the use upon the potential market for or value of the work. |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 110(1) |
| Scope of school performance | performance or display |
| Type(s) of source work(s) | a work |
| Entity exercising school performance | by instructors or pupils |
| Purpose of school performance | in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction |
| Condition of school performance |  |
| Preclusions (not part of school performance) | (a motion picture or other audiovisual work) source work was not lawfully made, and person responsible for performance knew or had reason to believe it was not lawfully made |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 110(2) |
| Scope of school performance | performance or display, by or in the course of a transmission |
| Type(s) of source work(s) | a nondramatic literary or musical work or reasonable and limited portions of any other work |
| Entity exercising school performance | performance or display is made by, at the direction of, or under the actual supervision of an instructor  as an integral part of a class session  offered as a regular part of the systematic “mediated instructional activities”[[2017]](#footnote-2017) of  a governmental body or an accredited nonprofit educational institution |
| Purpose of school performance | performance or display is directly related and of material assistance to the teaching content of the transmission |
| Condition of school performance | performance or display is in an amount comparable to that which is typically displayed in the course of a live classroom session  transmission is made solely for, and, to the extent technologically feasible, its reception is limited to officially enrolled students and officers or employees of governmental bodies as part of their official duties[[2018]](#footnote-2018)  transmitting body/institution institutes copyright policies and provides copyright notices to students[[2019]](#footnote-2019)  (for digital transmissions) transmitting body/institution applies technological measures that reasonably prevent retention of the work for longer than the class session, and unauthorised further dissemination,[[2020]](#footnote-2020) and does not interfere with technological measures used by copyright owners to this end[[2021]](#footnote-2021) |
| Preclusions (not part of school performance) | work is one produced or marketed primarily for performance or display as part of mediated instructional activities transmitted via digital networks, or  a performance or display that is given by means of a copy or phonorecord that is not lawfully made and acquired under this title, and the transmitting government body or accredited nonprofit educational institution knew or had reason to believe was not lawfully made and acquired |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 110(4) |
| Scope of school performance | performance |
| Type(s) of source work(s) | a nondramatic literary or musical work otherwise than in a transmission to the public |
| Entity exercising school performance |  |
| Purpose of school performance |  |
| Condition of school performance | without any purpose of direct or indirect commercial advantage[[2022]](#footnote-2022)  without payment of any fee or other compensation for the performance to any of its performers, promoters, or organizers  no direct or indirect admission charge[[2023]](#footnote-2023)  proceeds, after deducting the reasonable costs of producing the performance, are used exclusively for educational, religious, or charitable purposes and not for private financial gain[[2024]](#footnote-2024) |
| Preclusions (not part of school performance) | except where the copyright owner has served notice, in writing, in compliance with form, content and manner of service, of objection to the performance, at least 7 days before the performance, with reasons[[2025]](#footnote-2025) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 107 |
| Scope of broadcast/communication/recording | fair use, including such use by reproduction in copies *or phonorecords* or by any other means specified by [ss 106 and 106A] |
| Type(s) of source work(s) | a copyrighted work (the fact that a work is unpublished shall not itself bar a finding of fair use) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | purposes such as teaching (including multiple copies for classroom use)[[2026]](#footnote-2026), scholarship, or research |
| Condition of broadcast/communication/recording | to determine if use is fair use, factors to be considered shall include:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the use upon the potential market for or value of the work. |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Guidelines for Educational Uses of Music[[2027]](#footnote-2027) |
| Scope of broadcast/communication/recording | copying |
| Type(s) of source work(s) | musical works, recordings of performances, sound recordings |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | educational uses of music |
| Condition of broadcast/communication/recording | emergency copying to replace purchased copies, or  academic purposes other than performance: single or multiple copies where the excerpts do not comprise a performable unit (but not more than 10% of the whole work), and not more than 1 copy per pupil; or  editing or simplification of purchased printed copies, without distorting the character of the work or lyrics; or  for evaluation or rehearsal purposes: a single copy of recordings of performances by students; or  conducting aural exercises or examinations: a single copy of a sound recording of copyrighted music from sound recordings owned by an educational institution or teacher.[[2028]](#footnote-2028)  preclusions (except as allowed above): copying to create or replace or substitute for anthologies, compilations or collective works, copying of or form works intended to be “consumable” e.g. workbooks, exercises, etc., copying for the purpose of performance, copying for the purpose of substituting for the purchase of music, and copying without inclusion of existing copyright notice.[[2029]](#footnote-2029) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 110(2) |
| Scope of broadcast/communication/recording | performance or display, by or in the course of a transmission (and to make copies or phonorecords of a work embodying the performance or display for such transmission)[[2030]](#footnote-2030) |
| Type(s) of source work(s) | a nondramatic literary or musical work or reasonable and limited portions of any other work [e.g. audiovisual works] |
| Entity exercising broadcast/communication/recording | performance or display is made by, at the direction of, or under the actual supervision of an instructor, of a governmental body or an accredited nonprofit educational institution |
| Purpose of broadcast/communication/recording | performance/display as an integral part of a class session  offered as a regular part of the systematic “mediated instructional activities”[[2031]](#footnote-2031) of [government body/educational institution]  performance or display is directly related and of material assistance to the teaching content of the transmission |
| Condition of broadcast/communication/recording | performance or display is in an amount comparable to that which is typically displayed in the course of a live classroom session  transmission is made solely for, and, to the extent technologically feasible, its reception is limited to officially enrolled students and officers or employees of governmental bodies as part of their official duties[[2032]](#footnote-2032)  transmitting body/institution institutes copyright policies and provides copyright notices to students[[2033]](#footnote-2033)  (for digital transmissions) transmitting body/institution applies technological measures that reasonably prevent retention of the work for longer than the class session, and unauthorised further dissemination,[[2034]](#footnote-2034) and does not interfere with technological measures used by copyright owners to this end[[2035]](#footnote-2035) |
| Preclusions (not part of broadcast/communication/recording) | work is one produced or marketed primarily for performance or display as part of mediated instructional activities transmitted via digital networks, or  a performance or display that is given by means of a copy or phonorecord that is not lawfully made and acquired under this title, and the transmitting government body or accredited nonprofit educational institution knew or had reason to believe was not lawfully made and acquired |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 107 |
| Scope of broadcast/communication/recording | fair use, including such use by reproduction in copies or phonorecords or by any other means specified by [ss 106 and 106A] |
| Type(s) of source work(s) | a copyrighted work (the fact that a work is unpublished shall not itself bar a finding of fair use) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | purposes such as teaching (including multiple copies for classroom use), scholarship, or research |
| Condition of broadcast/communication/recording | to determine if use is fair use, factors to be considered shall include:  (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes;  (b) the nature of the copyright work;  (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;  (d) the effect of the use upon the potential market for or value of the work. |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Federal Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes, Oct. 14, 1981[[2036]](#footnote-2036) |
| Scope of broadcast/communication/recording | off-air recording and retention of recording |
| Type(s) of source work(s) | a “broadcast program”[[2037]](#footnote-2037) (simultaneously with broadcast transmission, including simultaneous cable retransmission) |
| Entity exercising broadcast/communication/recording | non-profit educational institutions[[2038]](#footnote-2038) |
| Purpose of broadcast/communication/recording | educational purposes – used for teaching activities, and for teacher evaluation purposes |
| Condition of broadcast/communication/recording | broadcast program may be recorded and retained for not more than 45 days (from date of recording) (“retention period”)[[2039]](#footnote-2039)  off-air recordings may only be made at request of and used by individual teachers (no regular recording or anticipated recording)[[2040]](#footnote-2040)  no broadcast program may be recorded off-air more than once at the request of the same teacher[[2041]](#footnote-2041)  a limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines[[2042]](#footnote-2042)  during first 10 consecutive school days in retention period, off-air recordings may be used by individual teachers in the course of relevant teaching activities, and repeated once only for instructional reinforcement, in classrooms and similar places devoted to instruction[[2043]](#footnote-2043)  after first 10 consecutive school days, to the end of retention period, off-air recordings may only be used for teacher evaluation purposes (to determine whether or not to include broadcast program in teaching curriculum)[[2044]](#footnote-2044)  no alteration of recorded programs from their original content, or physically or electronically combined to constitute teaching anthologies or compilations[[2045]](#footnote-2045)  educational institutions to establish appropriate control procedures to maintain the integrity of these guidelines[[2046]](#footnote-2046) |
| Preclusions (not part of broadcast/communication/recording) | programs available only from cable television services[[2047]](#footnote-2047)  off-air recordings for student exhibition or non-evaluation purposes without authorisation[[2048]](#footnote-2048) |
| Subject to Attribution | all copies to include copyright notice on broadcast programs as recorded[[2049]](#footnote-2049) |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

|  |  |
| --- | --- |
| Provision | s 1201(d) |
| Scope of TPM/RMI limitation/exception | exception for circumventing technological access control measure |
| Type(s) of source work(s) | a commercially exploited copyrighted work (not reasonably available in non-technologically protected form)[[2050]](#footnote-2050) |
| Beneficiary exercising limitation/exception | a nonprofit library, archives, or educational institution |
| Purpose of limitation/exception | sole purpose of making an acquisition decision in relation to the work |
| Condition of limitation/exception | copy of work to which access has been so gained “may not be retained longer than necessary to make such good faith determination”[[2051]](#footnote-2051) and “may not be used for any other purpose”[[2052]](#footnote-2052)  beneficiary does not circumvent technological access control measure wilfully for the purposes of commercial advantage or financial gain[[2053]](#footnote-2053)  beneficiary not permitted to manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, component, or part thereof, which circumvents a technological measure[[2054]](#footnote-2054) |

|  |  |
| --- | --- |
| Provision | s 1201(g) |
| Scope of TPM/RMI limitation/exception | exception for circumventing technological access control measure |
| Type(s) of source work(s) | technological measure applied to a copy, phonorecord, performance, or display of a published work |
| Beneficiary exercising limitation/exception | a person engaged in a legitimate course of study, is employed, or is trained or experienced, in the field of encryption technology[[2055]](#footnote-2055) |
| Purpose of limitation/exception | good faith “encryption research”[[2056]](#footnote-2056) (into encryption technology[[2057]](#footnote-2057)) |
| Condition of limitation/exception | circumvention relates to lawfully obtained encrypted copy etc. of work[[2058]](#footnote-2058)  circumvention is necessary to conduct such research[[2059]](#footnote-2059)  person has made good faith effort to obtain authorisation before circumvention[[2060]](#footnote-2060)  circumvention act does not constitute copyright infringement or violation of applicable law (including the Computer Fraud and Abuse Act)[[2061]](#footnote-2061) |

# \*Uruguay

## Legislation Reviewed

Law No. 9.739 of 17 December 1937 on Copyright (as last amended by Law No. 18. 046 of October 24, 2006)

# Uzbekistan

## Legislation Reviewed

Law of the Republic of Uzbekistan No. 42 of July 20, 2006 on Copyright and Related Rights

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Arts. 33, 53.2[[2062]](#footnote-2062) |
| Scope of private/personal use | reproduction of |
| Type(s) of source work(s) | audiovisual work or phonorecord, (performance, broadcast)[[2063]](#footnote-2063) |
| Entity exercising private/personal use | (natural person)[[2064]](#footnote-2064) |
| Purpose of private/personal use | personal purposes |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | levy[[2065]](#footnote-2065) payable on tangible media (audio and/or video tapes, cassettes, CDs, other tangible media) used for reproduction and reproduction equipment[[2066]](#footnote-2066), payable by importer, manufacturer,[[2067]](#footnote-2067) to account of CMOs[[2068]](#footnote-2068) to be distributed among authors, executors [performers], producers of phonorecords, manufacturers of audiovisual records[[2069]](#footnote-2069)  remuneration[[2070]](#footnote-2070) to authors, (performers, producers of phonograms and videograms)[[2071]](#footnote-2071) by levy on manufacturer/importer[[2072]](#footnote-2072) of empty carriers of sound, picture and text, new devices for sound or visual recording and new devices for photocopying or other devices with similar technology of copying[[2073]](#footnote-2073), and commercial photocopying service providers,[[2074]](#footnote-2074) payable to CMOs[[2075]](#footnote-2075) |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 26.1 item 1 |
| Scope of quotation | quotation |
| Type(s) of source work(s) | a work (in original and in translation), including the reproduction of passages of newspaper and journal articles in form of print sample |
| Entity exercising quotation |  |
| Purpose of quotation | scientific, research, polemic, crucial and not related to advertising information purposes of proclaimed works in volume |
| Condition of quotation | use did not damage the normal use of the work and the legal interests of author are not restrained |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 53.1 item iii |
| Scope of quotation | quotation |
| Type(s) of source work(s) | small extracts of performances, phonorecords, broadcasts |
| Entity exercising quotation |  |
| Purpose of quotation | scientific, research, polemic, critical or information purposes |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 27 |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) | particular articles and small-scale works, published in collections, newspapers, and in the other periodicals, short extracts of published written works (with illustrations or without) |
| Entity exercising reproduction | educational institution |
| Purpose of educational reproduction | for class hours |
| Qualification(s) | without the purpose of deriving the revenue |
| Frequency/Multiple copies and Limits | a single copy |
| Collective Licence/remuneration |  |
| Attribution | source, name of author |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 26.1 item 2 |
| Scope of anthologies/compilations limitation/exception | use, as illustrations in editions, radio or tv-programs, audio or videotapings |
| Type(s) of source work(s) | works or passages of such works |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | educational and training character in volume |
| Condition of anthologies/compilations limitation/exception | use justified by stated goal  use did not damage the normal use of the work and the legal interests of author are not restrained |
| Preclusions (not part of anthologies/compilations limitation/exception) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 53.1 item ii |
| Scope of broadcast/communication/recording | use, transmission, reproduction of |
| Type(s) of source work(s) | performance, phonorecord, broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | training or scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 26.1 item 2 |
| Scope of broadcast/communication/recording | use, as illustrations in radio or tv-programs, audio or videotapings |
| Type(s) of source work(s) | works or passages of such works |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | educational and training character in volume |
| Condition of broadcast/communication/recording | use justified by stated goal  use did not damage the normal use of the work and the legal interests of author are not restrained |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 53.1 item ii |
| Scope of broadcast/communication/recording | use, transmission, reproduction of |
| Type(s) of source work(s) | performance, phonorecord, broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | training or scientific research |
| Condition of broadcast/communication/recording |  |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# \*Vanuatu

## Legislation Reviewed

# Venezuela (Bolivarian Republic of)

## Legislation Reviewed

Law on Copyright (of August 14, 1993)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 43.1 |
| Scope of private/personal use | communication |
| Type(s) of source work(s) | a work, (a performance, phonogram, broadcast)[[2076]](#footnote-2076) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | occurring in a domestic environment |
| Condition of private/personal use | no profit-making purpose |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 44.1 |
| Scope of private/personal use | reproduction |
| Type(s) of source work(s) | a printed, sound or audiovisual work, (a performance, phonogram, broadcast)[[2077]](#footnote-2077) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | exclusive personal use of the user |
| Condition of private/personal use | in a single copy  copy is made by person with his own facilities |
| Preclusions (not part of private/personal use) | computer program[[2078]](#footnote-2078) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 44.2 |
| Scope of private/personal use | photomechanical reproduction, as by photocopying and microfilm |
| Type(s) of source work(s) | small parts of a protected work or works that are out of print, (a performance, phonogram, broadcast)[[2079]](#footnote-2079) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | personal purposes |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | equitable remuneration that the companies, institutions and other organizations offering photocopying and microfilming service to the public have to pay to the owners of the right of reproduction |

|  |  |
| --- | --- |
| Provision | Art. 44.8 |
| Scope of private/personal use | copying |
| Type(s) of source work(s) | works of art, (a performance, phonogram, broadcast)[[2080]](#footnote-2080) |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | purposes of study |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 46.1 |
| Scope of quotation | inclusion, in an original scientific work |
| Type(s) of source work(s) | an already published work, (a performance, phonogram, broadcast)[[2081]](#footnote-2081) |
| Entity exercising quotation |  |
| Purpose of quotation | with a view to the clarification of the contents thereof |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 46.1 |
| Scope of quotation | reproduction |
| Type(s) of source work(s) | a work of art that has not been published but is permanently on public display, (a performance, phonogram, broadcast)[[2082]](#footnote-2082) |
| Entity exercising quotation |  |
| Purpose of quotation | with a view to the clarification of the contents thereof |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 46.2 |
| Scope of quotation | quotation, in an original work |
| Type(s) of source work(s) | certain parts of an already disclosed work, (a performance, phonogram, broadcast)[[2083]](#footnote-2083) |
| Entity exercising quotation |  |
| Purpose of quotation | author has made use of language as a means of expression in the original work |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 44.3 |
| Nature of educational reproduction | reprographic reproduction |
| Type(s) of source work(s) | articles, brief extracts from works or lawfully published short works |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | teaching or holding of examinations in educational institutions |
| Qualification(s) | no profit-making purposes  use is in keeping with proper practice |
| Frequency/Multiple copies and Limits | to extent justified by the purpose |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 43.3 |
| Scope of broadcast/communication/recording | communication |
| Type(s) of source work(s) | a work, (a performance, phonogram, broadcast)[[2084]](#footnote-2084) |
| Entity exercising broadcast/communication/recording | educational establishments |
| Purpose of broadcast/communication/recording | strictly scientific and teaching purposes |
| Condition of broadcast/communication/recording | no gainful intent |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Viet Nam

## Legislation Reviewed

Law No. 50/2005/QH11 of November 29, 2005, on Intellectual Property (promulgated by the Order No. 28/2005/L-CTN of December 12, 2005, of the President of the Socialist Republic of Vietnam)

## Private/Personal Use

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 25.1.b |
| Scope of quotation | reasonable recitation |
| Type(s) of source work(s) | works |
| Entity exercising quotation |  |
| Purpose of quotation | commentary or illustrative purpose |
| Condition of quotation | without misrepresenting the authors’ views  use “must neither affect  the normal utilization of such works nor cause prejudice to rights of the authors and/or copyright  holders” [[2085]](#footnote-2085) |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source, name of author[[2086]](#footnote-2086) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | Art. 25.1.a |
| Nature of educational reproduction | duplication |
| Type(s) of source work(s) | works |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | scientific research or teaching purpose |
| Qualification(s) | use “must neither affect  the normal utilization of such works nor cause prejudice to rights of the authors and/or copyright  holders” [[2087]](#footnote-2087) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author[[2088]](#footnote-2088) |

|  |  |
| --- | --- |
| Provision | Art. 25.1.d |
| Nature of educational reproduction | recitation |
| Type(s) of source work(s) | works |
| Entity exercising reproduction | in schools |
| Purpose of educational reproduction | lecturing purposes |
| Qualification(s) | without misrepresenting the authors’ views  not for commercial purpose  use “must neither affect  the normal utilization of such works nor cause prejudice to rights of the authors and/or copyright  holders” [[2089]](#footnote-2089) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution | source, name of author[[2090]](#footnote-2090) |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | Art. 25.1.g |
| Scope of broadcast/communication/recording | audiovisual recording |
| Type(s) of source work(s) | performances |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for teaching purpose |
| Condition of broadcast/communication/recording | use “must neither affect  the normal utilization of such works nor cause prejudice to rights of the authors and/or copyright  holders” [[2091]](#footnote-2091) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution | source, name of author[[2092]](#footnote-2092) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 32.1.a |
| Scope of broadcast/communication/recording | duplication |
| Type(s) of source work(s) | a performance, phonogram, video recording, broadcast |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | scientific research purpose |
| Condition of broadcast/communication/recording | use “must neither  affect the normal utilization of performances, phonograms, video recordings or broadcasts, nor cause any prejudice to the rights of performers, producers of phonograms and video recordings, and broadcasting organizations”[[2093]](#footnote-2093) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | Art. 32.1.b |
| Scope of broadcast/communication/recording | duplication |
| Type(s) of source work(s) | a performance, phonogram, video recording, broadcast (except for performances, phonograms, video recordings or broadcasts which have been published for teaching purpose) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | teaching purpose |
| Condition of broadcast/communication/recording | use “must neither  affect the normal utilization of performances, phonograms, video recordings or broadcasts, nor cause any prejudice to the rights of performers, producers of phonograms and video recordings, and broadcasting organizations”[[2094]](#footnote-2094) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Yemen

## Legislation Reviewed

Intellectual Property Law (Presidential Law Decree No. 19 of 1994 in respect of Intellectual Property)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | Art. 15.2 |
| Scope of private/personal use | reading, quoting paragraphs or chapters, summarizing them |
| Type(s) of source work(s) | a published work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | for personal knowledge |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution | source,[[2095]](#footnote-2095) name of author |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | Art. 28 |
| Scope of quotation | quotation |
| Type(s) of source work(s) | a published work |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | source,[[2096]](#footnote-2096) name of author |
| Subject to Remuneration |  |

## Educational Reproduction

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | Art. 16 |
| Scope of anthologies/compilations limitation/exception | forming a new independent work |
| Type(s) of source work(s) | a published work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | as regards innovation |
| Condition of anthologies/compilations limitation/exception |  |
| Preclusions (not part of anthologies/compilations limitation/exception) | converting a novel to a play or to a scenario or vice versa, converting a play into a scenario or vice versa, changing a poem to a song and vice versa |
| Subject to Attribution | name of quoted author |
| Subject to Remuneration |  |

## School Performances

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

## TPM/RMI Exceptions for Educational Purposes

# Zambia

## Legislation Reviewed

Copyright and Performance Rights Act, 1994 (Act No. 44 of 1994)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | ss 21(1)(a), 50(1)(a) |
| Scope of private/personal use | fair dealing |
| Type(s) of source work(s) | a work, (a performance, recording)[[2097]](#footnote-2097) |
| Entity exercising private/personal use | an individual |
| Purpose of private/personal use | private study or research for his personal purposes |
| Condition of private/personal use | otherwise than for profit |
| Preclusions (not part of private/personal use) | any act which “conflicts with the normal commercial exploitation of a work/performance; or  unreasonably prejudices the legitimate commercial interests of the owner of the copyright/performer/holder of recording right in a work” shall not be treated as fair dealing with the work[[2098]](#footnote-2098) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Quotations

|  |  |
| --- | --- |
| Provision | ss 21(1)(a), 50(1)(b) |
| Scope of quotation | fair dealing |
| Type(s) of source work(s) | a work, (a performance, recording)[[2099]](#footnote-2099) |
| Entity exercising quotation |  |
| Purpose of quotation | criticism or review, whether of that work/performance or any other work/performance |
| Condition of quotation |  |
| Preclusions (not part of quotation) | any act which “conflicts with the normal commercial exploitation of a work/performance; or  unreasonably prejudices the legitimate commercial interests of the owner of the copyright/performer/holder of recording right in a work” shall not be treated as fair dealing with the work[[2100]](#footnote-2100) |
| Subject to Attribution | title, name of author (unless anonymous or author has required no acknowledgment)[[2101]](#footnote-2101), (performer)[[2102]](#footnote-2102) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 21(1)(f)(i) |
| Nature of educational reproduction | reproduction |
| Type(s) of source work(s) | a work |
| Entity exercising reproduction | by a teacher or pupil in the course of instruction |
| Purpose of educational reproduction | education system of Zambia |
| Qualification(s) | reproduction not made by means of an appliance capable of producing multiple copies  excepting any act which “conflicts with the normal commercial exploitation of a work; or unreasonably prejudices the legitimate commercial interests of the owner of the copyright in a work”[[2103]](#footnote-2103) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 21(1)(f)(ii), (iii) |
| Nature of educational reproduction | reproduction, as part of the questions to be answered in an examination or in answer to such questions |
| Type(s) of source work(s) | a work |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | education system of Zambia |
| Qualification(s) | excepting any act which “conflicts with the normal commercial exploitation of a work; or unreasonably prejudices the legitimate commercial interests of the owner of the copyright in a work”[[2104]](#footnote-2104) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

## School Performances

|  |  |
| --- | --- |
| Provision | s 21(1)(g) |
| Scope of school performance | performance |
| Type(s) of source work(s) | a dramatic work |
| Entity exercising school performance | staff and students of a school or other educational institution |
| Purpose of school performance | for the purposes of the education system of Zambia in the course of the activities of the school or institution |
| Condition of school performance | audience is composed exclusively of staff and students of the school or institution,  parents and guardians of the students,  other persons directly connected with the activities of the school or institution |
| Preclusions (not part of school performance) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | s 55(2) |
| Nature of compulsory licence for translation for educational purposes | licence, for translation into a language in general use in Zambia, and publication of such translation in copies |
| Type(s) of source work(s) | work in printed or analogous form, or an audiovisual work produced solely for the purpose of systematic instruction, is the subject of, or contains material the subject of copyright under this Act[[2105]](#footnote-2105) |
| Licence applicant/entity | a Zambian citizen or company incorporated in Zambia[[2106]](#footnote-2106) |
| Purpose of licence |  |
| Qualification(s) | licence application may be made:  3 years from first publication[[2107]](#footnote-2107)  work has not been previously translated into a language in general use in Zambia[[2108]](#footnote-2108) |
| Compulsory licence fee(s) |  |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | Registrar |

|  |  |
| --- | --- |
| Provision | s 55(3) |
| Nature of compulsory licence for translation for educational purposes | licence, for translation for the purpose of broadcasting, and to broadcast |
| Type(s) of source work(s) | a literary work subject to copyright, or any material subject to copyright contained in an audiovisual work produced solely for the purposes of systematic instruction[[2109]](#footnote-2109) |
| Licence applicant/entity | a Zambian citizen or company incorporated in Zambia[[2110]](#footnote-2110) |
| Purpose of licence |  |
| Qualification(s) |  |
| Compulsory licence fee(s) |  |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | Registrar |

|  |  |
| --- | --- |
| Provision | s 55(4) |
| Nature of compulsory licence for reproduction for educational purposes | licence, for reproduction and distribution in Zambia[[2111]](#footnote-2111) |
| Type(s) of source work(s) | a work in printed or analogous form, or in audiovisual form |
| Licence applicant/entity | a Zambian citizen or company incorporated in Zambia[[2112]](#footnote-2112) |
| Purpose of licence |  |
| Qualification(s) | work has not been previously made available to the public in Zambia for:  3 years from first publication (for works of the natural and physical sciences, mathematics or technology)  7 years from first publication (for works of fiction, poetry, drama or music or art books)  5 years from first publication (in any other case)[[2113]](#footnote-2113) |
| Compulsory licence fee(s) |  |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence | Registrar |

## TPM/RMI Exceptions for Educational Purposes

# Zimbabwe

## Legislation Reviewed

Copyright and Neighbouring Rights Act (Chapter 26:05)

## Private/Personal Use

|  |  |
| --- | --- |
| Provision | s 24(1) |
| Scope of private/personal use | any fair dealing |
| Type(s) of source work(s) | a work |
| Entity exercising private/personal use |  |
| Purpose of private/personal use | research or private study by the person using the work |
| Condition of private/personal use |  |
| Preclusions (not part of private/personal use) | person reproducing the work 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[[2114]](#footnote-2114) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 42 |
| Scope of private/personal use | recording |
| Type(s) of source work(s) | a sound recording/broadcast or a musical work embodied in a sound recording/broadcast, (a performance, performance recording)[[2115]](#footnote-2115) |
| Entity exercising private/personal use | a person |
| Purpose of private/personal use | private use of himself and members of his family |
| Condition of private/personal use | recording shall not be distributed to any person outside the family of the person who made it  recording shall not be performed in public |
| Preclusions (not part of private/personal use) |  |
| Subject to Attribution |  |
| Subject to Remuneration | (not yet enacted) levy as remuneration payable on blank records (which can be used for recording of works), to be distributed among authors and performers[[2116]](#footnote-2116) |

## Quotations

|  |  |
| --- | --- |
| Provision | s 29(a) |
| Scope of quotation | fair dealing, |
| Type(s) of source work(s) | a work, (a performance, performance recording)[[2117]](#footnote-2117) |
| Entity exercising quotation |  |
| Purpose of quotation | for the purposes of criticism or review of that work or of another work or of the performance of a work |
| Condition of quotation |  |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title, name of author (unless anonymous or infeasible to ascertain identity by reasonable inquiry)[[2118]](#footnote-2118) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 31 |
| Scope of quotation | any quotation |
| Type(s) of source work(s) | a literary or musical work, including any quotation from an article in a journal that summarises the work |
| Entity exercising quotation |  |
| Purpose of quotation |  |
| Condition of quotation | quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose |
| Preclusions (not part of quotation) |  |
| Subject to Attribution | title, name of author (unless anonymous or infeasible to ascertain identity by reasonable inquiry)[[2119]](#footnote-2119) |
| Subject to Remuneration |  |

## Educational Reproduction

|  |  |
| --- | --- |
| Provision | s 25(2) |
| Nature of educational reproduction | anything done |
| Type(s) of source work(s) | a work, (a performance, performance recording)[[2120]](#footnote-2120) |
| Entity exercising reproduction |  |
| Purpose of educational reproduction | an examination by way of setting questions, communicating the questions to the candidates or answering the questions |
| Qualification(s) | excluding making a copy of the score of a musical work for use by an examination candidate in performing the work  not permitted if act “conflicts with a normal exploitation of the work concerned or prejudices unreasonably the legitimate interests of the owner of copyright in the work”[[2121]](#footnote-2121) |
| Frequency/Multiple copies and Limits |  |
| Collective Licence/remuneration |  |
| Attribution |  |

|  |  |
| --- | --- |
| Provision | s 25(6) |
| Nature of educational reproduction | reprographic copying |
| Type(s) of source work(s) | passages from a literary or musical work |
| Entity exercising reproduction | educational establishment |
| Purpose of educational reproduction | purposes of instruction |
| Qualification(s) | no copying if, or to extent that, licences/licensing scheme is available authorizing copying and person making copies knows or ought to have been aware of licences  not permitted if act “conflicts with a normal exploitation of the work concerned or prejudices unreasonably the legitimate interests of the owner of copyright in the work”[[2122]](#footnote-2122) |
| Frequency/Multiple copies and Limits | extent of such copying to not exceed such limits as may be prescribed |
| Collective Licence/remuneration | (not yet enacted) levy as remuneration payable on use of any reprographic apparatus or process (for reprographic copying by educational institutions), to be distributed among authors[[2123]](#footnote-2123) |
| Attribution |  |

## Educational Publications/Anthologies/Compilations/Composite Works

|  |  |
| --- | --- |
| Provision | s 25(1) |
| Scope of anthologies/compilations limitation/exception | use, by way of illustration in any publication, broadcast or record |
| Type(s) of source work(s) | a work, (a performance, performance recording)[[2124]](#footnote-2124) |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for teaching |
| Condition of anthologies/compilations limitation/exception | use is compatible with fair practice  extent of use is justified by purpose |
| Preclusions (not part of anthologies/compilations limitation/exception) | not permitted if act “conflicts with a normal exploitation of the work concerned or prejudices unreasonably the legitimate interests of the owner of copyright in the work”[[2125]](#footnote-2125) |
| Subject to Attribution | title, name of author (unless anonymous or infeasible to ascertain identity by reasonable inquiry)[[2126]](#footnote-2126) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 25(3) |
| Scope of anthologies/compilations limitation/exception | inclusion, in a collection |
| Type(s) of source work(s) | a short passage from a published literary work |
| Entity exercising anthologies/compilations limitation/exception |  |
| Purpose of anthologies/compilations limitation/exception | for use in educational establishments |
| Condition of anthologies/compilations limitation/exception | collection is so described in its title and in any publisher’s advertisement  consists mainly of material in which no copyright subsists  source work itself is not intended for use in educational establishments |
| Preclusions (not part of anthologies/compilations limitation/exception) | more than 2 excerpts from works by same author are contained in collections by same publisher within 5 year period  not permitted if act “conflicts with a normal exploitation of the work concerned or prejudices unreasonably the legitimate interests of the owner of copyright in the work”[[2127]](#footnote-2127) |
| Subject to Attribution | title, name of author (unless anonymous or infeasible to ascertain identity by reasonable inquiry)[[2128]](#footnote-2128) |
| Subject to Remuneration |  |

## School Performances

|  |  |
| --- | --- |
| Provision | s 25(4) |
| Scope of school performance | performance |
| Type(s) of source work(s) | a dramatic or musical work, (a performance, performance recording)[[2129]](#footnote-2129) |
| Entity exercising school performance | by a teacher or pupil in the course of the establishment's activities; or by any person for the purposes of instruction at the educational establishment |
| Purpose of school performance |  |
| Condition of school performance | before an audience consisting of teachers and pupils at an educational establishment and other persons “directly connected” [[2130]](#footnote-2130) with the establishment's activities |
| Preclusions (not part of school performance) | not permitted if act “conflicts with a normal exploitation of the work concerned or prejudices unreasonably the legitimate interests of the owner of copyright in the work”[[2131]](#footnote-2131) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 25(5) |
| Scope of school performance | playing or showing |
| Type(s) of source work(s) | an audiovisual work, sound recording, broadcast or cable programme |
| Entity exercising school performance |  |
| Purpose of school performance | for purposes of instruction |
| Condition of school performance | an audience consisting of teachers and pupils at an educational establishment and other “persons directly connected”[[2132]](#footnote-2132) with the establishment's activities |
| Preclusions (not part of school performance) | not permitted if act “conflicts with a normal exploitation of the work concerned or prejudices unreasonably the legitimate interests of the owner of copyright in the work”[[2133]](#footnote-2133) |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Educational Broadcasts/Communications/Recordings

|  |  |
| --- | --- |
| Provision | s 25(1) |
| Scope of broadcast/communication/recording | use, by way of illustration in any publication, broadcast or record |
| Type(s) of source work(s) | a work, (a performance, performance recording)[[2134]](#footnote-2134) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | for teaching |
| Condition of broadcast/communication/recording | use is compatible with fair practice  extent of use is justified by purpose |
| Preclusions (not part of broadcast/communication/recording) | not permitted if act “conflicts with a normal exploitation of the work concerned or prejudices unreasonably the legitimate interests of the owner of copyright in the work”[[2135]](#footnote-2135) |
| Subject to Attribution | title, name of author (unless anonymous or infeasible to ascertain identity by reasonable inquiry)[[2136]](#footnote-2136) |
| Subject to Remuneration |  |

|  |  |
| --- | --- |
| Provision | s 25(2) |
| Scope of broadcast/communication/recording | anything done |
| Type(s) of source work(s) | a work, (a performance, performance recording)[[2137]](#footnote-2137) |
| Entity exercising broadcast/communication/recording |  |
| Purpose of broadcast/communication/recording | an examination by way of setting questions, communicating the questions to the candidates or answering the questions |
| Condition of broadcast/communication/recording | excluding making a copy of the score of a musical work for use by an examination candidate in performing the work  not permitted if act “conflicts with a normal exploitation of the work concerned or prejudices unreasonably the legitimate interests of the owner of copyright in the work”[[2138]](#footnote-2138) |
| Preclusions (not part of broadcast/communication/recording) |  |
| Subject to Attribution |  |
| Subject to Remuneration |  |

## Compulsory Licences for Educational Reproductions and Translations

|  |  |
| --- | --- |
| Provision | s 135(2)(b)(ii)[[2139]](#footnote-2139) |
| Nature of compulsory licence for translation for educational purposes | compulsory licence, for translation |
| Type(s) of source work(s) | any work |
| Licence applicant/entity |  |
| Purpose of licence | purpose of teaching, scholarship or research |
| Qualification(s) | acts authorised by such a licence shall not conflict with a normal exploitation of the work concerned, nor shall any such licence unreasonably prejudice the legitimate interests of the owner of the copyright in the work concerned[[2140]](#footnote-2140) |
| Compulsory licence fee(s) |  |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence |  |

|  |  |
| --- | --- |
| Provision | s 135(2)(b)(ii)[[2141]](#footnote-2141) |
| Nature of compulsory licence for reproduction for educational purposes | compulsory licence, for use in a broadcast |
| Type(s) of source work(s) | any work |
| Licence applicant/entity |  |
| Purpose of licence | purpose of teaching, scholarship or research |
| Qualification(s) | acts authorised by such a licence shall not conflict with a normal exploitation of the work concerned, nor shall any such licence unreasonably prejudice the legitimate interests of the owner of the copyright in the work concerned[[2142]](#footnote-2142) |
| Compulsory licence fee(s) |  |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence |  |

|  |  |
| --- | --- |
| Provision | s 135(2)(b)(i)[[2143]](#footnote-2143) |
| Nature of compulsory licence for reproduction for educational purposes | compulsory licence, for reproduction, publication, performance, or circulation |
| Type(s) of source work(s) | any work |
| Licence applicant/entity | educational institutions |
| Purpose of licence |  |
| Qualification(s) | acts authorised by such a licence shall not conflict with a normal exploitation of the work concerned, nor shall any such licence unreasonably prejudice the legitimate interests of the owner of the copyright in the work concerned[[2144]](#footnote-2144) |
| Compulsory licence fee(s) |  |
| Price of publication |  |
| Distribution conditions |  |
| Grantor of Collective Licence |  |

## TPM/RMI Exceptions for Educational Purposes

1. Daniel Seng, WIPO Study on the Copyright Exceptions for the Benefit of Educational Activities for Asia and Australia (SCCR/19/7), Oct. 26, 2009, at <http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130249>. [↑](#footnote-ref-1)
2. Joseph Fometeu, WIPO Study on Limitations and Exceptions for Copyright and Related Rights for Teaching in Africa (SCCR/19/5), Oct. 26, 2009, at <http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130241>. [↑](#footnote-ref-2)
3. Raquel Xalabarder, WIPO Study on Copyright Limitations and Exceptions for Educational Activities in North America, Europe, Caucasus, Central Asia and Israel (SCCR/19/8), Nov. 5, 2009, at <http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130393>. [↑](#footnote-ref-3)
4. Victor Nabhan, WIPO Study on Limitations and Exceptions for Copyright for Educational Purposes in the Arab Countries (SCCR/19/6), Oct. 7, 2009, at <http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130302>. [↑](#footnote-ref-4)
5. Juan Carlos Monroy Rodríguez, WIPO Study on the Limitations and Exceptions to Copyright and Related Rights for the Purposes of Educational and Research Activities in Latin America and the Caribbean (SCCR/19/4), Nov. 30, 2009, at <http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130303>. [↑](#footnote-ref-5)
6. Universal Declaration of Human Rights, General Assembly of the United Nations, Resolution 217A(III) of 10 December 1948, <http://www.un.org/en/documents/udhr/> (accessed 12 May 2009) [hereinafter *UN UDHR*]. [↑](#footnote-ref-6)
7. U.K. Copyright Act 1709, 8 Anne c.19, ss. 4 and 5. [↑](#footnote-ref-7)
8. *Histoire* (1889), 161. [↑](#footnote-ref-8)
9. Art. 1, Paris Act of July 24, 1971 of the Berne Convention for the Protection of Literary and Artistic Works [hereinafter the “Berne Convention”]. [↑](#footnote-ref-9)
10. Berne Act, Article 8 (specifically stating that the Act would not to affect national legislation for this purpose). [↑](#footnote-ref-10)
11. *Records of the Intellectual Property Conference of Stockholm, June 11 to July 14, 1967* at 1148. The quote goes on to state, “Education outside these institutions, for instance general teaching available to the general public but not included in the above categories, should be excluded.” This has been interpreted by some commentators to equate to formal education at elementary, intermediate and tertiary institutions of learning, which would lead to the award of an “official” degree. Sam Ricketson and Jane C Ginsburg, The Berne Convention for the Protection of Literary and Artistic Works: 1886-1986 at § 13.45 (2nd ed. 2006) [hereinafter *Ricketson and Ginsburg -* *The Berne Convention*]. However, there is an alternative view that educational institutions offering adult education programmes such as language proficiency courses, literacy programmes and vocational training will come within its ambit, but not continuing education or refresher programmes generally. *Cf*. *Ricketson and Ginsburg -* *The Berne Convention*, at § 13.45; *See* Sam Ricketson, WIPO Study on Limitations and Exceptions of Copyright and Related Rights in the Digital Environment (SCCR/9/7) at 15, (WIPO, 2003) [hereinafter *Ricketson – Study on Limitations and Exceptions*]. [↑](#footnote-ref-11)
12. *Ricketson and Ginsburg -* *The Berne Convention*, at § 13.45. See also *Ricketson – Study on Limitations and Exceptions*, *supra* note **Error! Bookmark not defined.**, at 14. [↑](#footnote-ref-12)
13. The term “publications” is drawn from the expression “published works” as defined in Article 3(3) to mean copies of works published with their authors’ consent to satisfy the reasonable requirements of the public. This encompasses all permanent forms of fixation of a work, “whatever may be the means of manufacture of the copies”. *Ricketson and Ginsburg -* *The Berne Convention*, §§ 6.29-6.30 at 260-262. [↑](#footnote-ref-13)
14. “Broadcasts” would be the wireless transmission for public reception of sounds or images and sounds of the representations. Rome Convention, Art. 2(f). Though this term is not defined in the Berne Convention, from the records of the Brussels Conference, it was clear that the delegates felt no need to define the term as they accepted that it was one means of wireless communication to the public. *See also* *Ricketson and Ginsburg -* *The Berne Convention*, § 12.34 at 732. [↑](#footnote-ref-14)
15. “Sound and visual recordings” would include tapes, videograms, phonograph records and cinematographic films. *Ricketson and Ginsburg -* *The Berne Convention*, § 13.45 at 793. [↑](#footnote-ref-15)
16. *Copyright Law Handbook*, at 379. [↑](#footnote-ref-16)
17. *Records of the Intellectual Property Conference of Stockholm, June 11 to July 14, 1967* at 116-17 (Document S/1), 860-1 (minutes). [↑](#footnote-ref-17)
18. *Ricketson and Ginsburg -* *The Berne Convention*, § 13.41 at 786. [↑](#footnote-ref-18)
19. *Id*., at 788. [↑](#footnote-ref-19)
20. *Records of the Intellectual Property Conference of Stockholm, June 11 to July 14, 1967* at 857-58 (Document S/1). [↑](#footnote-ref-20)
21. *United States – Section 110(5) of the US Copyright Act*, para. 6.109,Report of the Panel, 15 June 2000, document WT/DS/160/R [hereinafter *WTO Panel*]. [↑](#footnote-ref-21)
22. *Records of the Intellectual Property Conference of Stockholm, June 11 to July 14, 1967* at 886-87. [↑](#footnote-ref-22)
23. Out of the 14 existing exceptions identified, 5 of them relate to educational activities. These were noted to be quotations school books and chrestomathies, private use, reproduction by photocopying in libraries, and reproduction in special characters for the use of the blind, sound recordings of literary works for the use of the blind. *Id*., at *Records of the Intellectual Property Conference of Stockholm, June 11 to July 14, 1967* at *42* (Document S/1)*.* [↑](#footnote-ref-23)
24. Berne Convention, Appendix, Article I(1) (“Any country regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations which ratifies or accedes to this Act, of which this Appendix forms an integral part, and which, having regard to its economic situation and its social or cultural needs, does not consider itself immediately in a position to make provision for the protection of all the rights as provided for in this Act…”). [↑](#footnote-ref-24)
25. International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations done in Rome, October 26, 1961 [hereinafter the “Rome Convention”]. [↑](#footnote-ref-25)
26. Arts. 9(1), 14(6), Agreement on Trade-related Aspects of Intellectual Property Rights (1994). [↑](#footnote-ref-26)
27. Preamble, WIPO Copyright Treaty (1996) [hereinafter WCT], Preamble, WIPO Performances and Phonograms Treaty (1996) [hereafter WPPT]. [↑](#footnote-ref-27)
28. Art. 1(2), WCT provides that “nothing in this Treaty shall derogate from existing obligations that Contracting Parties have to each other under the Berne Convention for the Protection of Literary and Artistic Works”. A similar proviso is found in Art. 1(1), WPPT. [↑](#footnote-ref-28)
29. Art. 11(1)(i). [↑](#footnote-ref-29)
30. Art. 11(1)(ii). [↑](#footnote-ref-30)
31. Goldstein and Hugenholtz, International Copyright: Principles, Law, and Practice (3rd ed., 2013), 327. [↑](#footnote-ref-31)
32. E.C. Copyright in the Information Society Directive, Recital 23. [↑](#footnote-ref-32)
33. Kenneth Crews, WIPO Study on Copyright Limitations and Exceptions for Libraries and Archives (SCCR/29/3), Nov. 5, 2014, at <http://www.wipo.int/edocs/mdocs/copyright/en/sccr_29/sccr_29_3.pdf>. [↑](#footnote-ref-33)
34. Judith Sullivan, WIPO Study on Copyright Limitations and Exceptions for the Visually Impaired (SCCR/15/7), Feb. 20, 2007, at <http://www.wipo.int/edocs/mdocs/copyright/en/sccr_15/sccr_15_7.pdf>. [↑](#footnote-ref-34)
35. The WIPO Convention provides that membership is open to any state that is: a member of the Paris Union for the Protection of Industrial Property, or member of the Berne Union for the Protection of Literary and Artistic Works; or a member of the United Nations, or of any of the United Nations' Specialized Agencies, or of the International Atomic Energy Agency, or that is a party to the Statute of the International Court of Justice; or invited by the WIPO General Assembly to become a member state of the Organization. [↑](#footnote-ref-35)
36. WIPO Lex, at <http://www.wipo.int/wipolex/en/> (last visited May 7, 2016). [↑](#footnote-ref-36)
37. The copyright legislation of Canada is very usefully set out in official translations of both English and French. Because many of the copyright legislation of the member states whose legislation has not yet been translated into English is in French, the analysis of Canadian copyright legislation has not been undertaken in this version of the study because it will be useful to review the legislation of these other member states in conjunction with the analysis of the Canadian copyright legislation. [↑](#footnote-ref-37)
38. United Nations, United Nations Group of Experts on Geographical Names, Working Paper No. 54: UNGEN list of country names, May 2011, available at <http://unstats.un.org/unsd/geoinfo/UNGEGN/docs/26th-gegn-docs/WP/WP54_UNGEGN%20WG%20Country%20Names%20Document%202011.pdf>. [↑](#footnote-ref-38)
39. See, e.g., Australia, Copyright Act 1968 (consolidated as of June 27, 2015), ss 40, 103C, 248A (fair dealing for “research or study”), Bahamas, Copyright Act, 1998 (CH.323) (as amended by the Copyright (Amendment) Act, Act No. 2 of 2004), s 58 (applying to “research, private study, scholarship or teaching or instruction at an “educational establishment”), Israel, Copyright Act, 2007 (as amended on July 28, 2011), s 19 (applying to “private study, research, instruction and examination by an educational institution”), Liberia, Copyright Law of the Republic of Liberia, s 2.7 (extending “fair use” to teaching (including multiple copies for classroom use), scholarship and research), Singapore, Copyright Act (Cap. 63, 2006 Rev. Ed.) (consolidated as of 31 March 2015) ss 35, 109 (fair dealing for “research or study”), and Uganda, The Copyright and Neighbouring Rights Act, 2006, s 15(1)(j) (applying “fair use” to a scientific institution or an educational institution). [↑](#footnote-ref-39)
40. Belize Copyright Act (Cap. 252, Revised Edition 2000), s 56. [↑](#footnote-ref-40)
41. Brunei Darussalam, Emergency (Copyright) Order, 1999, s 33(1), (2). [↑](#footnote-ref-41)
42. Ireland, Copyright and Related Rights Act, 2000 (No. 28 of 2000), s 50(1), (2). [↑](#footnote-ref-42)
43. Saint Vincent and the Grenadines, Copyright Act 2003 (Act No. 21 of 2003), s 50(1). [↑](#footnote-ref-43)
44. Berne Convention, Art. 10(2) (“by way of illustration … in broadcasts or sound or visual recordings for teaching”). [↑](#footnote-ref-44)
45. *See* WCT, Art. 8; WPPT, Arts. 10, 14. [↑](#footnote-ref-45)
46. Malaysia, Copyright Act 1987, s 36B(2)(b) (Act 332, as at 1 January 2006), revised pursuant to the Copyright (Amendment) Act 2012 (Act A1420); Morroco, Law No. 2-00 on Copyright and Related Rights (promulgated by Dahir No. 1-00-20 of 9 Kaada 1420 (15 February 2000), Art. 65.1. [↑](#footnote-ref-46)
47. Art. 4.23 (definition of “personal use”). [↑](#footnote-ref-47)
48. Reading Art. 27(3) as applying to anthologies for being “reproduction of the work or parts of it”, s referred ton in Art. 27(2). [↑](#footnote-ref-48)
49. These are for backing up a copy of the software or emulating a single copy of the software, where necessary for using the software for the purpose it has been acquired, or in the event of loss, damage or invalidity of the software. Art. 52. [↑](#footnote-ref-49)
50. Art. 37. [↑](#footnote-ref-50)
51. Art. 40. [↑](#footnote-ref-51)
52. Art. 39. [↑](#footnote-ref-52)
53. Art. 38. [↑](#footnote-ref-53)
54. However, national bodies providing a public service may send and distribute copies of the work produced under such a compulsory licence to citizens domiciled abroad subject to the international obligations of Algeria. Art. 38. [↑](#footnote-ref-54)
55. Art. 37. [↑](#footnote-ref-55)
56. Art. 40. [↑](#footnote-ref-56)
57. Art. 39. [↑](#footnote-ref-57)
58. Art. 38. [↑](#footnote-ref-58)
59. These are for acts done by the lawful user of a database that are necessary for access to the contents of the database and for normal use by the lawful user. [↑](#footnote-ref-59)
60. These are for, inter alia, use of the computer program, for backing up a copy of the software, for observation, study or testing, and for decompilation for interoperability purposes. [↑](#footnote-ref-60)
61. Art. 7(2)(e). This is not a standalone condition to all private reproductions for personal purposes but one of the exceptions to the private and personal use exception. [↑](#footnote-ref-61)
62. Art. 7(4) to (6) goes on to prescribe the equitable remuneration as a levy imposed on manufacturers and importers of equipment or material normally used for private reproduction of audiovisual works or works embodied in phonograms. [↑](#footnote-ref-62)
63. Art. 32(2). [↑](#footnote-ref-63)
64. Art. 9(2). [↑](#footnote-ref-64)
65. Art. 9(2). [↑](#footnote-ref-65)
66. Licence may also be granted, for the sole purpose referred to in Art. 30, to a sound or visual broadcasting organization having its headquarters in Angola on condition that the translation and reproduction is effected from lawfully made copies. *See* Art. 30(2). [↑](#footnote-ref-66)
67. Licence may also be granted, for the sole purpose referred to in Art. 30, to a sound or visual broadcasting organization having its headquarters in Angola on condition that the translation and reproduction is effected from lawfully made copies. *See* Art. 30(2). [↑](#footnote-ref-67)
68. S 60. [↑](#footnote-ref-68)
69. S 51 (defining “sufficient acknowledgment”). [↑](#footnote-ref-69)
70. S 60. [↑](#footnote-ref-70)
71. S 60. [↑](#footnote-ref-71)
72. S 2(1) (defining “reprographic process” as a process (a) for making facsimile copies, or (b) involving the use of an appliance for making multiple copies, and, in relation to a work held in electronic form, includes any copying by electronic means, but does not include the making of a film or sound recording). [↑](#footnote-ref-72)
73. S 60. [↑](#footnote-ref-73)
74. S 57(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion). [↑](#footnote-ref-74)
75. S 44(2). [↑](#footnote-ref-75)
76. S 79 exempts from infringement the copyright in the sound recording; s 123 exempts from infringement the rights of performance and recording. [↑](#footnote-ref-76)
77. S 58 exempts from infringement the copyright in the broadcast or cable programme and any work included in it; s 119 exempts from infringement the rights of performance and recording. [↑](#footnote-ref-77)
78. S 119(2) read with s 118(4). [↑](#footnote-ref-78)
79. S 60. [↑](#footnote-ref-79)
80. S 100A (defining an “audio visual item” as a sound recording, a cinematograph film, a sound broadcast or a television broadcast). [↑](#footnote-ref-80)
81. “Performance” excludes performance and communication of works or other subject-matter in the course of educational instruction under s 28. See s 248A(2)(a). [↑](#footnote-ref-81)
82. S 248A (defining a “recording” of a performance as excluding an “exempt recording”). [↑](#footnote-ref-82)
83. S 40. [↑](#footnote-ref-83)
84. S 103C. [↑](#footnote-ref-84)
85. S 248A (defining, in definition (aa), an “exempt recording” as one for purpose of research or study, and in (b), as one for use in scientific research). [↑](#footnote-ref-85)
86. S 248A (defining, in definition (fa), as one for criticism or review). [↑](#footnote-ref-86)
87. Ss 40, 103C, 248(1A). [↑](#footnote-ref-87)
88. S 40(3) (starting with the expression “despite subsection (2)”, which sets out the fair dealing factors). [↑](#footnote-ref-88)
89. S 40(4). [↑](#footnote-ref-89)
90. S 40(5) uses the expression “despite subsection (2)”, which is intended to make clear that a reproduction of more than a “reasonable portion” of the works referred to in s 40(5) may still be considered a fair dealing for research or study under ss 40(1) and (2). *See* Copyright Amendment Bill 2006, Supplementary Explanatory Memorandum, para. 66, at <http://www.austlii.edu.au/au/legis/cth/bill_em/cab2006223/memo_1.html>. [↑](#footnote-ref-90)
91. S 40(6) provides that if work exists in both electronic and non-electronic form, a fair dealing is a “reasonable portion” as long as the reproduction of it is a “reasonable portion” in either form. *See* Copyright Amendment Bill 2006, Supplementary Explanatory Memorandum, para. 67, at <http://www.austlii.edu.au/au/legis/cth/bill_em/cab2006223/memo_1.html>. [↑](#footnote-ref-91)
92. S 40(7). [↑](#footnote-ref-92)
93. S 10(1) (defining “sufficient acknowledgment”). [↑](#footnote-ref-93)
94. S 100A (defining an “audio visual item” as a sound recording, a cinematograph film, a sound broadcast or a television broadcast). [↑](#footnote-ref-94)
95. “Performance” excludes performance and communication of works or other subject-matter in the course of educational instruction under s 28. See s 248A(2)(a). [↑](#footnote-ref-95)
96. S 248A (defining a “recording” of a performance as excluding an “exempt recording”). [↑](#footnote-ref-96)
97. S 40. [↑](#footnote-ref-97)
98. S 103C. [↑](#footnote-ref-98)
99. S 248A (defining, in definition (aa), an “exempt recording” as one for purpose of research or study, and in (b), as one for use in scientific research). [↑](#footnote-ref-99)
100. S 248A (defining, in definition (fa), as one for criticism or review). [↑](#footnote-ref-100)
101. Ss 40, 103C, 248(1A). [↑](#footnote-ref-101)
102. S 10(1) (defining an “educational institution” as pre-school, kindergarten, full-time primary school, full-time secondary school, university, college of advanced education or technical and further educational institution, institution that conducts primary, secondary or tertiary education by correspondence or on an external study basis, school of nursing, undertaking within a hospital, a teacher education centre, a general education institution, an occupation or professional preparation or continuing education institution, an institution for teaching English to people whose first language is not English, a teacher training undertaking for instructors for the previous educational institutions, and an institution that is providing teaching material to the previous educational institutions). [↑](#footnote-ref-102)
103. S 40(5) uses the expression “despite subsection (2)”, which is intended to make clear that a reproduction of more than a “reasonable portion” of the works referred to in s 40(5) may still be considered a fair dealing for research or study under ss 40(1) and (2). *See* Copyright Amendment Bill 2006, Supplementary Explanatory Memorandum, para. 66, at <http://www.austlii.edu.au/au/legis/cth/bill_em/cab2006223/memo_1.html>. [↑](#footnote-ref-103)
104. S 40(6) provides that if work exists in both electronic and non-electronic form, a fair dealing is a “reasonable portion” as long as the reproduction of it is a “reasonable portion” in either form. *See* Copyright Amendment Bill 2006, Supplementary Explanatory Memorandum, para. 67, at <http://www.austlii.edu.au/au/legis/cth/bill_em/cab2006223/memo_1.html>. [↑](#footnote-ref-104)
105. S 40(7). [↑](#footnote-ref-105)
106. S 135ZGA(1). [↑](#footnote-ref-106)
107. S 135ZG(1). [↑](#footnote-ref-107)
108. S 135ZG(2). [↑](#footnote-ref-108)
109. S 135ZG(3). [↑](#footnote-ref-109)
110. S 135ZG(4). [↑](#footnote-ref-110)
111. S 135ZJ(1). [↑](#footnote-ref-111)
112. S 135ZK. [↑](#footnote-ref-112)
113. S 135ZL. [↑](#footnote-ref-113)
114. S 135ZM. [↑](#footnote-ref-114)
115. Ss 135ZX and 135ZXA. [↑](#footnote-ref-115)
116. S 135ZJ(2). [↑](#footnote-ref-116)
117. S 135ZL(2). [↑](#footnote-ref-117)
118. S 135ZU. [↑](#footnote-ref-118)
119. S 135ZM(2). [↑](#footnote-ref-119)
120. S 135ZMA (limiting Division 2A to electronic forms of works). [↑](#footnote-ref-120)
121. S 135ZMB(1). [↑](#footnote-ref-121)
122. S 135ZMB(1). [↑](#footnote-ref-122)
123. S 135ZMB(1A). [↑](#footnote-ref-123)
124. S 135ZMB(2). [↑](#footnote-ref-124)
125. S 135ZMB(3). [↑](#footnote-ref-125)
126. S 135ZMB(4). [↑](#footnote-ref-126)
127. S 135ZMA (limiting Division 2A to electronic forms of works). [↑](#footnote-ref-127)
128. S 135ZMC(1). [↑](#footnote-ref-128)
129. S 135ZMA (limiting Division 2A to electronic forms of works). [↑](#footnote-ref-129)
130. S 135ZMD. [↑](#footnote-ref-130)
131. S 135ZMA (limiting Division 2A to electronic forms of works). [↑](#footnote-ref-131)
132. S 135ZMDA. [↑](#footnote-ref-132)
133. The concept of a “page” in electronic form refers to “pages whose content is unlikely to change regardless of the system used to view, reproduce or communicate them”. See e.g., s 135ZMDA(b). [↑](#footnote-ref-133)
134. S 135ZME. [↑](#footnote-ref-134)
135. Ss 135ZX and 135ZXA. [↑](#footnote-ref-135)
136. S 135ZMC(2). [↑](#footnote-ref-136)
137. S 135ZMD(2). [↑](#footnote-ref-137)
138. S 135ZMD(3). [↑](#footnote-ref-138)
139. S 135ZU. [↑](#footnote-ref-139)
140. S 135ZME(2). [↑](#footnote-ref-140)
141. S 83 (explaining that author includes works of joint authorship, so that works by any one or more of the authors of the extract concerned will count towards the preclusion). [↑](#footnote-ref-141)
142. S 44(2). [↑](#footnote-ref-142)
143. S 10(1) (defining “sufficient acknowledgment”). [↑](#footnote-ref-143)
144. S 28(2) (“For the purposes of this section, educational instruction given by a teacher at a place of education that is not conducted for profit shall not be taken to be given for profit by reason only that the teacher receives remuneration for giving the instruction.”) [↑](#footnote-ref-144)
145. S 28(5) (“For the purposes of this section, a person shall not be taken to be directly connected with a place where instruction is given by reason only that he or she is a parent or guardian of a student who receives instruction at that place”). [↑](#footnote-ref-145)
146. The Australian Copyright Act does not recognize a right of adaptation of artistic works. [↑](#footnote-ref-146)
147. “Performance” excludes performance and communication of works or other subject-matter in the course of educational instruction under s 28. See s 248A(2)(a). [↑](#footnote-ref-147)
148. S 248A (defining a “recording” of a performance as excluding an “exempt recording”). [↑](#footnote-ref-148)
149. S 248A (definition (a) for “exempt recording”). [↑](#footnote-ref-149)
150. S 248A (definition (aaa) for “exempt recording”). [↑](#footnote-ref-150)
151. S 248A (definition (b) for “exempt recording”). [↑](#footnote-ref-151)
152. S 248A (definition (c) for “exempt recording”). S 248B (defining a cinematograph film of a performance as being made for the educational purposes of an educational instruction if is made for use in connection with a particular course of instruction provided by the institution, or for inclusion in the collection of a library of the institution). [↑](#footnote-ref-152)
153. S 248A (defining, in definition (fa)). [↑](#footnote-ref-153)
154. Ss 40, 103C, 248(1A). [↑](#footnote-ref-154)
155. S 135C (extending the definition of “broadcast” to include free-to-air broadcast and broadcasts made available online). [↑](#footnote-ref-155)
156. S 135E(1). [↑](#footnote-ref-156)
157. S 135A (defining “administering body” as a body administering an “institution”, which is in turn defined to mean an educational institution or an institution assisting persons with an intellectual disability). [↑](#footnote-ref-157)
158. S 135E(1)(b). [↑](#footnote-ref-158)
159. S 135E(1)(a). [↑](#footnote-ref-159)
160. S 135G. The notice shall specify whether the amount of equitable remuneration is to be assessed on the basis of a records system, a sampling system or an agreed system. [↑](#footnote-ref-160)
161. S 116AN(4)(c). [↑](#footnote-ref-161)
162. S 116AN(4)(b)(iii) [↑](#footnote-ref-162)
163. S 116AN(4)(b)(i). [↑](#footnote-ref-163)
164. S 116AN(4)(b)(ii). [↑](#footnote-ref-164)
165. S 116AN(4)(d). [↑](#footnote-ref-165)
166. S 116AN(8)(c). [↑](#footnote-ref-166)
167. S 116AN(8)(d). [↑](#footnote-ref-167)
168. Art. 36.2(4) (importing the Art. 36 limitations of the rights of performers, phonogram producers and broadcasting organizations into limitations of economic rights of authors of scientific, literary and artistic works) [↑](#footnote-ref-168)
169. Art. 36.1. [↑](#footnote-ref-169)
170. Art. 17(2). [↑](#footnote-ref-170)
171. Art. 17(5) (providing that exported, professional equipment or material media not designed for use for recording in home conditions are exempt from remuneration). [↑](#footnote-ref-171)
172. Art. 17(3). [↑](#footnote-ref-172)
173. Art. 17(4). [↑](#footnote-ref-173)
174. Art. 36.2(1). [↑](#footnote-ref-174)
175. Art. 36.1. [↑](#footnote-ref-175)
176. Art. 36.2(2). [↑](#footnote-ref-176)
177. Art. 36.1. [↑](#footnote-ref-177)
178. Art. 18.1(c) *may* be read with Art. 36.2(4) (which has the effect of importing the limitations in Section II into this section of the law), to enable the reprographic reproduction of performances, phonograms and programs of broadcasting organizations and fixations thereof, without authorization, and without paying remuneration, subject to the three-step test set out in Art. 36.1. [↑](#footnote-ref-178)
179. S 2(1) (defining an “educational establishment” as any school, college or other educational body designated by the Minister by order). [↑](#footnote-ref-179)
180. S 60. [↑](#footnote-ref-180)
181. S 57 (defining “sufficient acknowledgment”). [↑](#footnote-ref-181)
182. S 2(1) (defining an “educational establishment” as any school, college or other educational body designated by the Minister by order). [↑](#footnote-ref-182)
183. S 66. [↑](#footnote-ref-183)
184. S 66. [↑](#footnote-ref-184)
185. S 2(1) (defining “reprographic process” as a process (a) for making facsimile copies, or (b) involving the use of an appliance for making multiple copies, and, in relation to a work held in electronic form, includes any copying by electronic means, but does not include the making of a film or sound recording). [↑](#footnote-ref-185)
186. S 66. [↑](#footnote-ref-186)
187. S 63(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion). [↑](#footnote-ref-187)
188. S 44(2). [↑](#footnote-ref-188)
189. S 66. [↑](#footnote-ref-189)
190. Ss 66, 108(2). [↑](#footnote-ref-190)
191. These are for backing up a copy of the software or for interoperability purposes. Art. 26. [↑](#footnote-ref-191)
192. S 53. [↑](#footnote-ref-192)
193. S 53. [↑](#footnote-ref-193)
194. S 51 (defining “sufficient acknowledgment”). [↑](#footnote-ref-194)
195. S 2(1) (defining “reprographic process” as a process (a) for making facsimile copies, or (b) involving the use of an appliance for making multiple copies, and, in relation to a work held in electronic form, includes any copying by electronic means, but does not include the making of a film or sound recording). [↑](#footnote-ref-195)
196. S 60. [↑](#footnote-ref-196)
197. S 56(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion). [↑](#footnote-ref-197)
198. S 44(2). [↑](#footnote-ref-198)
199. S 58 exempts from infringement the copyright in the broadcast or cable programme and any work included in it; s 118 exempts from infringement the rights of performance and recording. [↑](#footnote-ref-199)
200. S 59, s 117(2) read with s 118. [↑](#footnote-ref-200)
201. S 3(1) (defining “protected work” as a literary, dramatic, musical or artistic work, a sound recording, film, broadcast or cable programme, and the typographical arrangement of a published edition). [↑](#footnote-ref-201)
202. S 58. [↑](#footnote-ref-202)
203. Copying by a person other than the researcher or student under s 56 will trigger the preclusion from the exception. [↑](#footnote-ref-203)
204. S 56(2)(b). [↑](#footnote-ref-204)
205. S 124. [↑](#footnote-ref-205)
206. S 58. [↑](#footnote-ref-206)
207. S 55 (defining “sufficient acknowledgment”). [↑](#footnote-ref-207)
208. S 3(1) (defining “protected work” as a literary, dramatic, musical or artistic work, a sound recording, film, broadcast or cable programme, and the typographical arrangement of a published edition). [↑](#footnote-ref-208)
209. S 58. [↑](#footnote-ref-209)
210. Copying by a person other than the researcher or student under s 56 will trigger the preclusion from the exception. [↑](#footnote-ref-210)
211. S 56(2)(b). [↑](#footnote-ref-211)
212. S 65. [↑](#footnote-ref-212)
213. S 65. [↑](#footnote-ref-213)
214. S 126(3). [↑](#footnote-ref-214)
215. S 2(1) (defining “reprographic process” as a process (a) for making facsimile copies, or (b) involving the use of an appliance for making multiple copies, and, in relation to a work held in electronic form, includes any copying by electronic means, but does not include the making of a film or sound recording). [↑](#footnote-ref-215)
216. S 65. [↑](#footnote-ref-216)
217. S 61(1)(d). [↑](#footnote-ref-217)
218. S 61(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion). [↑](#footnote-ref-218)
219. S 61(2). [↑](#footnote-ref-219)
220. S 55 (defining “sufficient acknowledgement”). [↑](#footnote-ref-220)
221. S 62(3) (excluding parents of pupils per se from “persons directly connected with the activities of the educational establishment”). [↑](#footnote-ref-221)
222. S 62(3) (excluding parents of pupils per se from “persons directly connected with the activities of the educational establishment”). [↑](#footnote-ref-222)
223. S 58 exempts from infringement the copyright in the broadcast or cable programme and any work included in it; s 119 exempts from infringement the rights of performance and recording. [↑](#footnote-ref-223)
224. Ss 65, 127(2). [↑](#footnote-ref-224)
225. S 63(2). [↑](#footnote-ref-225)
226. S 103. [↑](#footnote-ref-226)
227. Art. 69 (providing that all other uses that constitute exceptions with respect to works shall apply to performances, phonograms and broadcasts). [↑](#footnote-ref-227)
228. Art. 69 (providing that all other uses that constitute exceptions with respect to works shall apply to performances, phonograms and broadcasts). [↑](#footnote-ref-228)
229. Art. 69 (providing that all other uses that constitute exceptions with respect to works shall apply to performances, phonograms and broadcasts). [↑](#footnote-ref-229)
230. Art. 20 (providing that computer programs may be reproduced or adapted for their intended usage, or for backup purposes). [↑](#footnote-ref-230)
231. Arts. 74, 75 (providing that authors, performers, phonogram producers shall be entitled to remuneration for such reproductions intended for strictly personal and private use, in the form of levies on manufacturers and importers of physical media used for such reproduction). [↑](#footnote-ref-231)
232. Art. 79. [↑](#footnote-ref-232)
233. Arts. 74, 75 (providing that authors, performers, phonogram producers shall be entitled to remuneration for such reproductions intended for strictly personal and private use, in the form of levies on manufacturers and importers of physical media used for such reproduction). [↑](#footnote-ref-233)
234. Art. 79. [↑](#footnote-ref-234)
235. Art. 69 (providing that all other uses that constitute exceptions with respect to works shall apply to performances, phonograms and broadcasts). [↑](#footnote-ref-235)
236. Art. 69 (providing that all other uses that constitute exceptions with respect to works shall apply to performances, phonograms and broadcasts). [↑](#footnote-ref-236)
237. Art. 69 (providing that all other uses that constitute exceptions with respect to works shall apply to performances, phonograms and broadcasts). [↑](#footnote-ref-237)
238. S 27d (extending the exceptions in Part II to fixations of performances, sound recordings and broadcasts). [↑](#footnote-ref-238)
239. Art. 36. Art. 37 also explains that the manufacturer and/or importer is liable for the levy, except for paid photocopies, where the remuneration is payable by the party rendering photocopying services. [↑](#footnote-ref-239)
240. Art. 145(1)(a) (importing conditions of Art. 46 to private or internal use) [↑](#footnote-ref-240)
241. Art. 36. Art. 37 also explains that the manufacturer and/or importer is liable for the levy, except for paid photocopies, where the remuneration is payable by the party rendering photocopying services. [↑](#footnote-ref-241)
242. Art. 145(1)(b) (importing Art. 45 exception regarding teaching to databases). [↑](#footnote-ref-242)
243. Art. 155(3)(b). [↑](#footnote-ref-243)
244. S 28(a) (applying limitations on protection for authorship rights to neighbouring rights). [↑](#footnote-ref-244)
245. S 17 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-245)
246. S 28(c) (applying limitations on protection for authorship rights to neighbouring rights). [↑](#footnote-ref-246)
247. S 28(c) and (d) (applying limitations on protection for authorship rights to neighbouring rights). [↑](#footnote-ref-247)
248. S 33(3)(b). [↑](#footnote-ref-248)
249. S 3(1) (defining “work” as an original literary, dramatic, musical or artistic work, a sound recording, a film, a broadcast, a cable programme, and the typographical arrangement of published editions). [↑](#footnote-ref-249)
250. S 2(1) (defining “sufficient acknowledgement”). [↑](#footnote-ref-250)
251. S 180(b) (defining “recording” as the recording of the performance of a performer). [↑](#footnote-ref-251)
252. S 33(3)(b). [↑](#footnote-ref-252)
253. S 36(5). [↑](#footnote-ref-253)
254. Para 4(2), Second Schedule. [↑](#footnote-ref-254)
255. S 36(4). [↑](#footnote-ref-255)
256. S 36(5), Para 4(3), Second Schedule. [↑](#footnote-ref-256)
257. S 2(1) (defining “reprographic copying” as copying by means of a reprographic process, and a “reprographic process” as a process for making facsimile copies or involving the use of an appliance for making multiple copies, and includes any copying by electronic means, but does not include the making of a film or sound recording). [↑](#footnote-ref-257)
258. S 177 (defining an “educational establishment” as any school or description of educational establishment as prescribed by Ministerial order). [↑](#footnote-ref-258)
259. S 40(3). Statutory licensing scheme for educational institutions is set out in ss 148-152. [↑](#footnote-ref-259)
260. S 40(5). [↑](#footnote-ref-260)
261. S 40(4). [↑](#footnote-ref-261)
262. S 37(4). [↑](#footnote-ref-262)
263. S 37(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion). [↑](#footnote-ref-263)
264. S 44(2). [↑](#footnote-ref-264)
265. S 2(1) (defining “sufficient acknowledgement”). [↑](#footnote-ref-265)
266. S 38(3) (“A person is not for this purpose directly connected with the activities of the educational establishment only because he is the parent of a student at the establishment.”) [↑](#footnote-ref-266)
267. S 38(3) (“A person is not for this purpose directly connected with the activities of the educational establishment only because he is the parent of a student at the establishment.”), Para 5(2), Second Schedule. [↑](#footnote-ref-267)
268. Para 4(1), Second Schedule. [↑](#footnote-ref-268)
269. *Id*. [↑](#footnote-ref-269)
270. S 36(5). [↑](#footnote-ref-270)
271. S 39(3), Para 6(2), Second Schedule. [↑](#footnote-ref-271)
272. S 135(2) (“The Copyright Tribunal shall, in considering what charges (if any) should be paid for a licence, have regard to the extent to which the owners of copyright in the works included in the broadcast or cable programme have already received, or are entitled to receive, payment in respect of their inclusion.”) [↑](#footnote-ref-272)
273. Para 4(2), Second Schedule. [↑](#footnote-ref-273)
274. S 36(4). [↑](#footnote-ref-274)
275. S 36(5), Para 4(3), Second Schedule. [↑](#footnote-ref-275)
276. Art. 84 (applying exceptions by analogy to performances). [↑](#footnote-ref-276)
277. Art. 90 (applying exceptions by analogy to phonograms). [↑](#footnote-ref-277)
278. Art. 90c (applying exceptions by analogy to films). [↑](#footnote-ref-278)
279. Art. 25(2). [↑](#footnote-ref-279)
280. Art. 23 (“The free use of works shall be permissible only in the cases, pointed out in the law, under the condition, that the normal use of the work is not hampered and the legitimate interests of the owner of the copyright are not impaired.”). [↑](#footnote-ref-280)
281. Art. 23 (“The free use of works shall be permissible only in the cases, pointed out in the law, under the condition, that the normal use of the work is not hampered and the legitimate interests of the owner of the copyright are not impaired.”). [↑](#footnote-ref-281)
282. Art. 90c (applying exceptions by analogy to films). [↑](#footnote-ref-282)
283. Art. 93 (applying exceptions by analogy to broadcasts). [↑](#footnote-ref-283)
284. Art. 24(2) (providing that provisions of Art. 24(1) shall not include computer software; instead, Arts. 70 and 71 apply). [↑](#footnote-ref-284)
285. Art. 23 (“The free use of works shall be permissible only in the cases, pointed out in the law, under the condition, that the normal use of the work is not hampered and the legitimate interests of the owner of the copyright are not impaired.”). [↑](#footnote-ref-285)
286. Art. 90 (applying exceptions by analogy to phonograms). [↑](#footnote-ref-286)
287. Art. 90c (applying exceptions by analogy to films). [↑](#footnote-ref-287)
288. Art. 93 (applying exceptions by analogy to broadcasts). [↑](#footnote-ref-288)
289. Art. 24(2) (providing that provisions of Art. 24(1) shall not include computer software; instead, Arts. 70 and 71 apply). [↑](#footnote-ref-289)
290. Art. 23 (“The free use of works shall be permissible only in the cases, pointed out in the law, under the condition, that the normal use of the work is not hampered and the legitimate interests of the owner of the copyright are not impaired.”). [↑](#footnote-ref-290)
291. Art. 24(1).3 (limiting free use to “published works or of *not big number of works in other works*”). [↑](#footnote-ref-291)
292. Art. 24(2) (providing that provisions of Art. 24(1) shall not include computer software; instead, Arts. 70 and 71 apply). [↑](#footnote-ref-292)
293. Art. 23 (“The free use of works shall be permissible only in the cases, pointed out in the law, under the condition, that the normal use of the work is not hampered and the legitimate interests of the owner of the copyright are not impaired.”). [↑](#footnote-ref-293)
294. Art. 84 (applying exceptions by analogy to performances). [↑](#footnote-ref-294)
295. Art. 90 (applying exceptions by analogy to phonograms). [↑](#footnote-ref-295)
296. Art. 90c (applying exceptions by analogy to films). [↑](#footnote-ref-296)
297. Art. 93 (applying exceptions by analogy to broadcasts). [↑](#footnote-ref-297)
298. Art. 24(2) (providing that provisions of Art. 24(1) shall not include computer software; instead, Arts. 70 and 71 apply). [↑](#footnote-ref-298)
299. Art. 23 (“The free use of works shall be permissible only in the cases, pointed out in the law, under the condition, that the normal use of the work is not hampered and the legitimate interests of the owner of the copyright are not impaired.”). [↑](#footnote-ref-299)
300. Art. 80 (applying by extension exceptions in relation to copyright to neighbouring rights). [↑](#footnote-ref-300)
301. Art 80, item 1. See also Art. 80, item 5 (applying by extension exceptions in relation to copyright to neighbouring rights). [↑](#footnote-ref-301)
302. Art. 23 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-302)
303. Art. 82(a) (extending limitations under Part One of the law to Part Two to encompass performances, phonograms and broadcasts). [↑](#footnote-ref-303)
304. Art. 27 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-304)
305. Art 34 (describing equitable remuneration as levy on producers and importers of physical media and devices used for such reproduction, and collected and distributed by CMO). [↑](#footnote-ref-305)
306. Art. 82(a) (extending limitations under Part One of the law to Part Two to encompass performances, phonograms and broadcasts). [↑](#footnote-ref-306)
307. S 17 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-307)
308. Art. 63(e). [↑](#footnote-ref-308)
309. Art. 61(1). [↑](#footnote-ref-309)
310. Art. 73(2) (providing that fair remuneration be paid by importers and sellers of apparatus and material carriers used for reproduction or recording, and shall be received by CMOs). [↑](#footnote-ref-310)
311. Art. 61(1). [↑](#footnote-ref-311)
312. Art. 61(1). [↑](#footnote-ref-312)
313. Art. 61(1). [↑](#footnote-ref-313)
314. Art. 61(1). [↑](#footnote-ref-314)
315. However, export of such copies to citizens domiciled abroad, within the limits strictly necessary and with express prohibition on its commercialization, is allowed. Art. 75.1(c). [↑](#footnote-ref-315)
316. Art. 75.2. [↑](#footnote-ref-316)
317. Art. 75.1(a). [↑](#footnote-ref-317)
318. Art. 75.1(b). [↑](#footnote-ref-318)
319. Art. 75.3. [↑](#footnote-ref-319)
320. Art. 75.1(d). [↑](#footnote-ref-320)
321. Art. 75.4. [↑](#footnote-ref-321)
322. Art. 50(e). [↑](#footnote-ref-322)
323. Other than a backup-copy. Art. 24(d). [↑](#footnote-ref-323)
324. Art. 50(e). [↑](#footnote-ref-324)
325. Art. 50. [↑](#footnote-ref-325)
326. Art. 50. [↑](#footnote-ref-326)
327. S 29(1)(c). [↑](#footnote-ref-327)
328. S 36 (excepting use of a database, the reproduction of minor parts of a database, reproduction for backup/archival purposes and for software development purposes). [↑](#footnote-ref-328)
329. S 29(3). [↑](#footnote-ref-329)
330. *See* Part IV (remuneration for private copying), in particular, ss 69 (works, recordings fixed on phonograms, videograms), 72 (printed works). [↑](#footnote-ref-330)
331. S 67(1)(a). [↑](#footnote-ref-331)
332. *See* Part IV (remuneration for private copying), in particular, ss 69 (works, recordings fixed on phonograms, videograms), 72 (printed works). [↑](#footnote-ref-332)
333. S 67(1)(a). [↑](#footnote-ref-333)
334. Art. 95 (applying Art. 34 mutatis mutandis to neighbouring rights). [↑](#footnote-ref-334)
335. Art. 95 (applying Art. 34 mutatis mutandis to neighbouring rights). [↑](#footnote-ref-335)
336. Art. 114. [↑](#footnote-ref-336)
337. Art. 95 (applying Art. 34 mutatis mutandis to neighbouring rights). [↑](#footnote-ref-337)
338. Art. 95 (applying Art. 34 mutatis mutandis to neighbouring rights). [↑](#footnote-ref-338)
339. Art. 95 (applying Art. 34 mutatis mutandis to neighbouring rights). [↑](#footnote-ref-339)
340. Art. 22 proviso. [↑](#footnote-ref-340)
341. Art. 22 proviso. [↑](#footnote-ref-341)
342. Art. 22 proviso. [↑](#footnote-ref-342)
343. Art. 23 proviso. [↑](#footnote-ref-343)
344. Art. 22 proviso. [↑](#footnote-ref-344)
345. Art. 22 proviso. [↑](#footnote-ref-345)
346. Art. 178(a) (extending private use exceptions regarding private use to neighbouring rights). [↑](#footnote-ref-346)
347. Art. 178(a) (extending private use exceptions regarding private use to neighbouring rights). [↑](#footnote-ref-347)
348. Art. 178(d) (extending private use exceptions regarding quotations to neighbouring rights). [↑](#footnote-ref-348)
349. Art. 178(c) (extending private use exceptions regarding sole use for teaching or scientific research). [↑](#footnote-ref-349)
350. Art. 178(c) (extending private use exceptions regarding sole use for teaching or scientific research). [↑](#footnote-ref-350)
351. Art. 178(c) (extending private use exceptions regarding sole use for teaching or scientific research). [↑](#footnote-ref-351)
352. Art. 52. [↑](#footnote-ref-352)
353. Art. 56. [↑](#footnote-ref-353)
354. Arts. 45, 52. [↑](#footnote-ref-354)
355. Art. 56(a). [↑](#footnote-ref-355)
356. Art. 57. [↑](#footnote-ref-356)
357. Art. 52(a). [↑](#footnote-ref-357)
358. Art. 52(b), (c). [↑](#footnote-ref-358)
359. Art. 47(c), (d). [↑](#footnote-ref-359)
360. Art. 48. [↑](#footnote-ref-360)
361. Art. 51. [↑](#footnote-ref-361)
362. Art. 54. [↑](#footnote-ref-362)
363. Art. 55. [↑](#footnote-ref-363)
364. Art. 53. [↑](#footnote-ref-364)
365. Art. 66. [↑](#footnote-ref-365)
366. Art. 70. [↑](#footnote-ref-366)
367. Arts. 68(b). [↑](#footnote-ref-367)
368. Art. 70. [↑](#footnote-ref-368)
369. Art. 66(a). [↑](#footnote-ref-369)
370. Art. 70(a). [↑](#footnote-ref-370)
371. Art. 59(b)-(d). [↑](#footnote-ref-371)
372. Art. 61-62. [↑](#footnote-ref-372)
373. Art. 63. [↑](#footnote-ref-373)
374. Art. 60. [↑](#footnote-ref-374)
375. Art. 64. [↑](#footnote-ref-375)
376. Art. 66(b). [↑](#footnote-ref-376)
377. Art. 68. [↑](#footnote-ref-377)
378. Art. 69. [↑](#footnote-ref-378)
379. Art. 67. [↑](#footnote-ref-379)
380. Art. 97 (applying the limitation of protection for works to neighbouring rights). [↑](#footnote-ref-380)
381. Art. 48 (providing that author is entitled to remuneration whose amount is proportional to revenue from sales of blank media, calculated as a percentage of the selling price of blank physical media, payable to the CMOs representing the authors). [↑](#footnote-ref-381)
382. Art. 97. [↑](#footnote-ref-382)
383. Art. 87. [↑](#footnote-ref-383)
384. Art. 87. [↑](#footnote-ref-384)
385. Art. 92. [↑](#footnote-ref-385)
386. Art. 87. [↑](#footnote-ref-386)
387. Art. 87. [↑](#footnote-ref-387)
388. Art. 87. [↑](#footnote-ref-388)
389. Art. 4(2). [↑](#footnote-ref-389)
390. Art. 80. [↑](#footnote-ref-390)
391. Art. 32(1). [↑](#footnote-ref-391)
392. Art. 32(4). [↑](#footnote-ref-392)
393. Art. 32(2). [↑](#footnote-ref-393)
394. Art. 4(2). [↑](#footnote-ref-394)
395. Art. 4(2). [↑](#footnote-ref-395)
396. Art. 4(2). [↑](#footnote-ref-396)
397. Art. 85(2). [↑](#footnote-ref-397)
398. Art. 4(2). [↑](#footnote-ref-398)
399. Art. 4(2). [↑](#footnote-ref-399)
400. Art. 98(4). [↑](#footnote-ref-400)
401. Ss 9 (applying exceptions to sound recordings), 10(a) (applying exceptions to broadcasts). [↑](#footnote-ref-401)
402. Ss 9 (applying exceptions to sound recordings), 10(a) (applying exceptions to broadcasts). [↑](#footnote-ref-402)
403. Ss 9 (applying exceptions to sound recordings), 10(a) (applying exceptions to broadcasts). [↑](#footnote-ref-403)
404. Ss 9 (applying exceptions to sound recordings), 10(a) (applying exceptions to broadcasts). [↑](#footnote-ref-404)
405. Ss 9 (applying exceptions to sound recordings), 10(a) (applying exceptions to broadcasts). [↑](#footnote-ref-405)
406. Art. 30(3). [↑](#footnote-ref-406)
407. Art. 30(3). [↑](#footnote-ref-407)
408. Art. 30(1). [↑](#footnote-ref-408)
409. Art. 30(5). [↑](#footnote-ref-409)
410. Art. 25(2)(b). [↑](#footnote-ref-410)
411. Art. 25(2)(e). [↑](#footnote-ref-411)
412. Art. 25(3). Art. 25 goes on to spell out the calculations of the remuneration payable. [↑](#footnote-ref-412)
413. Art. 30(3). [↑](#footnote-ref-413)
414. Art. 30(3). [↑](#footnote-ref-414)
415. Art. 20(1) read with Art. 30(3). [↑](#footnote-ref-415)
416. Art. 30(3). [↑](#footnote-ref-416)
417. Art. 30(1). [↑](#footnote-ref-417)
418. Art. 30(5). [↑](#footnote-ref-418)
419. Art. 25(2)(a), (c), (d). [↑](#footnote-ref-419)
420. Art. 25(2)(e). [↑](#footnote-ref-420)
421. Art. 25(3). Art. 25 goes on to spell out the calculations of the remuneration payable. [↑](#footnote-ref-421)
422. Art. 30(3). [↑](#footnote-ref-422)
423. Art. 30(3). [↑](#footnote-ref-423)
424. Art. 30(5). [↑](#footnote-ref-424)
425. Art. 25(2)(e). [↑](#footnote-ref-425)
426. Art. 25(3). Art. 25 goes on to spell out the calculations of the remuneration payable. [↑](#footnote-ref-426)
427. Art. 30(3). [↑](#footnote-ref-427)
428. Art. 30(3). [↑](#footnote-ref-428)
429. Art. 30(5). [↑](#footnote-ref-429)
430. Art. 25(2)(b). [↑](#footnote-ref-430)
431. Art. 25(3). Art. 25 goes on to spell out the calculations of the remuneration payable. [↑](#footnote-ref-431)
432. S 65(6). [↑](#footnote-ref-432)
433. S 66(2) [↑](#footnote-ref-433)
434. S 67(2). [↑](#footnote-ref-434)
435. S 69(3). [↑](#footnote-ref-435)
436. S 70(3). [↑](#footnote-ref-436)
437. S 71(5). [↑](#footnote-ref-437)
438. S 12(3). [↑](#footnote-ref-438)
439. S 12(2)(v). [↑](#footnote-ref-439)
440. S 12(4). [↑](#footnote-ref-440)
441. S 12(5). [↑](#footnote-ref-441)
442. \*\*\* does this mean the source work is publicly available, or that the targeted work is publicly available? [↑](#footnote-ref-442)
443. S 11(3). [↑](#footnote-ref-443)
444. S 39(1), (2). More details of the remuneration are spelt out in ss 40-46a. [↑](#footnote-ref-444)
445. S 65(6). [↑](#footnote-ref-445)
446. S 66(2) [↑](#footnote-ref-446)
447. S 67(2). [↑](#footnote-ref-447)
448. S 69(3). [↑](#footnote-ref-448)
449. S 71(5). [↑](#footnote-ref-449)
450. \*\*\* does this mean the source work is publicly available, or that the targeted work is publicly available? [↑](#footnote-ref-450)
451. S 11(3). [↑](#footnote-ref-451)
452. S 13(2). [↑](#footnote-ref-452)
453. S 13(3). [↑](#footnote-ref-453)
454. S 65(6). [↑](#footnote-ref-454)
455. S 66(2) [↑](#footnote-ref-455)
456. S 67(2). [↑](#footnote-ref-456)
457. S 70(3). [↑](#footnote-ref-457)
458. S 71(5). [↑](#footnote-ref-458)
459. S 50 (giving licensees who have made an agreement with a CMO for a substantial number of authors, the right to exploit other works of the same nature even though authors of these other works are not represented by the CMO). [↑](#footnote-ref-459)
460. \*\*\* does this mean the source work is publicly available, or that the targeted work is publicly available? [↑](#footnote-ref-460)
461. S 11(3). [↑](#footnote-ref-461)
462. S 1(2). [↑](#footnote-ref-462)
463. S 70(3). [↑](#footnote-ref-463)
464. \*\*\* does this mean the source work is publicly available, or that the targeted work is publicly available? [↑](#footnote-ref-464)
465. S 11(3). [↑](#footnote-ref-465)
466. S 1(2) read with s 18(1). [↑](#footnote-ref-466)
467. S 65(6). [↑](#footnote-ref-467)
468. S 66(2) [↑](#footnote-ref-468)
469. S 67(2). [↑](#footnote-ref-469)
470. S 70(3). [↑](#footnote-ref-470)
471. S 71(5). [↑](#footnote-ref-471)
472. \*\*\* does this mean the source work is publicly available, or that the targeted work is publicly available? [↑](#footnote-ref-472)
473. S 11(3). [↑](#footnote-ref-473)
474. If no agreement is reached on quantum of remuneration, the dispute may be brought before the Copyright License Tribunal under s 47. [↑](#footnote-ref-474)
475. \*\*\* does this mean the source work is publicly available, or that the targeted work is publicly available? [↑](#footnote-ref-475)
476. S 11(3). [↑](#footnote-ref-476)
477. S 65(6). [↑](#footnote-ref-477)
478. S 66(2) [↑](#footnote-ref-478)
479. S 69(3). [↑](#footnote-ref-479)
480. S 70(3). [↑](#footnote-ref-480)
481. S 71(5). [↑](#footnote-ref-481)
482. \*\*\* does this mean the source work is publicly available, or that the targeted work is publicly available? [↑](#footnote-ref-482)
483. S 11(3). [↑](#footnote-ref-483)
484. S 13(2). [↑](#footnote-ref-484)
485. S 13(3). [↑](#footnote-ref-485)
486. S 65(6). [↑](#footnote-ref-486)
487. S 66(2) [↑](#footnote-ref-487)
488. S 67(2). [↑](#footnote-ref-488)
489. S 70(3). [↑](#footnote-ref-489)
490. S 71(5). [↑](#footnote-ref-490)
491. \*\*\* does this mean the source work is publicly available, or that the targeted work is publicly available? [↑](#footnote-ref-491)
492. S 11(3). [↑](#footnote-ref-492)
493. S 65(6). [↑](#footnote-ref-493)
494. S 66(2) [↑](#footnote-ref-494)
495. S 67(2). [↑](#footnote-ref-495)
496. S 70(3). [↑](#footnote-ref-496)
497. S 71(5). [↑](#footnote-ref-497)
498. \*\*\* does this mean the source work is publicly available, or that the targeted work is publicly available? [↑](#footnote-ref-498)
499. S 11(3). [↑](#footnote-ref-499)
500. Art. 65(d) (limiting neighboring rights in relation to reproduction solely for personal and private use of producer). [↑](#footnote-ref-500)
501. Art. 66. Arts. 67, 68 contain more details about the rates of remuneration and means of payment and reimbursement. [↑](#footnote-ref-501)
502. Art. 65(e) (limiting neighboring rights in relation to reproduction in the form of quotation). [↑](#footnote-ref-502)
503. Art. 65(f) (applying copyright exceptions mutatis mutandis to neighboring rights). [↑](#footnote-ref-503)
504. Art. 65(f) (applying copyright exceptions mutatis mutandis to neighboring rights). [↑](#footnote-ref-504)
505. Art. 65(f) (applying copyright exceptions mutatis mutandis to neighboring rights). [↑](#footnote-ref-505)
506. Art. 65(b) (limiting neighboring rights in relation to reproduction solely for scientific research). [↑](#footnote-ref-506)
507. Art. 65(f) (applying copyright exceptions mutatis mutandis to neighboring rights). [↑](#footnote-ref-507)
508. S 30(d) (extending copyright limitations to neighbouring rights). [↑](#footnote-ref-508)
509. S 30(d) (extending copyright limitations to neighbouring rights). [↑](#footnote-ref-509)
510. S 66 (defining fair practice as a determination by the court of all factors which appear to be relevant, including the nature of the work in question, the extent and substantiality of that part of the work affected by the act in relation to the whole of the work, and the effect of that act upon the potential market on the commercial value of the work). [↑](#footnote-ref-510)
511. S 67(2). [↑](#footnote-ref-511)
512. S 67(2). [↑](#footnote-ref-512)
513. S 67(2). [↑](#footnote-ref-513)
514. S 30(b). [↑](#footnote-ref-514)
515. S 30(c). [↑](#footnote-ref-515)
516. Art. 134 (extending limitations and exceptions to neighbouring rights). [↑](#footnote-ref-516)
517. Art. 37 (providing that computer programs are governed by guidelines expressly established). [↑](#footnote-ref-517)
518. Art. 134 (extending limitations and exceptions to neighbouring rights). [↑](#footnote-ref-518)
519. Art. 134 (extending limitations and exceptions to neighbouring rights). [↑](#footnote-ref-519)
520. Art. 134 (extending limitations and exceptions to neighbouring rights). [↑](#footnote-ref-520)
521. Art. 134 (extending limitations and exceptions to neighbouring rights). [↑](#footnote-ref-521)
522. Art. 134 (extending limitations and exceptions to neighbouring rights). [↑](#footnote-ref-522)
523. Art. 46. [↑](#footnote-ref-523)
524. Art. 105. [↑](#footnote-ref-524)
525. Art. 106. [↑](#footnote-ref-525)
526. Art. 83 (main provision). [↑](#footnote-ref-526)
527. Art. 83 (main provision). [↑](#footnote-ref-527)
528. Art. 170. [↑](#footnote-ref-528)
529. Art. 170 4th item. [↑](#footnote-ref-529)
530. Art. 9 (defining “public communication” as the act by which the work becomes accessible to the public by any means or processes, and also the procedures to be observed for the work to become accessible to the public, and includes stage performances, public projections or showings of audtiovisual works, broadcasting, transmission by wire etc., retransmission, receiving, public presentation, public access by means of telecommunication systems and the dissemination of signs, words etc. by any known or as yet unknown process). [↑](#footnote-ref-530)
531. S 39(3). [↑](#footnote-ref-531)
532. S 37(4). [↑](#footnote-ref-532)
533. Art. 9 (defining “public communication” as the act by which the work becomes accessible to the public by any means or processes, and also the procedures to be observed for the work to become accessible to the public, and includes stage performances, public projections or showings of audiovisual works, broadcasting, transmission by wire etc., retransmission, receiving, public presentation, public access by means of telecommunication systems and the dissemination of signs, words etc. by any known or as yet unknown process). In this context, this limitation/exception is classified as one pertaining to “performance” instead of “communication” in the sense used in this study. [↑](#footnote-ref-533)
534. Art. 32(d) (applying copyright limitations to neighbouring rights). [↑](#footnote-ref-534)
535. Art. 14 (excepting use of the computer program, for backup/archival purposes and adaptation for indispensable use). [↑](#footnote-ref-535)
536. Art. 32(d) (applying copyright limitations to neighbouring rights). [↑](#footnote-ref-536)
537. Art. 32(d) (applying copyright limitations to neighbouring rights). [↑](#footnote-ref-537)
538. Art. 32(d) (applying copyright limitations to neighbouring rights). [↑](#footnote-ref-538)
539. Art. 32(d) (applying copyright limitations to neighbouring rights). [↑](#footnote-ref-539)
540. Art. 32(d) (applying copyright limitations to neighbouring rights). [↑](#footnote-ref-540)
541. Art. 32 refers to rights in Arts. 26-31, which deal with the protection of performers, producers of sound recordings and broadcasting organizations. [↑](#footnote-ref-541)
542. Art. 32 refers to rights in Arts. 26-31, which deal with the protection of performers, producers of sound recordings and broadcasting organizations. [↑](#footnote-ref-542)
543. Art. 32(d) (applying copyright limitations to neighbouring rights). [↑](#footnote-ref-543)
544. S 42(2) (exempting from infringement copyright in the topographical arrangement of the edition or in any literary, dramatic, or musical work or part of a work in the edition). [↑](#footnote-ref-544)
545. S 42(3). [↑](#footnote-ref-545)
546. S 42(4). [↑](#footnote-ref-546)
547. S 42(5). [↑](#footnote-ref-547)
548. S 42((7). [↑](#footnote-ref-548)
549. S 42(8). [↑](#footnote-ref-549)
550. S 17 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-550)
551. S 2(1) (defining “sufficient acknowledgment”). [↑](#footnote-ref-551)
552. S 43(4). [↑](#footnote-ref-552)
553. S 43(2). [↑](#footnote-ref-553)
554. S 44(3). [↑](#footnote-ref-554)
555. S 43(1). [↑](#footnote-ref-555)
556. S 84(2)(a). [↑](#footnote-ref-556)
557. S 43(2)(b). [↑](#footnote-ref-557)
558. S 43(3)(c). [↑](#footnote-ref-558)
559. S 44(7). [↑](#footnote-ref-559)
560. S 2(1) (defining “educational establishment”). [↑](#footnote-ref-560)
561. S 44(1). The licensing scheme may be sought under Part X of the Copyright Act, 1999. See, in particular, ss 140(d)(i) and 148(c). Under Division 5 of Part X, the Minister has power to extend the coverage of a licence for reprographic copying by educational establishments. S 159. [↑](#footnote-ref-561)
562. S 84(2)(d). [↑](#footnote-ref-562)
563. S 44(2). [↑](#footnote-ref-563)
564. S 84(2)(d). [↑](#footnote-ref-564)
565. S 45(3) (defining “directly connected” as excluding a parent or guardian of a student at a school or educational establishment). [↑](#footnote-ref-565)
566. S 45(3) (defining “directly connected” as excluding a parent or guardian of a student at a school or educational establishment). [↑](#footnote-ref-566)
567. S 173(2) (defining “directly connected” as excluding a parent or guardian of a student at a school or educational establishment). [↑](#footnote-ref-567)
568. S 84(2)(b). [↑](#footnote-ref-568)
569. S 84(2)(c). [↑](#footnote-ref-569)
570. S 155(2) (“[T]he Tribunal shall, in considering what charges (if any) should be paid for a licence, have regard to the extent to which the owners of copyright in the works included in the broadcast or cable programme have already received, or are entitled to receive, payment in respect of their inclusion.”) [↑](#footnote-ref-570)
571. S 172(1)(c). [↑](#footnote-ref-571)
572. S 175. [↑](#footnote-ref-572)
573. S 175. [↑](#footnote-ref-573)
574. S 84(2)(d). [↑](#footnote-ref-574)
575. S 84(2)(d). [↑](#footnote-ref-575)
576. S 45(5). [↑](#footnote-ref-576)
577. S 46(3). [↑](#footnote-ref-577)
578. S 46a(3). [↑](#footnote-ref-578)
579. S 12(4). [↑](#footnote-ref-579)
580. S 26a. The levy is calculated based on the total playing time of the tape or device, or, where the playing time of a device varies, the average playing time of the device. S 26a(1). See also ss 25, 26, Copyright Decree No. 574 of Apr. 21, 1995 (14.12.2006/1173). Where the device is used for educational or scientific research purposes, the user is entitled to obtain a refund from the CMO corresponding to the levy paid. S 26e(1).2. [↑](#footnote-ref-580)
581. S 45(5). [↑](#footnote-ref-581)
582. S 46(3). [↑](#footnote-ref-582)
583. S 46a(3). [↑](#footnote-ref-583)
584. S 12(4). [↑](#footnote-ref-584)
585. S 12(3). [↑](#footnote-ref-585)
586. S 45(5). [↑](#footnote-ref-586)
587. S 46(3). [↑](#footnote-ref-587)
588. S 46a(3). [↑](#footnote-ref-588)
589. S 47(4). [↑](#footnote-ref-589)
590. S 45(5). [↑](#footnote-ref-590)
591. S 46(3). [↑](#footnote-ref-591)
592. S 46a(3). [↑](#footnote-ref-592)
593. S 14(4). [↑](#footnote-ref-593)
594. S 54a. [↑](#footnote-ref-594)
595. S 26 (providing for a licensee authorised by virtue of the extended collective licence to use a work in the same field whose author the CMO does not represent). Any disputes shall be settled by arbitration. S 54(1) items 2, 3. [↑](#footnote-ref-595)
596. S 45(5). [↑](#footnote-ref-596)
597. S 46(3). [↑](#footnote-ref-597)
598. S 46a(3). [↑](#footnote-ref-598)
599. S 54a. [↑](#footnote-ref-599)
600. S 45(5). [↑](#footnote-ref-600)
601. S 46(3). [↑](#footnote-ref-601)
602. S 46a(3). [↑](#footnote-ref-602)
603. S 54a. [↑](#footnote-ref-603)
604. S 45(5). [↑](#footnote-ref-604)
605. S 46(3). [↑](#footnote-ref-605)
606. S 46a(3). [↑](#footnote-ref-606)
607. S 54a. [↑](#footnote-ref-607)
608. S 54a. [↑](#footnote-ref-608)
609. S 45(5). [↑](#footnote-ref-609)
610. S 46(3). [↑](#footnote-ref-610)
611. S 47(4). [↑](#footnote-ref-611)
612. S 54a. [↑](#footnote-ref-612)
613. S 45(5). [↑](#footnote-ref-613)
614. S 46(3). [↑](#footnote-ref-614)
615. S 46a(3). [↑](#footnote-ref-615)
616. S 14(4). [↑](#footnote-ref-616)
617. S 54a. [↑](#footnote-ref-617)
618. S 26 (providing for a licensee authorised by virtue of the extended collective licence to use a work in the same field whose author the CMO does not represent). Any disputes shall be settled by arbitration. S 54(1) items 2, 3. [↑](#footnote-ref-618)
619. S 45(5). [↑](#footnote-ref-619)
620. S 46(3). [↑](#footnote-ref-620)
621. S 46a(3). [↑](#footnote-ref-621)
622. S 54a. [↑](#footnote-ref-622)
623. S 45(5). [↑](#footnote-ref-623)
624. S 46(3). [↑](#footnote-ref-624)
625. S 46a(3). [↑](#footnote-ref-625)
626. S 54a. [↑](#footnote-ref-626)
627. S 54a. [↑](#footnote-ref-627)
628. Art. 85 item 1. [↑](#footnote-ref-628)
629. Art. 85 item 1. [↑](#footnote-ref-629)
630. Art. 85 item 4. [↑](#footnote-ref-630)
631. *Quaere* whether this expression qualifies “during a religious service” or also “educational or welfare purposes”. [↑](#footnote-ref-631)
632. Art. 29 (defining “diffusion” as public communication by any “other means” (in contradistinction to recitation, performance and public execution) serving to diffuse by wireless means the signs, sounds or images). [↑](#footnote-ref-632)
633. *Quaere* whether this expression qualifies “during a religious service” or also “educational or welfare purposes”. [↑](#footnote-ref-633)
634. Art. 85 item 1. [↑](#footnote-ref-634)
635. Art. 41. [↑](#footnote-ref-635)
636. Art. 41. Moral rights are spelt out in Art. 25. [↑](#footnote-ref-636)
637. Art. 41. [↑](#footnote-ref-637)
638. Art. 41. Moral rights are spelt out in Art. 25. [↑](#footnote-ref-638)
639. S 28 (excepting the temporary reproduction of a work). [↑](#footnote-ref-639)
640. S 27(2)(e). [↑](#footnote-ref-640)
641. S 44. [↑](#footnote-ref-641)
642. S 2(1) (defining “programme-carrying signals” electronically generated carriers transmitting live or recorded material consisting of images, sounds or both, in their original form or any form recognizable derived from the original, in extra-terrestrial space;”). [↑](#footnote-ref-642)
643. S 2(1) (defining “programme-carrying signals” electronically generated carriers transmitting live or recorded material consisting of images, sounds or both, in their original form or any form recognizable derived from the original, in extra-terrestrial space;”). [↑](#footnote-ref-643)
644. S 44 (describing a “user” of a sound recording or audiovisual work who shall pay the producer and performers reasonable remuneration). *Quaere* whether “published for commercial purposes” refers to the *source* work or the *produced* work, because if it is the latter, the use of such a work for teaching or scientific research will not necessarily lead to a work which is produced and published for commercial purposes. On the other hand, the use in an educational institution could constitute a broadcast or communication to the public, or a public performance. If this interpretation were correct, s 44 will substantially detract from the limitation on protection afforded for “teaching or scientific research” in s 43. [↑](#footnote-ref-644)
645. S 44 (describing a “user” of a sound recording or audiovisual work who shall pay the producer and performers reasonable remuneration). *Quaere* whether “published for commercial purposes” refers to the *source* work or the *produced* work, because if it is the latter, the use of such a work for teaching or scientific research will not necessarily lead to a work which is produced and published for commercial purposes. On the other hand, the use in an educational institution could constitute a broadcast or communication to the public, or a public performance. If this interpretation were correct, s 44 will substantially detract from the limitation on protection afforded for “teaching or scientific research” in s 43. [↑](#footnote-ref-645)
646. S 2(1) (defining “programme-carrying signals” electronically generated carriers transmitting live or recorded material consisting of images, sounds or both, in their original form or any form recognizable derived from the original, in extra-terrestrial space;”). [↑](#footnote-ref-646)
647. Arts. 28 (excepting use and backup/archival of the computer program or database), 30 (excepting acts necessary for access to database contents and normal use). [↑](#footnote-ref-647)
648. Arts. 28 (excepting use and backup/archival of the computer program or database), 29 (decompilation of a computer program). [↑](#footnote-ref-648)
649. Art. 21(3), (4), (5). More details are spelt out in Art. 21(6) to (9). [↑](#footnote-ref-649)
650. Art. 51(1). [↑](#footnote-ref-650)
651. Art. 51(1). [↑](#footnote-ref-651)
652. Art. 4(o) (defining "reprographic reproduction (copying)" as the making of a copy of the original of a work, data or other material expressed by written or graphic means or of facsimiles of copies thereof in any size by any means of photocopying or other technical means; the recording in an electronic form (including digital), optical or other machine readable form shall not be deemed to reprographic reproduction). [↑](#footnote-ref-652)
653. S 35(e) (applying limitations and exceptions in ss 19 to 23 to performances and broadcasts). [↑](#footnote-ref-653)
654. S 16 [sic] (limiting the duration of copyright in sound recording to 75 years from year of first publication, or 70 year from year of fixation). [↑](#footnote-ref-654)
655. S 19(2) (subjecting s 19(1)(a) to preclusions). [↑](#footnote-ref-655)
656. S 35 (referring to provisions of ss 28, 33 which shall not apply to the enumerated limitations or exceptions). [↑](#footnote-ref-656)
657. S 35(e) (applying limitations and exceptions in ss 19 to 23 to performances and broadcasts). [↑](#footnote-ref-657)
658. S 19(3). [↑](#footnote-ref-658)
659. S 19(2) (subjecting s 19(1)(a) [sic] to preclusions, though s 19(1)(b) referred to s 19(2) preclusions). The reference in s 19(1)(b) to s 19(2) is probably erroneous, since s 19(3) expressly referred to s 19(1)(b). [↑](#footnote-ref-659)
660. S 35(e) (applying limitations and exceptions in ss 19 to 23 to performances and broadcasts). [↑](#footnote-ref-660)
661. S 35(e) (applying limitations and exceptions in ss 19 to 23 to performances and broadcasts). [↑](#footnote-ref-661)
662. S 35 (referring to provisions of ss 28, 33 which shall not apply to the enumerated limitations or exceptions). [↑](#footnote-ref-662)
663. S 35 (referring to provisions of ss 28, 33 which shall not apply to the enumerated limitations or exceptions). [↑](#footnote-ref-663)
664. S 76 (defining “communication to the public” as a transmission, other than broadcasting, by wire or without wire, in such a way that the images or sounds can be perceived by persons outside the normal circle of a family and its closest social acquaintances at a place or places so distant from the place where the transmission originates that without the transmission, the images or sounds would not be perceivable irrespective of whether the person can receive images or sounds at the same place and time, or at different places or times individually chosen by them). [↑](#footnote-ref-664)
665. S 35(e) (applying limitations and exceptions in ss 19 to 23 to performances and broadcasts). [↑](#footnote-ref-665)
666. S 35(e) (applying limitations and exceptions in ss 19 to 23 to performances and broadcasts). [↑](#footnote-ref-666)
667. S 35(e) (applying limitations and exceptions in ss 19 to 23 to performances and broadcasts). [↑](#footnote-ref-667)
668. Art. 52(b) (extending the limitations applicable to economic rights to related rights mutatis mutandis). [↑](#footnote-ref-668)
669. Art. 18(1). [↑](#footnote-ref-669)
670. Art. 18(2). [↑](#footnote-ref-670)
671. Art. 18(3). More details about the remuneration are spelt out in Art. 18(4)-(12). [↑](#footnote-ref-671)
672. Art. 52(b) (extending the limitations applicable to economic rights to related rights mutatis mutandis). [↑](#footnote-ref-672)
673. Art. 52(b) (extending the limitations applicable to economic rights to related rights mutatis mutandis). [↑](#footnote-ref-673)
674. Art. 52(b) (extending the limitations applicable to economic rights to related rights mutatis mutandis). [↑](#footnote-ref-674)
675. Art. 18(3). [↑](#footnote-ref-675)
676. Art. 20(3). [↑](#footnote-ref-676)
677. Art. 52(b) (extending the limitations applicable to economic rights to related rights mutatis mutandis). [↑](#footnote-ref-677)
678. Art. 18(3). [↑](#footnote-ref-678)
679. Art. 20(3). [↑](#footnote-ref-679)
680. Art. 52(b) (extending the limitations applicable to economic rights to related rights mutatis mutandis). [↑](#footnote-ref-680)
681. Art. 52(b) (extending the limitations applicable to economic rights to related rights mutatis mutandis). [↑](#footnote-ref-681)
682. Art. 66A(5) proviso, taken from EU Copyright Directive 2001/29, Art. 6(4). [↑](#footnote-ref-682)
683. S 17 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-683)
684. S 27(1)(d) (applying limitations and exceptions in Part II to neighbouring rights). [↑](#footnote-ref-684)
685. S 2(1) (defining “reprographic process” as a process (a) for making facsimile copies, or (b) involving the use of an appliance for making multiple copies, and, in relation to a work held in electronic form, includes any copying by electronic means, but does not include the making of a film or sound recording). [↑](#footnote-ref-685)
686. S 46(3). [↑](#footnote-ref-686)
687. Art. 74(i). [↑](#footnote-ref-687)
688. Art. 74(i). [↑](#footnote-ref-688)
689. Art. 74(i). [↑](#footnote-ref-689)
690. Art. 74(i). [↑](#footnote-ref-690)
691. Art. 16 (failing amicable agreement, the amount shall be determined by the Minister for Higher Education and Scientific Research). [↑](#footnote-ref-691)
692. Art. 16 (failing amicable agreement, the amount shall be determined by the Minister for Higher Education and Scientific Research). [↑](#footnote-ref-692)
693. Art. 186. [↑](#footnote-ref-693)
694. Art. 185(2) refers to the “terms of and within the limits referred to in the preceding paragraph”, which is a reference to the terms and limits set out in Art. 185(1). [↑](#footnote-ref-694)
695. *Id*. [↑](#footnote-ref-695)
696. Art. 164(5). [↑](#footnote-ref-696)
697. Art. 164(2), (4). [↑](#footnote-ref-697)
698. Art. 164(8). [↑](#footnote-ref-698)
699. Art. 165. [↑](#footnote-ref-699)
700. S 6(8). [↑](#footnote-ref-700)
701. S 6(8). [↑](#footnote-ref-701)
702. Ss 6(10), 48(1) (defining “sufficient acknowledgment”). [↑](#footnote-ref-702)
703. S 41(7) (defining “duplicating process” as any process involving the use of an appliance for producing multiple copies). [↑](#footnote-ref-703)
704. S 41(7) (defining “school” as an entity with the same meaning at that in the Education Act 1944, the Education (Scotland) Act, 1946 and the Education Act (Northern Ireland), 1947 in relation to England and Wales, Scotland and Northern Ireland, but presumably meaning that which is so defined in the laws of Guyana). [↑](#footnote-ref-704)
705. S 41(2). [↑](#footnote-ref-705)
706. S 41(2). [↑](#footnote-ref-706)
707. S 6(8). [↑](#footnote-ref-707)
708. S 6(6) proviso (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion). [↑](#footnote-ref-708)
709. S 6(6). [↑](#footnote-ref-709)
710. Ss 6(10), 48(1) (defining “sufficient acknowledgment”). [↑](#footnote-ref-710)
711. S 41(7) (defining “school” as an entity with the same meaning at that in the Education Act 1944, the Education (Scotland) Act, 1946 and the Education Act (Northern Ireland), 1947 in relation to England and Wales, Scotland and Northern Ireland, but presumably meaning that which is so defined in the laws of Guyana). [↑](#footnote-ref-711)
712. S 41(4) (defining “directly connected” as excluding a person who is connected by reason only that he is a parent or guardian of a pupil in attendance at the school). [↑](#footnote-ref-712)
713. Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights). [↑](#footnote-ref-713)
714. Art. 33(1). [↑](#footnote-ref-714)
715. Art. 33(2). [↑](#footnote-ref-715)
716. Art. 35(3). [↑](#footnote-ref-716)
717. More details about the remuneration and the reporting requirements are spelt out in Arts. 20-22. [↑](#footnote-ref-717)
718. Art. 20(2). [↑](#footnote-ref-718)
719. Art. 21(1). A reprographic device is defined as a device capable of reproducing books or periodicals “by photocopying or in like manner on paper or on like carrier”. *Id*. [↑](#footnote-ref-719)
720. Art. 33(1). [↑](#footnote-ref-720)
721. Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights). [↑](#footnote-ref-721)
722. Art. 33(2). [↑](#footnote-ref-722)
723. Art. 35(3). [↑](#footnote-ref-723)
724. Art. 33(1). [↑](#footnote-ref-724)
725. Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights). [↑](#footnote-ref-725)
726. Art. 33(2). [↑](#footnote-ref-726)
727. Art. 33(1). [↑](#footnote-ref-727)
728. Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights). [↑](#footnote-ref-728)
729. Art. 33(4) (defining use in “educational establishments” as use taken to serve the purposes of school education implemented in accordance with the requirements of education and with curricula used in kindergarten, primary school, secondary school, industrial school, vocational school education, the primary education of arts, higher education institutions). [↑](#footnote-ref-729)
730. Art. 33(2). [↑](#footnote-ref-730)
731. Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights). [↑](#footnote-ref-731)
732. Art. 33(4) (defining use in “educational establishments” as use taken to serve the purposes of school education implemented in accordance with the requirements of education and with curricula used in kindergarten, primary school, secondary school, industrial school, vocational school education, the primary education of arts, higher education institutions). [↑](#footnote-ref-732)
733. Art. 33(2). [↑](#footnote-ref-733)
734. Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights). [↑](#footnote-ref-734)
735. Art. 33(2). [↑](#footnote-ref-735)
736. Art. 34(2) (defining “borrowing”). [↑](#footnote-ref-736)
737. Art. 33(1). [↑](#footnote-ref-737)
738. Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights). [↑](#footnote-ref-738)
739. Art. 34(3). [↑](#footnote-ref-739)
740. Art. 33(2). [↑](#footnote-ref-740)
741. Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights). [↑](#footnote-ref-741)
742. Art. 33(1). [↑](#footnote-ref-742)
743. Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights). [↑](#footnote-ref-743)
744. Art. 33(2). [↑](#footnote-ref-744)
745. Art. 38(3). [↑](#footnote-ref-745)
746. Art. 33(1). [↑](#footnote-ref-746)
747. Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights). [↑](#footnote-ref-747)
748. Art. 33(4) (defining use in “educational establishments” as use taken to serve the purposes of school education implemented in accordance with the requirements of education and with curricula used in kindergarten, primary school, secondary school, industrial school, vocational school education, the primary education of arts, higher education institutions). [↑](#footnote-ref-748)
749. Art. 33(2). [↑](#footnote-ref-749)
750. Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights). [↑](#footnote-ref-750)
751. Art. 33(4) (defining use in “educational establishments” as use taken to serve the purposes of school education implemented in accordance with the requirements of education and with curricula used in kindergarten, primary school, secondary school, industrial school, vocational school education, the primary education of arts, higher education institutions). [↑](#footnote-ref-751)
752. Art. 33(2). [↑](#footnote-ref-752)
753. Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights). [↑](#footnote-ref-753)
754. Art. 33(2). [↑](#footnote-ref-754)
755. Art. 34(2) (defining “borrowing”). [↑](#footnote-ref-755)
756. Art. 33(1). [↑](#footnote-ref-756)
757. Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights). [↑](#footnote-ref-757)
758. Art. 34(3). [↑](#footnote-ref-758)
759. Art. 33(2). [↑](#footnote-ref-759)
760. Government Decree No. 117 of 2004 (IV. 28.) Korm. on the Determination of the Manner & Conditions of the Communication & Making Available to the Public in the Case of Free Use Provided for in Article 38(5) of Act LXXVI of 1999 on Copyright [hereinafter Government Decree No. 117], Art. 3 (providing that beneficiary entities’ terminals may be interconnected to one another). [↑](#footnote-ref-760)
761. Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights). [↑](#footnote-ref-761)
762. Art. 33(4) (defining “educational establishment”). [↑](#footnote-ref-762)
763. Government Decree No. 117, Art. 2(1)(a). [↑](#footnote-ref-763)
764. *Id*., Art. 2(1)(b). [↑](#footnote-ref-764)
765. *Id*., Art. 2(2). [↑](#footnote-ref-765)
766. Art. 99 (providing that the TPM provisions shall apply to neighbouring rights (in Chapter XI) and databases (in Chapter XI/A)). [↑](#footnote-ref-766)
767. *Id*. [↑](#footnote-ref-767)
768. Art. 95/A(2), taken from EU Copyright Directive 2001/29, Art. 6(4). [↑](#footnote-ref-768)
769. Art. 49. [↑](#footnote-ref-769)
770. Art. 50. [↑](#footnote-ref-770)
771. Art. 45. [↑](#footnote-ref-771)
772. Art. 46. [↑](#footnote-ref-772)
773. Art. 48. [↑](#footnote-ref-773)
774. Art. 11a (excepting the copying of a computer program for backup and security purposes, and for utilization of the computer program). [↑](#footnote-ref-774)
775. Art. 11. [↑](#footnote-ref-775)
776. Art. 49. [↑](#footnote-ref-776)
777. Art. 50. [↑](#footnote-ref-777)
778. Art. 45. [↑](#footnote-ref-778)
779. Art. 46. [↑](#footnote-ref-779)
780. Art. 48. [↑](#footnote-ref-780)
781. Art. 49. [↑](#footnote-ref-781)
782. Art. 50. [↑](#footnote-ref-782)
783. Art. 21 proviso. [↑](#footnote-ref-783)
784. Art. 49. [↑](#footnote-ref-784)
785. Art. 50. [↑](#footnote-ref-785)
786. Art. 45. [↑](#footnote-ref-786)
787. Art. 47 (excluding from the application of the Art. 21 exception, cinematographic works and video recordings). [↑](#footnote-ref-787)
788. Art. 48. [↑](#footnote-ref-788)
789. Art. 21 proviso. [↑](#footnote-ref-789)
790. Art. 49. [↑](#footnote-ref-790)
791. Art. 50. [↑](#footnote-ref-791)
792. Art. 45. [↑](#footnote-ref-792)
793. Art. 47 (excluding from the application of the Art. 21 exception, cinematographic works and video recordings). [↑](#footnote-ref-793)
794. Art. 48. [↑](#footnote-ref-794)
795. Art. 21 proviso. [↑](#footnote-ref-795)
796. Art. 49. [↑](#footnote-ref-796)
797. Art. 50. [↑](#footnote-ref-797)
798. Art. 45. [↑](#footnote-ref-798)
799. Art. 47 (excluding from the application of the Art. 21 exception, cinematographic works and video recordings). [↑](#footnote-ref-799)
800. Art. 48. [↑](#footnote-ref-800)
801. Art. 49. [↑](#footnote-ref-801)
802. Art. 50. [↑](#footnote-ref-802)
803. Art. 45. [↑](#footnote-ref-803)
804. Art. 46. [↑](#footnote-ref-804)
805. Art. 48. [↑](#footnote-ref-805)
806. The Rulings Committee may grant the user access to the means necessary to employ the copyright limitations. This would include requiring the rightholder to … If the rightholder does not comply with the committee’s instructions within four weeks, the user may ignore the technological measures. [↑](#footnote-ref-806)
807. Art. 50c line 5, taken from EU Copyright Directive 2001/29, Art. 6(4). [↑](#footnote-ref-807)
808. Art. 50c para 1. [↑](#footnote-ref-808)
809. Art. 50c para 2. [↑](#footnote-ref-809)
810. S 39(c) (applying copyright limitations and exceptions in s 52 to broadcasts and performances). [↑](#footnote-ref-810)
811. S 39(c) (applying copyright limitations and exceptions in s 52 to broadcasts and performances). [↑](#footnote-ref-811)
812. S 39(c) (applying copyright limitations and exceptions in s 52 to broadcasts and performances). [↑](#footnote-ref-812)
813. S 52(h) explanation (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion). [↑](#footnote-ref-813)
814. S 52(h) proviso. [↑](#footnote-ref-814)
815. S 2(1) (defining “sufficient acknowledgement”). [↑](#footnote-ref-815)
816. S 39(c) (applying copyright limitations and exceptions in s 52 to broadcasts and performances). [↑](#footnote-ref-816)
817. S 39(c) (applying copyright limitations and exceptions in s 52 to broadcasts and performances). [↑](#footnote-ref-817)
818. S 32(4)(ii) (subjecting the licence to the condition that the licence shall not extend to the export of copies of the translation of the work outside India and every copy of such translation shall contain a notice in the language of such translation that the copy is available for distribution only in India, though the Indian government or any authority under the Government may export copies of such translation in a language other than English, French or Spanish to any country to Indian citizens domiciled abroad, or for purposes of teaching, scholarship or research and not for any commercial purpose, and where permission for export has been given by the importing country). [↑](#footnote-ref-818)
819. S 32(1). [↑](#footnote-ref-819)
820. S 32(1A). [↑](#footnote-ref-820)
821. S 32(1A) proviso. [↑](#footnote-ref-821)
822. S 32(4)(a). [↑](#footnote-ref-822)
823. S 32(4)(b), (c). In addition, a waiting period of 6/9 months has lapsed before the licence application has been made. S 32(4)(cc). [↑](#footnote-ref-823)
824. S 32(4)(ccc)(i). [↑](#footnote-ref-824)
825. S 32(4)(d). [↑](#footnote-ref-825)
826. S 32(4)(e). [↑](#footnote-ref-826)
827. S 32(4)(f). [↑](#footnote-ref-827)
828. S 32B(1). [↑](#footnote-ref-828)
829. S 32(4)(i). The Copyright Board may, in the circumstances of each case, determine in the prescribed manner the royalties payable. [↑](#footnote-ref-829)
830. S 32(2). [↑](#footnote-ref-830)
831. S 32(6)(c). [↑](#footnote-ref-831)
832. S 32(5). [↑](#footnote-ref-832)
833. S 32(5). [↑](#footnote-ref-833)
834. S 32(1). [↑](#footnote-ref-834)
835. S 32(1A). [↑](#footnote-ref-835)
836. S 32(1A) proviso. [↑](#footnote-ref-836)
837. S 32(4)(a). [↑](#footnote-ref-837)
838. S 32(4)(b), (c). In addition, a waiting period of 6/9 months has lapsed before the licence application has been made. S 32(4)(cc). [↑](#footnote-ref-838)
839. S 32(4)(ccc)(i). [↑](#footnote-ref-839)
840. S 32(4)(d). [↑](#footnote-ref-840)
841. S 32(4)(e). [↑](#footnote-ref-841)
842. S 32(4)(f). [↑](#footnote-ref-842)
843. S 32(6)(a). [↑](#footnote-ref-843)
844. S 32(6)(b). [↑](#footnote-ref-844)
845. S 32(6)(c). [↑](#footnote-ref-845)
846. S 32(6)(d). [↑](#footnote-ref-846)
847. S 32(4)(i). The Copyright Board may, in the circumstances of each case, determine in the prescribed manner the royalties payable. [↑](#footnote-ref-847)
848. S 32A(4)(ii) (subjecting the licence to the condition that the licence shall not extend to the export of copies of the reproduction of the work outside India). [↑](#footnote-ref-848)
849. S 32A(9). [↑](#footnote-ref-849)
850. S 32A(4)(ii) (subjecting the licence to the condition that the licence shall not extend to the export of copies of the reproduction of the work outside India). [↑](#footnote-ref-850)
851. S 32A(9). [↑](#footnote-ref-851)
852. S 32A(6) explanation. [↑](#footnote-ref-852)
853. S 32A(4)(e) (providing for a waiting period of 6 months for any work of natural science, physical science, mathematics or technology, or 3 months for any other work). [↑](#footnote-ref-853)
854. S 32A(4)(a), (b). In addition, a waiting period of 3 months has lapsed before the licence application has been made, if the copyright owner is not found. S 32A(4)(b). [↑](#footnote-ref-854)
855. S 32A(4)(f). [↑](#footnote-ref-855)
856. S 32A(4)(c). [↑](#footnote-ref-856)
857. S 32A(4)(g). [↑](#footnote-ref-857)
858. S 32A(4)(h). [↑](#footnote-ref-858)
859. S 32A(5). [↑](#footnote-ref-859)
860. S 32B(2). [↑](#footnote-ref-860)
861. S 32A(4)(i). The Copyright Board may, in the circumstances of each case, determine in the prescribed manner the royalties payable. [↑](#footnote-ref-861)
862. S 32A(2). [↑](#footnote-ref-862)
863. Ss 32A(1) proviso, (4)(d). [↑](#footnote-ref-863)
864. S 39A(1) (applying the provision as it applied in relation to copyright in a work to broadcast reproduction right in any broadcast and performer’s right in any performance). [↑](#footnote-ref-864)
865. S 50(4). [↑](#footnote-ref-865)
866. S 50(3)(b). [↑](#footnote-ref-866)
867. S 50(5). [↑](#footnote-ref-867)
868. S 51(3) (defining “sufficient acknowledgement”). [↑](#footnote-ref-868)
869. S 50(4). [↑](#footnote-ref-869)
870. S 50(3)(b). [↑](#footnote-ref-870)
871. S 50(5). [↑](#footnote-ref-871)
872. S 53(7). [↑](#footnote-ref-872)
873. Ss 53(2)(c), 51(3) (defining “sufficient acknowledgement”). [↑](#footnote-ref-873)
874. S 53(7). [↑](#footnote-ref-874)
875. S 53(6). [↑](#footnote-ref-875)
876. S 53(7). [↑](#footnote-ref-876)
877. S 2(1) (defining “reprographic process” as a process for making facsimile copies or involving the use of an appliance for making multiple copies, and includes any copying by electronic means, but does not include the making of a film or sound recording). [↑](#footnote-ref-877)
878. Special provisions exist for dealing with licences for the making of reprographic copies of works by or on behalf of educational establishments. s 168 empowers the Minister to extend the application of a licence scheme or licence to works unreasonably excluded from the scheme or licence, s 171 empowers the Minister to evaluate or assess such schemes for educational establishments, and s 172 empowers the Minister to grant a statutory licence where the recommendation for the scheme is not implemented. [↑](#footnote-ref-878)
879. S 57(3). [↑](#footnote-ref-879)
880. S 57(5). [↑](#footnote-ref-880)
881. S 57(4). [↑](#footnote-ref-881)
882. S 2(1) (defining “educational establishment” as any school, university and any other educational establishment prescribed by the Minister). [↑](#footnote-ref-882)
883. S 54(1)(a)(ii) (reading “in any advertisements” to refer to its intended use in educational establishments). [↑](#footnote-ref-883)
884. S 54(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion). [↑](#footnote-ref-884)
885. S 54(2). [↑](#footnote-ref-885)
886. Ss 53(2)(c), 51(3) (defining “sufficient acknowledgement”). [↑](#footnote-ref-886)
887. S 55(3) (“[a] person is not for this purpose directly connected with the activities of the educational establishment by reason only that he or she is the parent or guardian of a pupil in attendance at the establishment concerned.”) [↑](#footnote-ref-887)
888. S 55(3) (“[a] person is not for this purpose directly connected with the activities of the educational establishment by reason only that he or she is the parent or guardian of a pupil in attendance at the establishment concerned.”) [↑](#footnote-ref-888)
889. S 98. [↑](#footnote-ref-889)
890. S 247. [↑](#footnote-ref-890)
891. S 224(2) (“[a] person is not for this purpose directly connected with the activities of the educational establishment by reason only that he or she is the parent or guardian of a pupil in attendance at the establishment concerned.”) [↑](#footnote-ref-891)
892. S 56(3). [↑](#footnote-ref-892)
893. S 223(3). [↑](#footnote-ref-893)
894. S 225(2). [↑](#footnote-ref-894)
895. Copyright Regulations (Public Performance in Educational Institutions), 5770-2012 (listing the types of educational institutions). [↑](#footnote-ref-895)
896. Copyright Regulations (Public Performance in Educational Institutions), 5770-2012 (listing the types of educational institutions).. [↑](#footnote-ref-896)
897. S 54. [↑](#footnote-ref-897)
898. S 54. [↑](#footnote-ref-898)
899. S 51. [↑](#footnote-ref-899)
900. S 54. [↑](#footnote-ref-900)
901. S 60(1). [↑](#footnote-ref-901)
902. S 60(1). [↑](#footnote-ref-902)
903. S 59(3). [↑](#footnote-ref-903)
904. S 60(1). [↑](#footnote-ref-904)
905. S 59(4). [↑](#footnote-ref-905)
906. S 57(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion). [↑](#footnote-ref-906)
907. S 57(2). [↑](#footnote-ref-907)
908. S 51. [↑](#footnote-ref-908)
909. S 119(2). [↑](#footnote-ref-909)
910. S 58(2). [↑](#footnote-ref-910)
911. S 118(3). [↑](#footnote-ref-911)
912. S 60(1). [↑](#footnote-ref-912)
913. S 60(1). [↑](#footnote-ref-913)
914. S 28(2). [↑](#footnote-ref-914)
915. S 29(a). [↑](#footnote-ref-915)
916. S 26(3). However, a person in lawful possession of a computer program may make copies of the programme to correct errors, to make backup copies, for testing to determine its suitability for use, and for any purpose not prohibited under any licence or agreement. [↑](#footnote-ref-916)
917. S 28(3), (4) (providing that the royalty payable shall be agreed between organizations representing producers of sound recordings and manufacturers/importers, failing which the competent authority will set the royalty). [↑](#footnote-ref-917)
918. S 28(5) (prescribing an organization representative of producers of sound recordings). [↑](#footnote-ref-918)
919. S 28(2). [↑](#footnote-ref-919)
920. S 29(a). [↑](#footnote-ref-920)
921. S 29(a). [↑](#footnote-ref-921)
922. S 39(3). [↑](#footnote-ref-922)
923. S 28(2). [↑](#footnote-ref-923)
924. S 29(a). [↑](#footnote-ref-924)
925. s 15, Western Pacific (Courts) Order in Council, 1961 states that “statutes of general application in force in England on the 1st day of January, 1961 … shall be in force [but] so far only as the circumstances of any particular territory and its inhabitants and the limits of Her Majesty’s jurisdiction permit and subject to such qualifications as local circumstances render necessary”. This rendered applicable in Kiribati the U.K. Copyright Act 1956. Article 5(1) of the Kiribati Independence Order provides that existing laws and Acts of the Parliament of the U.K. or Order of Her Majesty in Council, having effect as part of the law of Kiribati immediately before independence day, shall continue in force and be construed with such conforming modifications. With the enactment of the Kiribati Copyright Ordinance (Chapter 16, Revised Edition 1980), which came into force on 13 June 1917, the U.K. Copyright Act 1956, which continues to apply in Kiribati, will be construed with the Kiribati Copyright Ordinance. [↑](#footnote-ref-925)
926. S 5, Copyright Ordinance (Cap 16) (stating that s 22, U.K. Copyright Act 1956 does not apply as the law of Kiribati). [↑](#footnote-ref-926)
927. S 6(8). [↑](#footnote-ref-927)
928. S 6(8). [↑](#footnote-ref-928)
929. Ss 6(10), 48(1) (defining “sufficient acknowledgment”). [↑](#footnote-ref-929)
930. S 41(7) (defining “duplicating process” as any process involving the use of an appliance for producing multiple copies). [↑](#footnote-ref-930)
931. S 41(7) (defining “school” as an entity with the same meaning at that in the Education Act 1944, the Education (Scotland) Act, 1946 and the Education Act (Northern Ireland), 1947 in relation to England and Wales, Scotland and Northern Ireland, but presumably meaning that which is so defined in the laws of Guyana). [↑](#footnote-ref-931)
932. S 41(2). [↑](#footnote-ref-932)
933. S 41(2). [↑](#footnote-ref-933)
934. S 6(8). [↑](#footnote-ref-934)
935. S 6(6) proviso (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion). [↑](#footnote-ref-935)
936. S 6(6). [↑](#footnote-ref-936)
937. Ss 6(10), 48(1) (defining “sufficient acknowledgment”). [↑](#footnote-ref-937)
938. S 41(7) (defining “school” as an entity with the same meaning at that in the Education Act 1944, the Education (Scotland) Act, 1946 and the Education Act (Northern Ireland), 1947 in relation to England and Wales, Scotland and Northern Ireland, but presumably meaning that which is so defined in the laws of Guyana). [↑](#footnote-ref-938)
939. S 41(4) (defining “directly connected” as excluding a person who is connected by reason only that he is a parent or guardian of a pupil in attendance at the school). [↑](#footnote-ref-939)
940. Art. 16 also provides that if the translation right is not exercised within 5 years from date of first publication of the original or translated literary work, the translation right “shall expire”. [↑](#footnote-ref-940)
941. Art. 112 (applying limitations and exceptions applicable to copyright to related rights). [↑](#footnote-ref-941)
942. Art. 112 (applying limitations and exceptions applicable to copyright to related rights). [↑](#footnote-ref-942)
943. Art. 112 (applying limitations and exceptions applicable to copyright to related rights). [↑](#footnote-ref-943)
944. Art. 47 (applying the limitations and exceptions for copyright works to related rights). [↑](#footnote-ref-944)
945. Art. 24 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-945)
946. Art. 47 (applying the limitations and exceptions for copyright works to related rights). [↑](#footnote-ref-946)
947. Art. 47 (applying the limitations and exceptions for copyright works to related rights). [↑](#footnote-ref-947)
948. Art. 47 (applying the limitations and exceptions for copyright works to related rights). [↑](#footnote-ref-948)
949. Art. 47 (applying the limitations and exceptions for copyright works to related rights). [↑](#footnote-ref-949)
950. Art. 47 (applying the limitations and exceptions for copyright works to related rights). [↑](#footnote-ref-950)
951. Art. 47 (applying the limitations and exceptions for copyright works to related rights). [↑](#footnote-ref-951)
952. S 30(1)(d) (applying the limitations in s 9 in respect of copyright works to related rights). [↑](#footnote-ref-952)
953. S 30(1)(d) (applying the limitations in s 9 in respect of copyright works to related rights). [↑](#footnote-ref-953)
954. S 2(1) (defining “sufficient acknowledgement”). [↑](#footnote-ref-954)
955. S 30(1)(d) (applying the limitations in s 9 in respect of copyright works to related rights). [↑](#footnote-ref-955)
956. S 30(1)(d) (applying the limitations in s 9 in respect of copyright works to related rights). [↑](#footnote-ref-956)
957. Para. 4(1)(d), (e), First Schedule. [↑](#footnote-ref-957)
958. Para. 4(1)(b), First Schedule. An exception may be made for printing outside of Lesotho. See para. 4(1) proviso. [↑](#footnote-ref-958)
959. Para. 6(1), First Schedule. [↑](#footnote-ref-959)
960. Para. 5(2), First Schedule. [↑](#footnote-ref-960)
961. Paras. 2(1), 5(1), First Schedule. [↑](#footnote-ref-961)
962. Para. 4(1)(a), First Schedule. [↑](#footnote-ref-962)
963. Para. 2(2)(a), First Schedule. [↑](#footnote-ref-963)
964. Para. 2(2)(b), First Schedule. [↑](#footnote-ref-964)
965. Para. 3(1)(a), First Schedule. [↑](#footnote-ref-965)
966. Para. 3(1)(b)-(d), First Schedule. In addition, a waiting period of 6/9 months must have lapsed before the licence application has been made. Para. 3(3). [↑](#footnote-ref-966)
967. Para. 3(2), First Schedule. [↑](#footnote-ref-967)
968. Para. 3(4), First Schedule. [↑](#footnote-ref-968)
969. Para. 3(5), First Schedule. [↑](#footnote-ref-969)
970. Para. 3(6), First Schedule. [↑](#footnote-ref-970)
971. Para. 3(7), First Schedule. [↑](#footnote-ref-971)
972. Para 4(5)(a), First Schedule. [↑](#footnote-ref-972)
973. Para 4(5)(b), First Schedule. [↑](#footnote-ref-973)
974. Para 4(5)(c), First Schedule. [↑](#footnote-ref-974)
975. Para. 4(7), (7), First Schedule. [↑](#footnote-ref-975)
976. Para. 4(3), First Schedule. [↑](#footnote-ref-976)
977. Para. 4(2), First Schedule. [↑](#footnote-ref-977)
978. Para. 5(1)(c), First Schedule. [↑](#footnote-ref-978)
979. Para. 6(1), First Schedule. [↑](#footnote-ref-979)
980. Para. 5(1), First Schedule. [↑](#footnote-ref-980)
981. Para. 5(1)(b), First Schedule. [↑](#footnote-ref-981)
982. Para 5(1)(a), First Schedule. [↑](#footnote-ref-982)
983. Para. 5(1)(e), First Schedule. [↑](#footnote-ref-983)
984. Para. 5(1)(d), First Schedule. [↑](#footnote-ref-984)
985. Para. 4(1)(d), (e), Second Schedule. Provisions have been incorrectly labelled as paras. (a) and (b). [↑](#footnote-ref-985)
986. Para. 2(1), Second Schedule. An exception may be made for printing outside of Lesotho. See para. 4(1)(c) proviso. [↑](#footnote-ref-986)
987. Para. 5(a), (b), Second Schedule. [↑](#footnote-ref-987)
988. Paras. 1, 6(1), Second Schedule. [↑](#footnote-ref-988)
989. Para. 5(a), (b), Second Schedule. [↑](#footnote-ref-989)
990. Para. 2(1), Second Schedule. [↑](#footnote-ref-990)
991. Para. 4(1)(a), Second Schedule. [↑](#footnote-ref-991)
992. Para 2(2), Second Schedule. [↑](#footnote-ref-992)
993. Para. 3(1)(a), Second Schedule. [↑](#footnote-ref-993)
994. Para. 3(1)(b)-(d), Second Schedule. [↑](#footnote-ref-994)
995. Para. 3(2), Second Schedule. [↑](#footnote-ref-995)
996. Para. 3(3), (4), Second Schedule. It is 3 months for a 5/7 year waiting period, and 6 months for a 3 year waiting period. [↑](#footnote-ref-996)
997. Para. 3(5), Second Schedule. [↑](#footnote-ref-997)
998. Para. 3(6), Second Schedule. [↑](#footnote-ref-998)
999. Para. 3(7), Second Schedule. [↑](#footnote-ref-999)
1000. Para 4(4)(a), First Schedule. [↑](#footnote-ref-1000)
1001. Para 4(4)(b), First Schedule. [↑](#footnote-ref-1001)
1002. Para 4(4)(c), First Schedule. [↑](#footnote-ref-1002)
1003. Para. 4(5), (6), Second Schedule. [↑](#footnote-ref-1003)
1004. Para. 4(2), Second Schedule. [↑](#footnote-ref-1004)
1005. Para. 4(1)(b), Second Schedule. [↑](#footnote-ref-1005)
1006. Para. 4(1)(c), Second Schedule. [↑](#footnote-ref-1006)
1007. S 2.32(A)(1)(a)(i) (exempting all fixations made under s 2.7 from authorisation of performer). [↑](#footnote-ref-1007)
1008. S 2.14 (excepting the reproduction of a computer program for its use, and for backup/archival purposes). [↑](#footnote-ref-1008)
1009. S 2.32(A)(1)(a)(i) (exempting all fixations made under s 2.7 from authorisation of performer). [↑](#footnote-ref-1009)
1010. S 2.14 (excepting the reproduction of a computer program for its use, and for backup/archival purposes). [↑](#footnote-ref-1010)
1011. S 2.32(A)(1)(a)(i) (exempting all fixations made under s 2.7 from authorisation of performer). [↑](#footnote-ref-1011)
1012. S 2.10(4) proviso. [↑](#footnote-ref-1012)
1013. S 2.32(A)(1)(a)(i) (exempting all fixations made under s 2.7 from authorisation of performer). [↑](#footnote-ref-1013)
1014. S 2.19(c)(1). [↑](#footnote-ref-1014)
1015. S 2.19(c)(2). [↑](#footnote-ref-1015)
1016. S 2.19(c)(3). [↑](#footnote-ref-1016)
1017. S 2.19(f). [↑](#footnote-ref-1017)
1018. S 2.19(c)(2). [↑](#footnote-ref-1018)
1019. S 2.19(c)(3). [↑](#footnote-ref-1019)
1020. S 2.19(e). [↑](#footnote-ref-1020)
1021. S 2.19(c). [↑](#footnote-ref-1021)
1022. Art. 32 (excepting use of the database that are necessary for access, and appropriate use of its contents as a legitimate user). [↑](#footnote-ref-1022)
1023. Arts. 30, 31 (excepting use of the computer program, for backup/archival purposes and for decompilation). [↑](#footnote-ref-1023)
1024. Arts. 19(1), 58.3. [↑](#footnote-ref-1024)
1025. Arts. 20(5)-(11). [↑](#footnote-ref-1025)
1026. Art. 58.2 (extending Art. 20 and remuneration scheme to related rights). [↑](#footnote-ref-1026)
1027. Art. 19(1). [↑](#footnote-ref-1027)
1028. Art. 58.2 (extending Art. 20 and remuneration scheme to related rights). [↑](#footnote-ref-1028)
1029. Arts. 201(3)-(10). [↑](#footnote-ref-1029)
1030. Art. 58.1(5). [↑](#footnote-ref-1030)
1031. Arts. 19(1), 58.3. [↑](#footnote-ref-1031)
1032. Arts. 19(1). [↑](#footnote-ref-1032)
1033. Art. 58.1(3). [↑](#footnote-ref-1033)
1034. Arts. 19(1), 58.3. [↑](#footnote-ref-1034)
1035. Art. 58.1(6). [↑](#footnote-ref-1035)
1036. Arts. 19(1), 58.3. [↑](#footnote-ref-1036)
1037. Art. 58.1(5). [↑](#footnote-ref-1037)
1038. Arts. 19(1), 58.3. [↑](#footnote-ref-1038)
1039. Art. 58.1(3). [↑](#footnote-ref-1039)
1040. Arts. 19(1), 58.3. [↑](#footnote-ref-1040)
1041. Art. 51 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-1041)
1042. Art. 115(1). [↑](#footnote-ref-1042)
1043. Arts. 116-123. [↑](#footnote-ref-1043)
1044. Art. 115(1). [↑](#footnote-ref-1044)
1045. Art. 115(1). [↑](#footnote-ref-1045)
1046. S 39 (referring to ss 33 – 37, but it appears to have missed out s 38, which deals with the rights of broadcasting organizations for broadcasts, though it is clear from s 39(b), (d) that s 39 is intended to apply the limitations and exceptions to all neighbouring rights). [↑](#footnote-ref-1046)
1047. S 39 (referring to ss 33 – 37, but it appears to have missed out s 38, which deals with the rights of broadcasting organizations for broadcasts, though it is clear from s 39(b), (d) that s 39 is intended to apply the limitations and exceptions to all neighbouring rights). [↑](#footnote-ref-1047)
1048. S 18(1)(c). [↑](#footnote-ref-1048)
1049. S 18(1)(a). [↑](#footnote-ref-1049)
1050. S 17(1), (2). [↑](#footnote-ref-1050)
1051. S 19(1). [↑](#footnote-ref-1051)
1052. S 19(3). [↑](#footnote-ref-1052)
1053. Paras. 2(1), 5(1), First Schedule. [↑](#footnote-ref-1053)
1054. S 18(1)(b). [↑](#footnote-ref-1054)
1055. S 19(1)(b). [↑](#footnote-ref-1055)
1056. S 19(1)(c) [↑](#footnote-ref-1056)
1057. S 17(3)(a). [↑](#footnote-ref-1057)
1058. S 17(3)(b). [↑](#footnote-ref-1058)
1059. S 17(4)(a). [↑](#footnote-ref-1059)
1060. S 17(4)(c)-(d). [↑](#footnote-ref-1060)
1061. S 17(6)(a), (b) (6 months for translation into any language other than a language of Malawi, 9 months for translation into a language of Malawi). [↑](#footnote-ref-1061)
1062. S 17(7). [↑](#footnote-ref-1062)
1063. S 17(8). [↑](#footnote-ref-1063)
1064. S 17(9). [↑](#footnote-ref-1064)
1065. S 18(2)(a). [↑](#footnote-ref-1065)
1066. S 18(2)(b). [↑](#footnote-ref-1066)
1067. S 18(2)(c). [↑](#footnote-ref-1067)
1068. S 18(3). [↑](#footnote-ref-1068)
1069. S 18(1)(f). [↑](#footnote-ref-1069)
1070. S 18(1)(d), (e). [↑](#footnote-ref-1070)
1071. S 19(2). [↑](#footnote-ref-1071)
1072. S 20(2). [↑](#footnote-ref-1072)
1073. S 21(1)(b). [↑](#footnote-ref-1073)
1074. S 20(2). [↑](#footnote-ref-1074)
1075. S 21(1)(a). [↑](#footnote-ref-1075)
1076. Para. 5(a), (b), Second Schedule. [↑](#footnote-ref-1076)
1077. S 20(1). [↑](#footnote-ref-1077)
1078. Para. 5(a), (b), Second Schedule. [↑](#footnote-ref-1078)
1079. S 20(2). [↑](#footnote-ref-1079)
1080. S 21(1)(a). [↑](#footnote-ref-1080)
1081. S 20(3)(a). [↑](#footnote-ref-1081)
1082. S 20(3)(b)(i). [↑](#footnote-ref-1082)
1083. S 20(3)(b)(ii)-(iv). [↑](#footnote-ref-1083)
1084. S 20(5). [↑](#footnote-ref-1084)
1085. Para. 3(5), Second Schedule. [↑](#footnote-ref-1085)
1086. S 20(6). [↑](#footnote-ref-1086)
1087. Para. 3(7), Second Schedule. [↑](#footnote-ref-1087)
1088. S 21(2). [↑](#footnote-ref-1088)
1089. S 21(2)(a) [↑](#footnote-ref-1089)
1090. S 21(2)(b) [↑](#footnote-ref-1090)
1091. S 21(2)(c) [↑](#footnote-ref-1091)
1092. S 21(3). [↑](#footnote-ref-1092)
1093. S 21(1)(e). [↑](#footnote-ref-1093)
1094. S 21(1)(a). [↑](#footnote-ref-1094)
1095. S 21(1)(c), (d), (2)(b). [↑](#footnote-ref-1095)
1096. S 22(1)(a) [↑](#footnote-ref-1096)
1097. S 22(1)(b). [↑](#footnote-ref-1097)
1098. S 22(2). [↑](#footnote-ref-1098)
1099. S 9(4). [↑](#footnote-ref-1099)
1100. S 15(2). [↑](#footnote-ref-1100)
1101. S 9(4) proviso. [↑](#footnote-ref-1101)
1102. S 16A(3)(a)(i). [↑](#footnote-ref-1102)
1103. S 16A(3)(a)(i). [↑](#footnote-ref-1103)
1104. S 9(4). [↑](#footnote-ref-1104)
1105. S 15(2). [↑](#footnote-ref-1105)
1106. S 9(4) proviso. [↑](#footnote-ref-1106)
1107. S 15(2). [↑](#footnote-ref-1107)
1108. S 31(2). [↑](#footnote-ref-1108)
1109. S 31(4). [↑](#footnote-ref-1109)
1110. S 31(5). [↑](#footnote-ref-1110)
1111. S 31(1). [↑](#footnote-ref-1111)
1112. S 31(3)(h). [↑](#footnote-ref-1112)
1113. S 31(3)(a). [↑](#footnote-ref-1113)
1114. S 31(3)(b)-(c). [↑](#footnote-ref-1114)
1115. S 31(3)(g). [↑](#footnote-ref-1115)
1116. S 31(3)(g). [↑](#footnote-ref-1116)
1117. S 31(7). [↑](#footnote-ref-1117)
1118. S 31(3)(e). [↑](#footnote-ref-1118)
1119. S 31(3)(f). [↑](#footnote-ref-1119)
1120. S 31(3)(d)(i). [↑](#footnote-ref-1120)
1121. S 31(3)(d)(ii). [↑](#footnote-ref-1121)
1122. S 31(5). [↑](#footnote-ref-1122)
1123. S 31(6). [↑](#footnote-ref-1123)
1124. S 31(2). [↑](#footnote-ref-1124)
1125. S 31(4). [↑](#footnote-ref-1125)
1126. S 29(d) (applying limitations and exceptions where a work can be used without the authorization of the author or other owner of copyright to related rights). [↑](#footnote-ref-1126)
1127. S 18 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-1127)
1128. S 29(d) (applying limitations and exceptions where a work can be used without the authorization of the author or other owner of copyright to related rights). [↑](#footnote-ref-1128)
1129. S 29(d) (applying limitations and exceptions where a work can be used without the authorization of the author or other owner of copyright to related rights). [↑](#footnote-ref-1129)
1130. S 29(d) (applying limitations and exceptions where a work can be used without the authorization of the author or other owner of copyright to related rights). [↑](#footnote-ref-1130)
1131. Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights). [↑](#footnote-ref-1131)
1132. Art. 9(3). [↑](#footnote-ref-1132)
1133. Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights). [↑](#footnote-ref-1133)
1134. Art. 9(3). [↑](#footnote-ref-1134)
1135. Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights). [↑](#footnote-ref-1135)
1136. Art. 9(3). [↑](#footnote-ref-1136)
1137. Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights). [↑](#footnote-ref-1137)
1138. Art. 9(3). [↑](#footnote-ref-1138)
1139. Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights). [↑](#footnote-ref-1139)
1140. Art. 9(3). [↑](#footnote-ref-1140)
1141. Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights). [↑](#footnote-ref-1141)
1142. Art. 9(3). [↑](#footnote-ref-1142)
1143. Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights). [↑](#footnote-ref-1143)
1144. Art. 9(3). [↑](#footnote-ref-1144)
1145. Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights). [↑](#footnote-ref-1145)
1146. Art. 9(3). [↑](#footnote-ref-1146)
1147. Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights). [↑](#footnote-ref-1147)
1148. Art. 9(3). [↑](#footnote-ref-1148)
1149. Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights). [↑](#footnote-ref-1149)
1150. Art. 9(1)(d). Art. 9(1)(v) complements Art. 9(1)(d) in giving such establishments the exception or limitation to communicate works in their collection for educational purposes. [↑](#footnote-ref-1150)
1151. Art. 9(3). [↑](#footnote-ref-1151)
1152. S 36(d) (applying limitations and exceptions for copyright works to broadcasts, performances/phonograms, and sound recordings). [↑](#footnote-ref-1152)
1153. S 22 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-1153)
1154. S 43 (establishing the Rights Management Society, to collectively management rights of authors and owners of copyright and related rights). [↑](#footnote-ref-1154)
1155. S 45(1)(a)(vi), (viiii)(G), (ix)(E), (x)(B), (xi) (spelling out the rights of private/personal use of work/performance/phonogram/videogram/publisher’s edition for which the Rights Management Society will collectively management). [↑](#footnote-ref-1155)
1156. S 36(d) (applying limitations and exceptions for copyright works to broadcasts, performances/phonograms, and sound recordings). [↑](#footnote-ref-1156)
1157. S 19(3). [↑](#footnote-ref-1157)
1158. S 36(b), (c) (except for performances and phonograms which have been published as teaching or instructional materials). [↑](#footnote-ref-1158)
1159. S 19(2). [↑](#footnote-ref-1159)
1160. S 19(2). [↑](#footnote-ref-1160)
1161. S 19(3). [↑](#footnote-ref-1161)
1162. S 36(b), (c) (except for performances and phonograms which have been published as teaching or instructional materials). [↑](#footnote-ref-1162)
1163. S 19(2). [↑](#footnote-ref-1163)
1164. S 19(3). [↑](#footnote-ref-1164)
1165. S 36(b), (c) (except for performances and phonograms which have been published as teaching or instructional materials). [↑](#footnote-ref-1165)
1166. S 19(2). [↑](#footnote-ref-1166)
1167. S 37(4), taken from EU Copyright Directive 2001/29, Art. 6(4). [↑](#footnote-ref-1167)
1168. Art. 24.2. [↑](#footnote-ref-1168)
1169. Art. 24.1. [↑](#footnote-ref-1169)
1170. Art. 24.2. [↑](#footnote-ref-1170)
1171. Art. 24.1. [↑](#footnote-ref-1171)
1172. Art. 122. [↑](#footnote-ref-1172)
1173. Art. 129. [↑](#footnote-ref-1173)
1174. Art. 133. [↑](#footnote-ref-1174)
1175. Art. 138. [↑](#footnote-ref-1175)
1176. Art. 52 para. 1(1) subpara. 2 (providing for reproduction “on other medium if the reproduction is done for private use, if the copies are not available to the public and if the reproduction is not done for direct or indirect economic advantage”). [↑](#footnote-ref-1176)
1177. Art. 52 para. 2. [↑](#footnote-ref-1177)
1178. Arts. 122, 129, 133, 138. [↑](#footnote-ref-1178)
1179. Art. 37. [↑](#footnote-ref-1179)
1180. Art. 155. [↑](#footnote-ref-1180)
1181. Art. 36. [↑](#footnote-ref-1181)
1182. Art. 122. [↑](#footnote-ref-1182)
1183. Art. 129. [↑](#footnote-ref-1183)
1184. Art. 133. [↑](#footnote-ref-1184)
1185. Art. 138. [↑](#footnote-ref-1185)
1186. Arts. 122, 129, 133, 138. [↑](#footnote-ref-1186)
1187. Art. 37. [↑](#footnote-ref-1187)
1188. Art. 155. [↑](#footnote-ref-1188)
1189. Art. 36. [↑](#footnote-ref-1189)
1190. Art. 45 para. 1. [↑](#footnote-ref-1190)
1191. Art. 45 para. 4. [↑](#footnote-ref-1191)
1192. Art. 45 para. 1. [↑](#footnote-ref-1192)
1193. Art. 45 para. 4. [↑](#footnote-ref-1193)
1194. Art. 45 para. 1. [↑](#footnote-ref-1194)
1195. Art. 45 para. 4. [↑](#footnote-ref-1195)
1196. Art. 45 para. 1. [↑](#footnote-ref-1196)
1197. Art. 45 para. 4. [↑](#footnote-ref-1197)
1198. Art. 122. [↑](#footnote-ref-1198)
1199. Art. 129. [↑](#footnote-ref-1199)
1200. Art. 133. [↑](#footnote-ref-1200)
1201. Art. 138. [↑](#footnote-ref-1201)
1202. Arts. 122, 129, 133, 138. [↑](#footnote-ref-1202)
1203. Art. 37. [↑](#footnote-ref-1203)
1204. Art. 155. [↑](#footnote-ref-1204)
1205. Art. 36. [↑](#footnote-ref-1205)
1206. *E.g.*, Arts. 46, 51, 52. [↑](#footnote-ref-1206)
1207. E.g., Arts.52, 58, 60. [↑](#footnote-ref-1207)
1208. Art. 54(e) (applying all other uses representing exceptions in relation to protected works to related rights). [↑](#footnote-ref-1208)
1209. Art. 21 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-1209)
1210. Art. 54(e) (applying all other uses representing exceptions in relation to protected works to related rights). [↑](#footnote-ref-1210)
1211. Art. 54(e) (applying all other uses representing exceptions in relation to protected works to related rights). [↑](#footnote-ref-1211)
1212. Art. 54(e) (applying all other uses representing exceptions in relation to protected works to related rights). [↑](#footnote-ref-1212)
1213. Art. 16 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-1213)
1214. Art. 21(2)-(5) (providing also that in the absence of agreement bet the representatives of producers and importers and CMOs, the amount of equitable remuneration and conditions of its payment shall be fixed as provided in the regulations). [↑](#footnote-ref-1214)
1215. Art. 46(2) (extending Art. 21(2)-(4) to the equitable remuneration of performers and producers of phonograms). [↑](#footnote-ref-1215)
1216. To the extent that Art. 47(a) permits the private use of a performance, phonogram or broadcast, without remuneration, it must, by the rule of statutory interpretation, *generalia specialibus non derogant*, be displaced by Art. 46, which subjects the private use of a phonogram to remuneration by the producers and importers. [↑](#footnote-ref-1216)
1217. Art. 47(e) (applying exceptions in relation to works to related rights). [↑](#footnote-ref-1217)
1218. Art. 47(e) (applying exceptions in relation to works to related rights). [↑](#footnote-ref-1218)
1219. Art. 47(e) (applying exceptions in relation to works to related rights). [↑](#footnote-ref-1219)
1220. S 18(4) (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1220)
1221. S 19(1) (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1221)
1222. S 20 (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1222)
1223. S 21 (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1223)
1224. S 23 (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1224)
1225. S 24(1) (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1225)
1226. S 18(4) (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1226)
1227. S 19(1) (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1227)
1228. S 20 (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1228)
1229. S 21 (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1229)
1230. S 23 (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1230)
1231. S 24(1) (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1231)
1232. S 19(1) (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1232)
1233. S 20 (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1233)
1234. S 21 (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1234)
1235. S 24(1) (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1235)
1236. S 18(4) (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1236)
1237. S 19(1) (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1237)
1238. S 20 (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1238)
1239. S 21 (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1239)
1240. S 23 (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1240)
1241. S 24(1) (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1241)
1242. S 18(4) (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1242)
1243. S 19(1) (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1243)
1244. S 20 (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1244)
1245. S 21 (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1245)
1246. S 23 (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1246)
1247. S 24(1) (applying s 15 exceptions *mutatis mutandis*). [↑](#footnote-ref-1247)
1248. S 17 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-1248)
1249. S 2(1) (defining “sufficient acknowledgment”). [↑](#footnote-ref-1249)
1250. S 93(2). [↑](#footnote-ref-1250)
1251. S 93(2). [↑](#footnote-ref-1251)
1252. S 44(5). [↑](#footnote-ref-1252)
1253. S 93(2). [↑](#footnote-ref-1253)
1254. S 44(4) (qualifying the “greater of 3% of the work or 3 pages” rule). [↑](#footnote-ref-1254)
1255. S 44(6). [↑](#footnote-ref-1255)
1256. S 177(1). [↑](#footnote-ref-1256)
1257. S 93(2). [↑](#footnote-ref-1257)
1258. S 46(5). [↑](#footnote-ref-1258)
1259. S 46(4). [↑](#footnote-ref-1259)
1260. S 46(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion). [↑](#footnote-ref-1260)
1261. S 46(2). [↑](#footnote-ref-1261)
1262. S 2(1) (defining “sufficient acknowledgment”). [↑](#footnote-ref-1262)
1263. S 47(3) (“For the purposes of this section, a person shall not be treated as a person directly connected with the activities of an educational establishment by reason only that the person is a parent or guardian of a student at that educational establishment.”). [↑](#footnote-ref-1263)
1264. Ss 47(3), 178(2) (“For the purposes of this section, a person shall not be treated as a person directly connected with the activities of an educational establishment by reason only that the person is a parent or guardian of a student at that educational establishment.”). [↑](#footnote-ref-1264)
1265. S 44A(3) (defining “authenticated user” as a person who is a participant in the course of instruction for which the material is stored, and can access the stored material only through a verification process). [↑](#footnote-ref-1265)
1266. S 44A(2) (providing that exception does not apply and educational establishment will infringe copyright if the educational establishment knowingly fails to delete the stored material within a reasonable time after the material becomes no longer relevant to the course of instruction for which it was stored). [↑](#footnote-ref-1266)
1267. S 93(2). [↑](#footnote-ref-1267)
1268. S 2(1) (defining a “communication work” as a transmission of sounds, visual images, or other information, or a combination of any of those, for reception by members of the public, and includes a broadcast or a cable programme). [↑](#footnote-ref-1268)
1269. S 48(4)(a), (b). [↑](#footnote-ref-1269)
1270. S 93(2). [↑](#footnote-ref-1270)
1271. S 2(1) (defining a “communication work” as a transmission of sounds, visual images, or other information, or a combination of any of those, for reception by members of the public, and includes a broadcast or a cable programme). [↑](#footnote-ref-1271)
1272. S 48(4)(a), (c). [↑](#footnote-ref-1272)
1273. S 177(1). [↑](#footnote-ref-1273)
1274. Ss 93(2), 180(1). [↑](#footnote-ref-1274)
1275. S 45(5). [↑](#footnote-ref-1275)
1276. S 93(2). [↑](#footnote-ref-1276)
1277. S 226. [↑](#footnote-ref-1277)
1278. S 226. [↑](#footnote-ref-1278)
1279. S 226D(2)(b). [↑](#footnote-ref-1279)
1280. Art. 21. [↑](#footnote-ref-1280)
1281. Art. 46. [↑](#footnote-ref-1281)
1282. Art. 16 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-1282)
1283. Arts. 21 (providing that in the absence of agreement between the representatives of the producers and importers and the Copyright Office of Niger, the amount of equitable remuneration and conditions of payment shall be fixed by the ordinary courts), 46 (equitable remuneration for private reproduction payable to performer and phonogram producer). [↑](#footnote-ref-1283)
1284. Arts. 21 (providing that in the absence of agreement between the representatives of the producers and importers and the Copyright Office of Niger, the amount of equitable remuneration and conditions of payment shall be fixed by the ordinary courts), 46 (equitable remuneration for private reproduction payable to performer and phonogram producer). [↑](#footnote-ref-1284)
1285. Art. 47(v) (applying all other users that constitute exceptions with respect to works to related rights). [↑](#footnote-ref-1285)
1286. Art. 47(v) (applying all other users that constitute exceptions with respect to works to related rights). [↑](#footnote-ref-1286)
1287. Art. 47(v) (applying all other users that constitute exceptions with respect to works to related rights). [↑](#footnote-ref-1287)
1288. Art. 47(v) (applying all other users that constitute exceptions with respect to works to related rights). [↑](#footnote-ref-1288)
1289. Art. 40(5) (defining “materials”). [↑](#footnote-ref-1289)
1290. Art. 40; Copyright (Levy on Materials) Order 2012. [↑](#footnote-ref-1290)
1291. Art. 40(5) (defining “materials”). [↑](#footnote-ref-1291)
1292. Art. 40; Copyright (Levy on Materials) Order 2012. [↑](#footnote-ref-1292)
1293. Art. 40(5) (defining “materials”). [↑](#footnote-ref-1293)
1294. Art. 40; Copyright (Levy on Materials) Order 2012. [↑](#footnote-ref-1294)
1295. Art. 40(5) (defining “materials”). [↑](#footnote-ref-1295)
1296. Art. 40; Copyright (Levy on Materials) Order 2012. [↑](#footnote-ref-1296)
1297. Art. 40(5) (defining “materials”). [↑](#footnote-ref-1297)
1298. Art. 40; Copyright (Levy on Materials) Order 2012. [↑](#footnote-ref-1298)
1299. Art. 40(5) (defining “materials”). [↑](#footnote-ref-1299)
1300. Art. 40; Copyright (Levy on Materials) Order 2012. [↑](#footnote-ref-1300)
1301. Art. 40(5) (defining “materials”). [↑](#footnote-ref-1301)
1302. Art. 40; Copyright (Levy on Materials) Order 2012. [↑](#footnote-ref-1302)
1303. Art. 20 proviso. [↑](#footnote-ref-1303)
1304. Art. 20 proviso. [↑](#footnote-ref-1304)
1305. Art. 20 proviso. [↑](#footnote-ref-1305)
1306. Art. 20 proviso. [↑](#footnote-ref-1306)
1307. Art. 20 proviso. [↑](#footnote-ref-1307)
1308. Art. 20 proviso. [↑](#footnote-ref-1308)
1309. Art. 20 proviso. [↑](#footnote-ref-1309)
1310. Art. 20 proviso. [↑](#footnote-ref-1310)
1311. Art. 20 proviso. [↑](#footnote-ref-1311)
1312. Art. 20 proviso. [↑](#footnote-ref-1312)
1313. S 57(2). [↑](#footnote-ref-1313)
1314. S 57(2). [↑](#footnote-ref-1314)
1315. S 57(2). [↑](#footnote-ref-1315)
1316. S 57(1) explanation. [↑](#footnote-ref-1316)
1317. S 57(1) proviso. [↑](#footnote-ref-1317)
1318. S 57(2). [↑](#footnote-ref-1318)
1319. S 57(2). [↑](#footnote-ref-1319)
1320. S 57(2). [↑](#footnote-ref-1320)
1321. S 57(1)(g) (proviso, explanation). [↑](#footnote-ref-1321)
1322. S 57(2). [↑](#footnote-ref-1322)
1323. S 57(2). [↑](#footnote-ref-1323)
1324. S 37(4). [↑](#footnote-ref-1324)
1325. S 37(1). [↑](#footnote-ref-1325)
1326. S 37(4)(a). [↑](#footnote-ref-1326)
1327. S 37(4)(b)-(c). [↑](#footnote-ref-1327)
1328. S 37(4)(f) [↑](#footnote-ref-1328)
1329. S 37(4)(d). [↑](#footnote-ref-1329)
1330. S 37(4)(g). [↑](#footnote-ref-1330)
1331. S 37(4). [↑](#footnote-ref-1331)
1332. S 37(2). [↑](#footnote-ref-1332)
1333. S 25(d) (applying the limitations and exceptions in Part II to neighbouring rights). [↑](#footnote-ref-1333)
1334. S 14 (excepting use of the computer program and for backup/archival purposes). s 8 erroneously refers to this provision as s 13. [↑](#footnote-ref-1334)
1335. S 8(2)(e). [↑](#footnote-ref-1335)
1336. S 25(d) (applying the limitations and exceptions in Part II to neighbouring rights). [↑](#footnote-ref-1336)
1337. S 11(2). [↑](#footnote-ref-1337)
1338. S 2 (defining a “public institution” as *including* a public library or archive, which means that an educational institution may be a public institution). [↑](#footnote-ref-1338)
1339. S 12(a)(i). [↑](#footnote-ref-1339)
1340. S 12(a)(ii). [↑](#footnote-ref-1340)
1341. S 12(a)(iii). [↑](#footnote-ref-1341)
1342. S 11(2). [↑](#footnote-ref-1342)
1343. S 11(2). [↑](#footnote-ref-1343)
1344. Art. 34. [↑](#footnote-ref-1344)
1345. Art. 39(1) proviso. [↑](#footnote-ref-1345)
1346. Art. 129. [↑](#footnote-ref-1346)
1347. Art. 129. [↑](#footnote-ref-1347)
1348. Art. 43 proviso. [↑](#footnote-ref-1348)
1349. Art. 129. [↑](#footnote-ref-1349)
1350. Art. 43 proviso. [↑](#footnote-ref-1350)
1351. Art. 129. [↑](#footnote-ref-1351)
1352. S 205.2 (applying ss 184, 185 mutatis mutandis to performers). [↑](#footnote-ref-1352)
1353. S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings). [↑](#footnote-ref-1353)
1354. S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations). [↑](#footnote-ref-1354)
1355. S 205.2 (applying ss 184, 185 mutatis mutandis to performers). [↑](#footnote-ref-1355)
1356. S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings). [↑](#footnote-ref-1356)
1357. S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations). [↑](#footnote-ref-1357)
1358. S 205.2 (applying ss 184, 185 mutatis mutandis to performers). [↑](#footnote-ref-1358)
1359. S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings). [↑](#footnote-ref-1359)
1360. S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations). [↑](#footnote-ref-1360)
1361. S 205.2 (applying ss 184, 185 mutatis mutandis to performers). [↑](#footnote-ref-1361)
1362. S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings). [↑](#footnote-ref-1362)
1363. S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations). [↑](#footnote-ref-1363)
1364. S 205.2 (applying ss 184, 185 mutatis mutandis to performers). [↑](#footnote-ref-1364)
1365. S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings). [↑](#footnote-ref-1365)
1366. S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations). [↑](#footnote-ref-1366)
1367. S 205.2 (applying ss 184, 185 mutatis mutandis to performers). [↑](#footnote-ref-1367)
1368. S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings). [↑](#footnote-ref-1368)
1369. S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations). [↑](#footnote-ref-1369)
1370. S 205.2 (applying ss 184, 185 mutatis mutandis to performers). [↑](#footnote-ref-1370)
1371. S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings). [↑](#footnote-ref-1371)
1372. S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations). [↑](#footnote-ref-1372)
1373. S 205.2 (applying ss 184, 185 mutatis mutandis to performers). [↑](#footnote-ref-1373)
1374. S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings). [↑](#footnote-ref-1374)
1375. S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations). [↑](#footnote-ref-1375)
1376. S 205.2 (applying ss 184, 185 mutatis mutandis to performers). [↑](#footnote-ref-1376)
1377. S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings). [↑](#footnote-ref-1377)
1378. S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations). [↑](#footnote-ref-1378)
1379. S 205.2 (applying ss 184, 185 mutatis mutandis to performers). [↑](#footnote-ref-1379)
1380. S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings). [↑](#footnote-ref-1380)
1381. S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations). [↑](#footnote-ref-1381)
1382. S 205.2 (applying ss 184, 185 mutatis mutandis to performers). [↑](#footnote-ref-1382)
1383. S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings). [↑](#footnote-ref-1383)
1384. S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations). [↑](#footnote-ref-1384)
1385. S 205.2 (applying ss 184, 185 mutatis mutandis to performers). [↑](#footnote-ref-1385)
1386. S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings). [↑](#footnote-ref-1386)
1387. S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations). [↑](#footnote-ref-1387)
1388. Art. 100. [↑](#footnote-ref-1388)
1389. Art. 35. [↑](#footnote-ref-1389)
1390. Art. 100. [↑](#footnote-ref-1390)
1391. Art. 35. [↑](#footnote-ref-1391)
1392. Art. 100. [↑](#footnote-ref-1392)
1393. Art. 35. [↑](#footnote-ref-1393)
1394. Art. 100. [↑](#footnote-ref-1394)
1395. Art. 35. [↑](#footnote-ref-1395)
1396. Art. 100. [↑](#footnote-ref-1396)
1397. Art. 35. [↑](#footnote-ref-1397)
1398. Art. 100. [↑](#footnote-ref-1398)
1399. Art. 35. [↑](#footnote-ref-1399)
1400. Art. 11012.5 provides that CMOs shall specify lower remuneration rates for entities conducting cultural activities and for educational institutions using works and objects of related rights as part of their statutory activity, unless such use results in obtaining material profits. These rates in tables of remuneration have to be approved by the Copyright Commission. [↑](#footnote-ref-1400)
1401. Art. 100. [↑](#footnote-ref-1401)
1402. Art. 35. [↑](#footnote-ref-1402)
1403. Art. 100. [↑](#footnote-ref-1403)
1404. Art. 35. [↑](#footnote-ref-1404)
1405. Art. 26 (applying restrictions on economic rights mutatis mutandis to the rights of performers, producers of sound recordings and broadcasting organisations). [↑](#footnote-ref-1405)
1406. Art. 18(2) proviso. [↑](#footnote-ref-1406)
1407. Art. 26 (applying restrictions on economic rights mutatis mutandis to the rights of performers, producers of sound recordings and broadcasting organisations). [↑](#footnote-ref-1407)
1408. Art. 26 (applying restrictions on economic rights mutatis mutandis to the rights of performers, producers of sound recordings and broadcasting organisations). [↑](#footnote-ref-1408)
1409. Art. 26 (applying restrictions on economic rights mutatis mutandis to the rights of performers, producers of sound recordings and broadcasting organisations). [↑](#footnote-ref-1409)
1410. Art. 18(2) proviso. [↑](#footnote-ref-1410)
1411. Art. 26 (applying restrictions on economic rights mutatis mutandis to the rights of performers, producers of sound recordings and broadcasting organisations). [↑](#footnote-ref-1411)
1412. Art. 18(2) proviso. [↑](#footnote-ref-1412)
1413. Art. 26 (applying restrictions on economic rights mutatis mutandis to the rights of performers, producers of sound recordings and broadcasting organisations). [↑](#footnote-ref-1413)
1414. Art. 27(a). [↑](#footnote-ref-1414)
1415. Art. 27(a). [↑](#footnote-ref-1415)
1416. Art. 27(c). [↑](#footnote-ref-1416)
1417. Art. 27(d). [↑](#footnote-ref-1417)
1418. Art. 27(a). [↑](#footnote-ref-1418)
1419. Art. 27(b). [↑](#footnote-ref-1419)
1420. Art. 27(b). [↑](#footnote-ref-1420)
1421. Art. 27(c). [↑](#footnote-ref-1421)
1422. Art. 27(b)(1). [↑](#footnote-ref-1422)
1423. Art. 27(b)(2). [↑](#footnote-ref-1423)
1424. Art. 27(d). [↑](#footnote-ref-1424)
1425. Art. 27(b)(3). [↑](#footnote-ref-1425)
1426. Art.27(b). [↑](#footnote-ref-1426)
1427. Art. 107. [↑](#footnote-ref-1427)
1428. Art. 34(2). [↑](#footnote-ref-1428)
1429. Art. 1071 (one CMO for works reproduced by sound and audiovisual recording and another for works reproduced from paper). The distribution mechanisms are spelt out in Art. 1072. [↑](#footnote-ref-1429)
1430. Art. 33(4). [↑](#footnote-ref-1430)
1431. Art. 33(4). [↑](#footnote-ref-1431)
1432. Art. 141(1) (defining “distribution” as the sale or any

      other manner of transmittal, for a consideration or free of charge, of the original or of copies of a work, as well as their offering to the public). [↑](#footnote-ref-1432)
1433. Art. 33(4). [↑](#footnote-ref-1433)
1434. Art. 33(4). [↑](#footnote-ref-1434)
1435. Art. 33(4). [↑](#footnote-ref-1435)
1436. Art. 33(4). [↑](#footnote-ref-1436)
1437. Art. 33(4). [↑](#footnote-ref-1437)
1438. Art. 211 (excepting use of the computer program and for backup/archival purposes; Art. 203 referring to Art. 178 [sic]). [↑](#footnote-ref-1438)
1439. Art. 247(5). [↑](#footnote-ref-1439)
1440. Art. 247(6) (applying exceptions or limitations to enable a work to be used without the authorisation of author or copyright owner to free use of related rights). [↑](#footnote-ref-1440)
1441. Art. 247(6) (applying exceptions or limitations to enable a work to be used without the authorisation of author or copyright owner to free use of related rights). [↑](#footnote-ref-1441)
1442. Art. 247(6) (applying exceptions or limitations to enable a work to be used without the authorisation of author or copyright owner to free use of related rights). [↑](#footnote-ref-1442)
1443. Art. 238. [↑](#footnote-ref-1443)
1444. Art. 239 para. 7 (possibly erroneously referring to Arts. 241 and 242 when it should refer to Arts. 239 and 241). [↑](#footnote-ref-1444)
1445. Art. 238 para. 1. [↑](#footnote-ref-1445)
1446. Art. 238 paras. 1, 2. [↑](#footnote-ref-1446)
1447. Art. 238 para. 3. [↑](#footnote-ref-1447)
1448. Art. 238 para. 2. [↑](#footnote-ref-1448)
1449. Art. 239 para. 1. [↑](#footnote-ref-1449)
1450. Art. 239 para. 2. [↑](#footnote-ref-1450)
1451. Art. 239 para. 2. [↑](#footnote-ref-1451)
1452. Art. 239 para. 4. [↑](#footnote-ref-1452)
1453. Art. 239 para. 5. [↑](#footnote-ref-1453)
1454. Art. 239 para. 6. [↑](#footnote-ref-1454)
1455. Art. 239 para. 3. [↑](#footnote-ref-1455)
1456. Art. 239 para. 6. [↑](#footnote-ref-1456)
1457. Art. 239 para. 7. [↑](#footnote-ref-1457)
1458. Art. 240 para. 1. [↑](#footnote-ref-1458)
1459. Art. 239 para. 7 (possibly erroneously referring to Arts. 241 and 242 when it should refer to Arts. 239 and 241). [↑](#footnote-ref-1459)
1460. Art. 241 para. 4. [↑](#footnote-ref-1460)
1461. Art. 240 para. 1. [↑](#footnote-ref-1461)
1462. Art. 240 paras. 1, 3. [↑](#footnote-ref-1462)
1463. Art. 240 para. 5. [↑](#footnote-ref-1463)
1464. Art. 240 para. 2 (a). [↑](#footnote-ref-1464)
1465. Art. 240 para. 2 (b). [↑](#footnote-ref-1465)
1466. Art. 240 para. 2(c). [↑](#footnote-ref-1466)
1467. Art. 240 para. 4. [↑](#footnote-ref-1467)
1468. Art. 241 para. 1. [↑](#footnote-ref-1468)
1469. Art. 241 para. 2. [↑](#footnote-ref-1469)
1470. Art. 241 para. 2. [↑](#footnote-ref-1470)
1471. Art. 241 para. 4. [↑](#footnote-ref-1471)
1472. Art. 239 para. 5 (possibly erroneous in that it referred to a grant of license under Arts. 238 and 239, when it probably meant Arts. 239 and 241). [↑](#footnote-ref-1472)
1473. Art. 241 para. 3. [↑](#footnote-ref-1473)
1474. Art. 240 para. 3. [↑](#footnote-ref-1474)
1475. S 18(1)(d), (e). [↑](#footnote-ref-1475)
1476. S 51 (defining “sufficient acknowledgment”). [↑](#footnote-ref-1476)
1477. S 60. [↑](#footnote-ref-1477)
1478. S 60. [↑](#footnote-ref-1478)
1479. S 59(3). [↑](#footnote-ref-1479)
1480. S 60. [↑](#footnote-ref-1480)
1481. S 59(2). [↑](#footnote-ref-1481)
1482. S 59(4). [↑](#footnote-ref-1482)
1483. S 57(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion). [↑](#footnote-ref-1483)
1484. S 57(2). [↑](#footnote-ref-1484)
1485. S 51 (defining “sufficient acknowledgment”). [↑](#footnote-ref-1485)
1486. S 60. [↑](#footnote-ref-1486)
1487. S 104 goes on to provide that in considering what charges, if any, are to be paid for a licence for the recording by or on behalf of educational establishments of broadcasts or cable programmes which includes copyright works, or the making of copies of such recordings, for educational purposes, the High Court shall have regard to the extent to which the owners of copyright in the works included in the broadcast or cable programme have already received, or are entitled to receive, payment in respect of their inclusion. [↑](#footnote-ref-1487)
1488. S 60. [↑](#footnote-ref-1488)
1489. S 120(2). [↑](#footnote-ref-1489)
1490. S 120(2), (3). [↑](#footnote-ref-1490)
1491. S 120(2), (3). [↑](#footnote-ref-1491)
1492. S 52. [↑](#footnote-ref-1492)
1493. Copying by a person other than the researcher or student under s 50 will trigger the preclusion from the exception. [↑](#footnote-ref-1493)
1494. S 50(2)(b). [↑](#footnote-ref-1494)
1495. S 110. [↑](#footnote-ref-1495)
1496. S 58. [↑](#footnote-ref-1496)
1497. S 55 (defining “sufficient acknowledgment”). [↑](#footnote-ref-1497)
1498. S 52. [↑](#footnote-ref-1498)
1499. Copying by a person other than the researcher or student under s 50 will trigger the preclusion from the exception. [↑](#footnote-ref-1499)
1500. S 50(2)(b). [↑](#footnote-ref-1500)
1501. S 61. [↑](#footnote-ref-1501)
1502. S 61. [↑](#footnote-ref-1502)
1503. S 2(1) (defining “reprographic process” as a process (a) for making facsimile copies, or (b) involving the use of an appliance for making multiple copies, and, in relation to a work held in electronic form, includes any copying by electronic means, but does not include the making of a film or sound recording). [↑](#footnote-ref-1503)
1504. S 60(3). [↑](#footnote-ref-1504)
1505. S 61. [↑](#footnote-ref-1505)
1506. S 60(2). [↑](#footnote-ref-1506)
1507. S 97 (prescribing the considerations by a court in relation to licensing of reprographic copying of published literary, dramatic, musical or artistic works, or typographical arrangements of published editions). [↑](#footnote-ref-1507)
1508. S 60(4). [↑](#footnote-ref-1508)
1509. S 57(1)(e). [↑](#footnote-ref-1509)
1510. S 57(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion). [↑](#footnote-ref-1510)
1511. S 57(2). [↑](#footnote-ref-1511)
1512. S 49 (defining “sufficient acknowledegment”). [↑](#footnote-ref-1512)
1513. S 58(3) (excluding parents of pupils per se from “persons directly connected with the activities of the educational establishment”). [↑](#footnote-ref-1513)
1514. S 58(3) (excluding parents of pupils per se from “persons directly connected with the activities of the educational establishment”). [↑](#footnote-ref-1514)
1515. S 61. [↑](#footnote-ref-1515)
1516. S 59 exempts from infringement the copyright in the broadcast or cable programme and any work included in it; s 112 exempts from infringement the rights of performance and recording. [↑](#footnote-ref-1516)
1517. Ss 61, 112(2). [↑](#footnote-ref-1517)
1518. S 63(2). [↑](#footnote-ref-1518)
1519. S 98. [↑](#footnote-ref-1519)
1520. S 111(3). [↑](#footnote-ref-1520)
1521. S 111(3). [↑](#footnote-ref-1521)
1522. S 24(a). [↑](#footnote-ref-1522)
1523. S 13 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-1523)
1524. S 24(a). [↑](#footnote-ref-1524)
1525. S 24(c). [↑](#footnote-ref-1525)
1526. S 24(d). [↑](#footnote-ref-1526)
1527. S 24(d). [↑](#footnote-ref-1527)
1528. S 24(d). [↑](#footnote-ref-1528)
1529. Art. 15(3) conditions apply only to making copies for public libraries or non-commercial documentation centres. [↑](#footnote-ref-1529)
1530. Art. 16(2). [↑](#footnote-ref-1530)
1531. Art. 15(3). [↑](#footnote-ref-1531)
1532. Art. 105 (providing that basis of remuneration, amount and payment procedure is determined by Private Copying Commission). [↑](#footnote-ref-1532)
1533. Art. 105(a). [↑](#footnote-ref-1533)
1534. Art. 107(1). [↑](#footnote-ref-1534)
1535. Art. 108. [↑](#footnote-ref-1535)
1536. Art. 104. [↑](#footnote-ref-1536)
1537. Art. 46(2). [↑](#footnote-ref-1537)
1538. Art. 41(2) (applying this restriction to “any specific case” of limitations on copyright). [↑](#footnote-ref-1538)
1539. Art. 41(1) (requiring acknowledgment for the provisions dealing with limitations on copyright). [↑](#footnote-ref-1539)
1540. Art. 39(8) (describing this as fair compensation which must take into account “the probable damage suffered by the author when his work is copied without his permission for personal non commercial use, [and] the application of technical measures of protection and other circumstances that can influence the correct calculation of the amount of this special remuneration”). [↑](#footnote-ref-1540)
1541. Art. 146. [↑](#footnote-ref-1541)
1542. Art. 39(2), (3). [↑](#footnote-ref-1542)
1543. Art. 39(4). [↑](#footnote-ref-1543)
1544. Art. 39(5). [↑](#footnote-ref-1544)
1545. Art. 39(9). [↑](#footnote-ref-1545)
1546. Art. 144 (applying limitations and exhaustion of copyright to related rights). [↑](#footnote-ref-1546)
1547. Art. 144 (applying limitations and exhaustion of copyright to related rights). [↑](#footnote-ref-1547)
1548. Art. 41(2) (applying this restriction to “any specific case” of limitations on copyright). [↑](#footnote-ref-1548)
1549. Art. 41(1) (requiring acknowledgment for the provisions dealing with limitations on copyright). [↑](#footnote-ref-1549)
1550. Art. 144 (applying limitations and exhaustion of copyright to related rights). [↑](#footnote-ref-1550)
1551. Art. 41(2) (applying this restriction to “any specific case” of limitations on copyright). [↑](#footnote-ref-1551)
1552. Art. 55(2). [↑](#footnote-ref-1552)
1553. Art. 41(1) (requiring acknowledgment for the provisions dealing with limitations on copyright). [↑](#footnote-ref-1553)
1554. Art. 144 (applying limitations and exhaustion of copyright to related rights). [↑](#footnote-ref-1554)
1555. Art. 41(2) (applying this restriction to “any specific case” of limitations on copyright). [↑](#footnote-ref-1555)
1556. Art. 41(1) (requiring acknowledgment for the provisions dealing with limitations on copyright). [↑](#footnote-ref-1556)
1557. Art. 144 (applying limitations and exhaustion of copyright to related rights). [↑](#footnote-ref-1557)
1558. Art. 41(2) (applying this restriction to “any specific case” of limitations on copyright). [↑](#footnote-ref-1558)
1559. Art. 41(1) (requiring acknowledgment for the provisions dealing with limitations on copyright). [↑](#footnote-ref-1559)
1560. Art. 144 (applying limitations and exhaustion of copyright to related rights). [↑](#footnote-ref-1560)
1561. Art. 41(2) (applying this restriction to “any specific case” of limitations on copyright). [↑](#footnote-ref-1561)
1562. Art. 41(1) (requiring acknowledgment for the provisions dealing with limitations on copyright). [↑](#footnote-ref-1562)
1563. Art. 144 (applying limitations and exhaustion of copyright to related rights). [↑](#footnote-ref-1563)
1564. Art. 41(2) (applying this restriction to “any specific case” of limitations on copyright). [↑](#footnote-ref-1564)
1565. Art. 208a(2), taken from EU Copyright Directive 2001/29, Art. 6(4). [↑](#footnote-ref-1565)
1566. Art. 208a(3). [↑](#footnote-ref-1566)
1567. S 27(d) (applying cases where a work can be used without the authorisation of the author or other owner of copyright to performances, phonograms and broadcasts). [↑](#footnote-ref-1567)
1568. S 15 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-1568)
1569. S 27(d) (applying cases where a work can be used without the authorisation of the author or other owner of copyright to performances, phonograms and broadcasts). [↑](#footnote-ref-1569)
1570. S 12(1)(c)(iii). [↑](#footnote-ref-1570)
1571. S 12(2). [↑](#footnote-ref-1571)
1572. S 12(2). [↑](#footnote-ref-1572)
1573. S 12(2). [↑](#footnote-ref-1573)
1574. S 27(d) (applying cases where a work can be used without the authorisation of the author or other owner of copyright to performances, phonograms and broadcasts). [↑](#footnote-ref-1574)
1575. S 12(2). [↑](#footnote-ref-1575)
1576. S 32(4), taken from EU Copyright Directive 2001/29, Art. 6(4). [↑](#footnote-ref-1576)
1577. S 34 (excepting use of the computer program and for backup/archival purposes; provision refers to s 28, which appears to be erroneous). [↑](#footnote-ref-1577)
1578. S 27(2)(e). [↑](#footnote-ref-1578)
1579. S 116 (permitting reproductions of the whole or part of editions of works where dealing does not infringe copyright by virtue of ss 35, 36, 37, 38 or 40). [↑](#footnote-ref-1579)
1580. S 102 (defining “audiovisual item” as a sound recording, cinematographic work, sound and television broadcast or a cable programme). [↑](#footnote-ref-1580)
1581. S 35(1A). [↑](#footnote-ref-1581)
1582. S 109(1A). [↑](#footnote-ref-1582)
1583. “Performance” excludes performance and communication of works or other subject-matter in the course of educational instruction under s 23. See s 246(2)(a). [↑](#footnote-ref-1583)
1584. S 246 (defining a “recording” of a performance as excluding an “exempt recording”). [↑](#footnote-ref-1584)
1585. S 246 (defining an “exempt recording”, definition (a)). [↑](#footnote-ref-1585)
1586. S 246 (defining an “exempt recording”, definition (b)). [↑](#footnote-ref-1586)
1587. S 7(1) (defining an “educational institution” as a primary, secondary, pre-university or full-time school, a junior college, a university, a college of advanced education or a technical and further education institution, an institution that conducts courses of primary, secondary, pre-university or tertiary education by correspondence or on an external study basis, a school of nursing, an undertaking within a hospital that conducts courses of study, a teacher education centre, a general institution or preparatory or continuing education institution for a particular occupation or profession, such other institutions declared by regulations, an undertaking for the provision of teacher training for the aforesaid institutions, and an undertaking for the furnishing of materials for the aforesaid institutions). [↑](#footnote-ref-1587)
1588. S 246 (defining an “exempt recording”, definition (c)). S 247 (defining a cinematograph film of a performance as being made for the educational purposes of an educational instruction if is made for use in connection with a particular course of instruction provided by the institution, or for inclusion in the collection of a library of the institution). [↑](#footnote-ref-1588)
1589. S 246 (defining an “exempt recording”, definition (d)). [↑](#footnote-ref-1589)
1590. S 246 (defining an “exempt recording”, definition (e)). [↑](#footnote-ref-1590)
1591. S 246 (defining an “exempt recording”, definition (h)). [↑](#footnote-ref-1591)
1592. S 116 (permitting reproductions of the whole or part of editions of works where dealing does not infringe copyright by virtue of ss 35, 36, 37, 38 or 40). [↑](#footnote-ref-1592)
1593. S 10(2). [↑](#footnote-ref-1593)
1594. S 10(2A). [↑](#footnote-ref-1594)
1595. S 35(4). [↑](#footnote-ref-1595)
1596. S 116 (permitting reproductions of the whole or part of editions of works where dealing does not infringe copyright by virtue of ss 35, 36, 37, 38 or 40). [↑](#footnote-ref-1596)
1597. S 102 (defining “audiovisual item” as a sound recording, cinematographic work, sound and television broadcast or a cable programme). [↑](#footnote-ref-1597)
1598. S 7(1) (defining “sufficient acknowledgment”). [↑](#footnote-ref-1598)
1599. S 116 (permitting reproductions of the whole or part of editions of works where dealing does not infringe copyright by virtue of ss 35, 36, 37, 38 or 40). [↑](#footnote-ref-1599)
1600. S 102 (defining “audiovisual item” as a sound recording, cinematographic work, sound and television broadcast or a cable programme). [↑](#footnote-ref-1600)
1601. S 35(1A). [↑](#footnote-ref-1601)
1602. S 109(1A). [↑](#footnote-ref-1602)
1603. S 50A(2) (defining a “reprographic process” as a process for making facsimile copies or an appliance for making multiple copies, and includes any copying by electronic means, but does not include the making of a cinematograph film or sound recording). [↑](#footnote-ref-1603)
1604. S 51(2). [↑](#footnote-ref-1604)
1605. S 51(6)(b). [↑](#footnote-ref-1605)
1606. S 51(3). [↑](#footnote-ref-1606)
1607. S 51(4). [↑](#footnote-ref-1607)
1608. S 51(5), (5A). [↑](#footnote-ref-1608)
1609. S 52(14), (15). [↑](#footnote-ref-1609)
1610. S 52(1). [↑](#footnote-ref-1610)
1611. S 52(2). [↑](#footnote-ref-1611)
1612. S 53. [↑](#footnote-ref-1612)
1613. S 52(9), (10). [↑](#footnote-ref-1613)
1614. S 52(6), (7), (7C), (7D), (11A), (11B). Records of copying or communication to be kept in writing and in accordance with prescribed form. S 52(8). [↑](#footnote-ref-1614)
1615. S 52(4), (7A). [↑](#footnote-ref-1615)
1616. S 52(5), (7B). [↑](#footnote-ref-1616)
1617. S 52(11), (11C). [↑](#footnote-ref-1617)
1618. S 102 (defining “audiovisual item” as a sound recording, cinematographic work, sound and television broadcast or a cable programme). [↑](#footnote-ref-1618)
1619. S 116 (permitting reproductions of the whole or part of editions of works where dealing does not infringe copyright by virtue of ss 35, 36, 37, 38 or 40). [↑](#footnote-ref-1619)
1620. S 83 (explaining that author includes works of joint authorship, so that works by any one or more of the authors of the extract concerned will count towards the preclusion). [↑](#footnote-ref-1620)
1621. S 40(2). [↑](#footnote-ref-1621)
1622. S 10(1) (defining “sufficient acknowledgment”). [↑](#footnote-ref-1622)
1623. S 23(4). [↑](#footnote-ref-1623)
1624. S 23(1). [↑](#footnote-ref-1624)
1625. S 23(2). [↑](#footnote-ref-1625)
1626. S 23(5) (extending the definition of “staff” to include any adjunct staff and person engaged by the educational institution to conduct any course of instruction, activity or programme of or offered by the educational institution). [↑](#footnote-ref-1626)
1627. S 23(3) (“a person shall be deemed to be directly connected with a place where instruction is given if he is a parent, guardian, brother or sister of a student who receives instruction at that place”). [↑](#footnote-ref-1627)
1628. S 52(14), (15). [↑](#footnote-ref-1628)
1629. S 52(1). [↑](#footnote-ref-1629)
1630. S 52(2). [↑](#footnote-ref-1630)
1631. S 53. [↑](#footnote-ref-1631)
1632. S 52(9), (10). [↑](#footnote-ref-1632)
1633. S 52(6), (7), (7C), (7D), (11A), (11B). Records of copying or communication to be kept in writing and in accordance with prescribed form. S 52(8). [↑](#footnote-ref-1633)
1634. S 52(4), (7A). [↑](#footnote-ref-1634)
1635. S 52(5), (7B). [↑](#footnote-ref-1635)
1636. S 52(11), (11C). [↑](#footnote-ref-1636)
1637. S 261D(1)(e). [↑](#footnote-ref-1637)
1638. S 261D(1)(e). [↑](#footnote-ref-1638)
1639. S 261D(1)(a). [↑](#footnote-ref-1639)
1640. S 261D(1)(a). [↑](#footnote-ref-1640)
1641. Art. 24(3). Art 35 (excepting use of the computer program, backup/archival purposes and study or verification of functionality). [↑](#footnote-ref-1641)
1642. Art. 24(6) (providing that basis of remuneration, amount and payment procedure). [↑](#footnote-ref-1642)
1643. Art. 24(6)(a)-(e). [↑](#footnote-ref-1643)
1644. Art. 24(8). [↑](#footnote-ref-1644)
1645. Art. 24(4). [↑](#footnote-ref-1645)
1646. Art. 69(1). [↑](#footnote-ref-1646)
1647. Art. 24(3). Art 35 (excepting use of the computer program, backup/archival purposes and study or verification of functionality). [↑](#footnote-ref-1647)
1648. Art. 24(6) (providing that basis of remuneration, amount and payment procedure). [↑](#footnote-ref-1648)
1649. Art. 24(6)(a)-(e). [↑](#footnote-ref-1649)
1650. Art. 107(1). [↑](#footnote-ref-1650)
1651. Art. 24(8). [↑](#footnote-ref-1651)
1652. Art. 24(5). [↑](#footnote-ref-1652)
1653. Art. 69(1). [↑](#footnote-ref-1653)
1654. Art. 69(1). [↑](#footnote-ref-1654)
1655. Art. 5(12) (defining "school" as kindergarten, elementary school, secondary school, university/institution of higher education or interest or educational establishment). [↑](#footnote-ref-1655)
1656. Art. 28(3) referring to Art. 25 para. 3, which deals with attribution. [↑](#footnote-ref-1656)
1657. Art. 69(1). [↑](#footnote-ref-1657)
1658. Art. 5(12) (defining "school" as kindergarten, elementary school, secondary school, university/institution of higher education or interest or educational establishment). [↑](#footnote-ref-1658)
1659. Art. 28(3) referring to Art. 25 para. 3, which deals with attribution. [↑](#footnote-ref-1659)
1660. Art. 5(12) (defining "school" as kindergarten, elementary school, secondary school, university/institution of higher education or interest or educational establishment). [↑](#footnote-ref-1660)
1661. Art. 28(3) referring to Art. 25 para. 3, which deals with attribution. [↑](#footnote-ref-1661)
1662. Art. 69(1). [↑](#footnote-ref-1662)
1663. Art. 5(12) (defining "school" as kindergarten, elementary school, secondary school, university/institution of higher education or interest or educational establishment). [↑](#footnote-ref-1663)
1664. Art. 30(2) referring to Art. 25 para. 3, which deals with attribution. [↑](#footnote-ref-1664)
1665. Art. 69(1). [↑](#footnote-ref-1665)
1666. Art. 5(12) (defining "school" as kindergarten, elementary school, secondary school, university/institution of higher education or interest or educational establishment). [↑](#footnote-ref-1666)
1667. Art. 30(2) referring to Art. 25 para. 3, which deals with attribution. [↑](#footnote-ref-1667)
1668. Art. 69(1). [↑](#footnote-ref-1668)
1669. Art. 69(1). [↑](#footnote-ref-1669)
1670. Art. 5(12) (defining "school" as kindergarten, elementary school, secondary school, university/institution of higher education or interest or educational establishment). [↑](#footnote-ref-1670)
1671. Art. 28(3) referring to Art. 25 para. 3, which deals with attribution. [↑](#footnote-ref-1671)
1672. Art. 4(2). [↑](#footnote-ref-1672)
1673. Art. 46. [↑](#footnote-ref-1673)
1674. Art. 46(5). [↑](#footnote-ref-1674)
1675. Art. 46(5). [↑](#footnote-ref-1675)
1676. Art. 37. [↑](#footnote-ref-1676)
1677. Art. 37. [↑](#footnote-ref-1677)
1678. Art. 38. [↑](#footnote-ref-1678)
1679. Art. 37. [↑](#footnote-ref-1679)
1680. Art. 123. [↑](#footnote-ref-1680)
1681. Art. 131. [↑](#footnote-ref-1681)
1682. Art. 135. [↑](#footnote-ref-1682)
1683. Art. 139. [↑](#footnote-ref-1683)
1684. Art. 4(2). [↑](#footnote-ref-1684)
1685. Art. 46. [↑](#footnote-ref-1685)
1686. Art. 4(2). [↑](#footnote-ref-1686)
1687. Art. 46. [↑](#footnote-ref-1687)
1688. Art. 37. [↑](#footnote-ref-1688)
1689. Art. 37. [↑](#footnote-ref-1689)
1690. Art. 38. [↑](#footnote-ref-1690)
1691. Art. 37. [↑](#footnote-ref-1691)
1692. Art. 123. [↑](#footnote-ref-1692)
1693. Art. 131. [↑](#footnote-ref-1693)
1694. Art. 135. [↑](#footnote-ref-1694)
1695. Art. 139. [↑](#footnote-ref-1695)
1696. Art. 4(2). [↑](#footnote-ref-1696)
1697. Art. 46. [↑](#footnote-ref-1697)
1698. Art. 47(3). [↑](#footnote-ref-1698)
1699. Art. 47(1). [↑](#footnote-ref-1699)
1700. Art. 46. [↑](#footnote-ref-1700)
1701. Art. 47(3). [↑](#footnote-ref-1701)
1702. Art. 47(1). [↑](#footnote-ref-1702)
1703. Art. 4(2). [↑](#footnote-ref-1703)
1704. Art. 46. [↑](#footnote-ref-1704)
1705. Art. 49(2). [↑](#footnote-ref-1705)
1706. Art. 4(2). [↑](#footnote-ref-1706)
1707. Art. 46. [↑](#footnote-ref-1707)
1708. Art. 49(2). [↑](#footnote-ref-1708)
1709. Art. 4(2). [↑](#footnote-ref-1709)
1710. Art. 46. [↑](#footnote-ref-1710)
1711. Art. 37. [↑](#footnote-ref-1711)
1712. Art. 37. [↑](#footnote-ref-1712)
1713. Art. 38. [↑](#footnote-ref-1713)
1714. Art. 37. [↑](#footnote-ref-1714)
1715. Art. 123. [↑](#footnote-ref-1715)
1716. Art. 131. [↑](#footnote-ref-1716)
1717. Art. 135. [↑](#footnote-ref-1717)
1718. Art. 139. [↑](#footnote-ref-1718)
1719. Art. 4(2). [↑](#footnote-ref-1719)
1720. Art. 46. [↑](#footnote-ref-1720)
1721. Art. 47(3). [↑](#footnote-ref-1721)
1722. Art. 47(1). [↑](#footnote-ref-1722)
1723. Art. 46. [↑](#footnote-ref-1723)
1724. Art. 47(3). [↑](#footnote-ref-1724)
1725. Art. 166c(4).1. [↑](#footnote-ref-1725)
1726. Arts. 166c(4).2, 32a, taken from EU Copyright Directive 2001/29, Art. 6(4). [↑](#footnote-ref-1726)
1727. S 12(9) (applying to s 12(1) to (7)). [↑](#footnote-ref-1727)
1728. S 12(11) (applying to s 12(1) to (4), (6), (7) and (10)). [↑](#footnote-ref-1728)
1729. S 15(4) (applying s 12(1), (2), (4), (5), (9), (10), (12) and (13), mutatis mutandis, to artistic works). [↑](#footnote-ref-1729)
1730. S 18 (applying s 12(1) to (5), (12), (13), mutatis mutandis, to broadcasts). [↑](#footnote-ref-1730)
1731. S 19A (sections 12 (1), (2), (4), (5), (8), (12) and (13), mutatis mutandis, to published editions). [↑](#footnote-ref-1731)
1732. S 12(9) (applying to s 12(1) to (7)). [↑](#footnote-ref-1732)
1733. S 12(11) (applying to s 12(1) to (4), (6), (7) and (10)). [↑](#footnote-ref-1733)
1734. S 15(4) (applying s 12(1), (2), (4), (5), (9), (10), (12) and (13), mutatis mutandis, to artistic works). [↑](#footnote-ref-1734)
1735. S 16(1) (applying s 12(1)(b) and (c), (2), (3), (4), (12), (13), mutatis mutandis, to cinematograph films). [↑](#footnote-ref-1735)
1736. S 17 (applying s 12(1)(b) and (c), (2), (3), (4), (5), (12) and (13), mutatis mutandis, to sound recordings). [↑](#footnote-ref-1736)
1737. S 18 (applying s 12(1) to (5), (12), (13), mutatis mutandis, to broadcasts). [↑](#footnote-ref-1737)
1738. S 19A (sections 12 (1), (2), (4), (5), (8), (12) and (13), mutatis mutandis, to published editions). [↑](#footnote-ref-1738)
1739. S 12(9) (applying to s 12(1) to (7)). [↑](#footnote-ref-1739)
1740. S 12(11) (applying to s 12(1) to (4), (6), (7) and (10)). [↑](#footnote-ref-1740)
1741. S 16(1) (applying s 12(1)(b) and (c), (2), (3), (4), (12), (13), mutatis mutandis, to cinematograph films). [↑](#footnote-ref-1741)
1742. S 17 (applying s 12(1)(b) and (c), (2), (3), (4), (5), (12) and (13), mutatis mutandis, to sound recordings). [↑](#footnote-ref-1742)
1743. S 18 (applying s 12(1) to (5), (12), (13), mutatis mutandis, to broadcasts). [↑](#footnote-ref-1743)
1744. S 12(9) (applying to s 12(1) to (7)). [↑](#footnote-ref-1744)
1745. S 12(11) (applying to s 12(1) to (4), (6), (7) and (10)). [↑](#footnote-ref-1745)
1746. S 15(4) (applying s 12(1), (2), (4), (5), (9), (10), (12) and (13), mutatis mutandis, to artistic works). [↑](#footnote-ref-1746)
1747. S 16(1) (applying s 12(1)(b) and (c), (2), (3), (4), (12), (13), mutatis mutandis, to cinematograph films). [↑](#footnote-ref-1747)
1748. S 17 (applying s 12(1)(b) and (c), (2), (3), (4), (5), (12) and (13), mutatis mutandis, to sound recordings). [↑](#footnote-ref-1748)
1749. S 18 (applying s 12(1) to (5), (12), (13), mutatis mutandis, to broadcasts). [↑](#footnote-ref-1749)
1750. S 19A (sections 12 (1), (2), (4), (5), (8), (12) and (13), mutatis mutandis, to published editions). [↑](#footnote-ref-1750)
1751. S 12(9) (applying to s 12(1) to (7)). [↑](#footnote-ref-1751)
1752. S 12(11) (applying to s 12(1) to (4), (6), (7) and (10)). [↑](#footnote-ref-1752)
1753. S 15(4) (applying s 12(1), (2), (4), (5), (9), (10), (12) and (13), mutatis mutandis, to artistic works). [↑](#footnote-ref-1753)
1754. S 16(1) (applying s 12(1)(b) and (c), (2), (3), (4), (12), (13), mutatis mutandis, to cinematograph films). [↑](#footnote-ref-1754)
1755. S 17 (applying s 12(1)(b) and (c), (2), (3), (4), (5), (12) and (13), mutatis mutandis, to sound recordings). [↑](#footnote-ref-1755)
1756. S 18 (applying s 12(1) to (5), (12), (13), mutatis mutandis, to broadcasts). [↑](#footnote-ref-1756)
1757. S 19A (sections 12 (1), (2), (4), (5), (8), (12) and (13), mutatis mutandis, to published editions). [↑](#footnote-ref-1757)
1758. S 21(a) (enabling the use by a physical person of related rights subject matter exclusively for his own personal purposes). [↑](#footnote-ref-1758)
1759. S 12(7) (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-1759)
1760. S 12(2)(e). [↑](#footnote-ref-1760)
1761. S 21(d) (applying copyright limitations and exceptions to related rights). [↑](#footnote-ref-1761)
1762. S 21(d) (applying copyright limitations and exceptions to related rights). [↑](#footnote-ref-1762)
1763. S 21(d) (applying copyright limitations and exceptions to related rights). This however may be subject to an interpretation as to whether s 21(c) excludes the extension of this copyright limitation and exception to the broader class of “teaching” and “research” as opposed to “face-to-face teaching” and “scientific research”. [↑](#footnote-ref-1763)
1764. S 21(d) (applying copyright limitations and exceptions to related rights). [↑](#footnote-ref-1764)
1765. S 21(d) (applying copyright limitations and exceptions to related rights). [↑](#footnote-ref-1765)
1766. S 21(d) (applying copyright limitations and exceptions to related rights). [↑](#footnote-ref-1766)
1767. S 21(d) (applying copyright limitations and exceptions to related rights). This however may be subject to an interpretation as to whether s 21(c) excludes the extension of this copyright limitation and exception to the broader class of “teaching” and “research” as opposed to “face-to-face teaching” and “scientific research”. [↑](#footnote-ref-1767)
1768. S 21(d) (applying copyright limitations and exceptions to related rights). [↑](#footnote-ref-1768)
1769. S 33(1)(d) (applying a restriction in respect of a copyright under s 14 to related rights viz. ss 26 (performance), 31 (sound recording, audiovisual recording), 32 (broadcasts)). [↑](#footnote-ref-1769)
1770. Ss 26 (performance), 31 (sound recording, audiovisual recording), 32 (broadcasts). [↑](#footnote-ref-1770)
1771. S 33(1)(d) (applying a restriction in respect of a copyright under s 14 to related rights viz. ss 26 (performance), 31 (sound recording, audiovisual recording), 32 (broadcasts)). [↑](#footnote-ref-1771)
1772. S 14(3)(c). [↑](#footnote-ref-1772)
1773. S 33(1)(d) (applying a restriction in respect of a copyright under s 14 to related rights viz. ss 26 (performance), 31 (sound recording, audiovisual recording), 32 (broadcasts)). [↑](#footnote-ref-1773)
1774. Ss 26 (performance), 31 (sound recording, audiovisual recording), 32 (broadcasts). [↑](#footnote-ref-1774)
1775. Art. 45. [↑](#footnote-ref-1775)
1776. Art. 46. [↑](#footnote-ref-1776)
1777. Art. 48. [↑](#footnote-ref-1777)
1778. Art. 49. [↑](#footnote-ref-1778)
1779. Art. 49a. [↑](#footnote-ref-1779)
1780. Art. 26 k. The remuneration amounts are set out in Art. 26 l. [↑](#footnote-ref-1780)
1781. Art. 26 l. [↑](#footnote-ref-1781)
1782. Art. 26 k. [↑](#footnote-ref-1782)
1783. Art. 26 k. [↑](#footnote-ref-1783)
1784. Art. 26 m. [↑](#footnote-ref-1784)
1785. Art. 26 k. [↑](#footnote-ref-1785)
1786. Art. 45. [↑](#footnote-ref-1786)
1787. Art. 46. [↑](#footnote-ref-1787)
1788. Art. 49 a. [↑](#footnote-ref-1788)
1789. Art. 45. [↑](#footnote-ref-1789)
1790. Art. 46. [↑](#footnote-ref-1790)
1791. Art. 48. [↑](#footnote-ref-1791)
1792. Art. 49. [↑](#footnote-ref-1792)
1793. Art. 45. [↑](#footnote-ref-1793)
1794. Art. 46. [↑](#footnote-ref-1794)
1795. Art. 49. [↑](#footnote-ref-1795)
1796. Art. 49a. [↑](#footnote-ref-1796)
1797. Art. 42 a. [↑](#footnote-ref-1797)
1798. Art. 42 a (providing that an agreement concluded regarding such exploitation of works with an organisation representing a substantial number of Swedish authors in the field concerned, confers on the user the right to exploit works of the kind referred to in the agreement despite the fact that authors of those works are not represented by the organisation). [↑](#footnote-ref-1798)
1799. Art. 42 a. [↑](#footnote-ref-1799)
1800. Art. 49. [↑](#footnote-ref-1800)
1801. Art. 49a. [↑](#footnote-ref-1801)
1802. Art. 45. [↑](#footnote-ref-1802)
1803. Art. 46. [↑](#footnote-ref-1803)
1804. Art. 48. [↑](#footnote-ref-1804)
1805. Art. 49. [↑](#footnote-ref-1805)
1806. Art. 49. [↑](#footnote-ref-1806)
1807. Art. 11 para. 2. [↑](#footnote-ref-1807)
1808. Art. 45. [↑](#footnote-ref-1808)
1809. Art. 46. [↑](#footnote-ref-1809)
1810. Art. 49. [↑](#footnote-ref-1810)
1811. Art. 49a. [↑](#footnote-ref-1811)
1812. Art. 42 a. [↑](#footnote-ref-1812)
1813. Art. 42 a (providing that an agreement concluded regarding such exploitation of works with an organisation representing a substantial number of Swedish authors in the field concerned, confers on the user the right to exploit works of the kind referred to in the agreement despite the fact that authors of those works are not represented by the organisation). [↑](#footnote-ref-1813)
1814. Art. 42 a. [↑](#footnote-ref-1814)
1815. Art. 19.3bis (excluding from the “private use” exception, copies of works that are created “on demand” when accessing lawfully available works). [↑](#footnote-ref-1815)
1816. Art. 38 (applying exceptions and limitations to copyright protection mutatis mutandis to related rights). [↑](#footnote-ref-1816)
1817. Art. 19.2 (including libraries, other public institutions and businesses that make copying apparatus available to their users as third parties). [↑](#footnote-ref-1817)
1818. Art. 19.4. [↑](#footnote-ref-1818)
1819. Art. 20.1. [↑](#footnote-ref-1819)
1820. Art. 20.2. [↑](#footnote-ref-1820)
1821. Art. 20.3. [↑](#footnote-ref-1821)
1822. Art. 20.4. [↑](#footnote-ref-1822)
1823. Art. 20.2, 20.3. [↑](#footnote-ref-1823)
1824. Art. 38 (applying Art. 20 mutatis mutandis to the rights of performers, phonogram and audiovisual fixation producers and broadcasting organisations). [↑](#footnote-ref-1824)
1825. Art. 38 (applying exceptions and limitations to copyright protection mutatis mutandis to related rights). [↑](#footnote-ref-1825)
1826. Art. 19.3bis (excluding from the “private use” exception, copies of works that are created “on demand” when accessing lawfully available works). [↑](#footnote-ref-1826)
1827. Art. 38 (applying exceptions and limitations to copyright protection mutatis mutandis to related rights). [↑](#footnote-ref-1827)
1828. Art. 19.2 (including libraries, other public institutions and businesses that make copying apparatus available to their users as third parties). [↑](#footnote-ref-1828)
1829. Art. 19.4. [↑](#footnote-ref-1829)
1830. Art. 20.2. [↑](#footnote-ref-1830)
1831. Art. 20.2. [↑](#footnote-ref-1831)
1832. Art. 20.3. [↑](#footnote-ref-1832)
1833. Art. 20.4. [↑](#footnote-ref-1833)
1834. Art. 20.2, 20.3. [↑](#footnote-ref-1834)
1835. Art. 38 (applying Art. 20 mutatis mutandis to the rights of performers, phonogram and audiovisual fixation producers and broadcasting organisations). [↑](#footnote-ref-1835)
1836. Art. 19.3bis (excluding from the “private use” exception, copies of works that are created “on demand” when accessing lawfully available works). [↑](#footnote-ref-1836)
1837. Art. 38 (applying exceptions and limitations to copyright protection mutatis mutandis to related rights). [↑](#footnote-ref-1837)
1838. Art. 19.2 (including libraries, other public institutions and businesses that make copying apparatus available to their users as third parties). [↑](#footnote-ref-1838)
1839. Art. 39(3) (noting that author has right of compensation for reproduction for private use). [↑](#footnote-ref-1839)
1840. Art. 131 (providing for the collective management of rights of authors and owners of related rights). [↑](#footnote-ref-1840)
1841. Arts. 46-48 (prescribing the entities obliged to make payment and amount of the compensation). [↑](#footnote-ref-1841)
1842. Art. 105(3). [↑](#footnote-ref-1842)
1843. Art. 111(5). [↑](#footnote-ref-1843)
1844. Art. 114. [↑](#footnote-ref-1844)
1845. Art. 116. The distribution ratios between authors and owners of related rights are set out in Art. 145. [↑](#footnote-ref-1845)
1846. Art. 51(1). [↑](#footnote-ref-1846)
1847. Art. 51(1). [↑](#footnote-ref-1847)
1848. Art. 51(2). [↑](#footnote-ref-1848)
1849. Art. 54 (providing for fair compensation for reprographic reproduction or analogous techniques). Cf. Art. 52(1).2 provides for reproduction by educational establishments “without remuneration”. Interpreting these provisions consistently with the requirement that the limitations and exceptions “do not conflict with the normal exploitation of the work, and does not unreasonably prejudice the legitimate interests of the author”, reproduction by reprographic reproduction must be interpreted as the exception to the rule against reproduction by educational establishments “without remuneration”. [↑](#footnote-ref-1849)
1850. Art. 51(1). [↑](#footnote-ref-1850)
1851. Art. 51(2). [↑](#footnote-ref-1851)
1852. Art. 51(1). [↑](#footnote-ref-1852)
1853. Art. 109(e) (applying exceptions relating to copyright works to related rights). [↑](#footnote-ref-1853)
1854. Art. 109(e) (applying exceptions relating to copyright works to related rights). [↑](#footnote-ref-1854)
1855. Art. 110. [↑](#footnote-ref-1855)
1856. Art. 109(e) (applying exceptions relating to copyright works to related rights). [↑](#footnote-ref-1856)
1857. S 18(1)(f). [↑](#footnote-ref-1857)
1858. S 26(d) (applying cases where a work can be used without authorization of the author or other owner of copyright to related rights). [↑](#footnote-ref-1858)
1859. S 14 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-1859)
1860. S 26(d) (applying cases where a work can be used without authorization of the author or other owner of copyright to related rights). [↑](#footnote-ref-1860)
1861. S 26(d) (applying cases where a work can be used without authorization of the author or other owner of copyright to related rights), though noting s 26(c) applies to reproduction solely for the purpose of face-to-face teaching activities, but s 11(1)(a) is broader as it applies to all “teaching purposes”. [↑](#footnote-ref-1861)
1862. S 26(d) (applying cases where a work can be used without authorization of the author or other owner of copyright to related rights), though noting s 26(c) applies to reproduction solely for the purpose of face-to-face teaching activities, but s 11(1)(a) is broader as it applies to all “teaching purposes”. [↑](#footnote-ref-1862)
1863. S 25(1)(a) (applying cases where a work can be used without authorization of the author or other owner of copyright to related rights). [↑](#footnote-ref-1863)
1864. S 14 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-1864)
1865. Ss 9, 25(2). [↑](#footnote-ref-1865)
1866. S 25(1)(d) (applying cases where a work can be used without authorization of the author or other owner of copyright to related rights). [↑](#footnote-ref-1866)
1867. S 25(1)(d) (applying cases where a work can be used without authorization of the author or other owner of copyright to related rights), though noting s 25(1)(c) applies to reproduction solely for the purpose of face-to-face teaching activities, but s 11(1)(a) is broader as it applies to all “teaching purposes”. [↑](#footnote-ref-1867)
1868. S 25(1)(d) (applying cases where a work can be used without authorization of the author or other owner of copyright to related rights), though noting s 25(1)(c) applies to reproduction solely for the purpose of face-to-face teaching activities, but s 11(1)(a) is broader as it applies to all “teaching purposes”. [↑](#footnote-ref-1868)
1869. Art. 80.2 para. 7 item 4 (applying exceptions in Arts. 30, 32, 34, 35, 43, 46 and 47 to neighboring rights). [↑](#footnote-ref-1869)
1870. Art. 80.2 para. 7 item 4. [↑](#footnote-ref-1870)
1871. Art. 80.2 para. 7 item 4 (applying exceptions in Arts. 30, 32, 34, 35, 43, 46 and 47 to neighboring rights). [↑](#footnote-ref-1871)
1872. Art. 80.2 para. 7 item 4. [↑](#footnote-ref-1872)
1873. Art. 80.2 para. 7 item 4 (applying exceptions in Arts. 30, 32, 34, 35, 43, 46 and 47 to neighboring rights). [↑](#footnote-ref-1873)
1874. Art. 80.2 para. 7 item 4. [↑](#footnote-ref-1874)
1875. Art. 80.2 para. 7 item 4 (applying exceptions in Arts. 30, 32, 34, 35, 43, 46 and 47 to neighboring rights). [↑](#footnote-ref-1875)
1876. Art. 80.2 para. 7 item 4. [↑](#footnote-ref-1876)
1877. Art. 80.2 para. 7 item 4 (applying exceptions in Arts. 30, 32, 34, 35, 43, 46 and 47 to neighboring rights). [↑](#footnote-ref-1877)
1878. Art. 2.1 para. 3. [↑](#footnote-ref-1878)
1879. Art. 4.1 para 1. [↑](#footnote-ref-1879)
1880. Art. 4.1 para 5. [↑](#footnote-ref-1880)
1881. Art. 34, Art. 80.2 para. 7 item 4. [↑](#footnote-ref-1881)
1882. Art. 80.2 para. 7 item 4 (applying exceptions in Arts. 30, 32, 34, 35, 43, 46 and 47 to neighboring rights). [↑](#footnote-ref-1882)
1883. Art. 2.1 para. 3. [↑](#footnote-ref-1883)
1884. Art. 4.1 para 1. [↑](#footnote-ref-1884)
1885. Art. 4.1 para 5. [↑](#footnote-ref-1885)
1886. Art. 34, Art. 80.2 para. 7 item 4. [↑](#footnote-ref-1886)
1887. s 15, Western Pacific (Courts) Order in Council, 1961 states that “statutes of general application in force in England on the 1st day of January, 1961 … shall be in force [but] so far only as the circumstances of any particular territory and its inhabitants and the limits of Her Majesty’s jurisdiction permit and subject to such qualifications as local circumstances render necessary”. This rendered applicable in Tuvalu the U.K. Copyright Act 1956. Section 2(2) of Schedule 5 of the Constitution of Tuvalu provides that existing laws and Acts of the Parliament of the U.K. or Order of Her Majesty in Council, having effect as part of the law of Tuvalu immediately before independence day, shall continue in force and be construed with such conforming modifications. With the enactment of the Tuvalu Copyright Ordinance (Chapter 60, Revised Edition 1978), which came into force on 13 June 1917, the U.K. Copyright Act 1956, which continues to apply in Kiribati, will be construed with the Tuvalu Copyright Ordinance. [↑](#footnote-ref-1887)
1888. S 5, Copyright Ordinance (Cap 16) (stating that s 22, U.K. Copyright Act 1956 does not apply as the law of Kiribati). [↑](#footnote-ref-1888)
1889. S 6(8). [↑](#footnote-ref-1889)
1890. S 6(8). [↑](#footnote-ref-1890)
1891. Ss 6(10), 48(1) (defining “sufficient acknowledgment”). [↑](#footnote-ref-1891)
1892. S 41(7) (defining “duplicating process” as any process involving the use of an appliance for producing multiple copies). [↑](#footnote-ref-1892)
1893. S 41(7) (defining “school” as an entity with the same meaning at that in the Education Act 1944, the Education (Scotland) Act, 1946 and the Education Act (Northern Ireland), 1947 in relation to England and Wales, Scotland and Northern Ireland, but presumably meaning that which is so defined in the laws of Guyana). [↑](#footnote-ref-1893)
1894. S 41(2). [↑](#footnote-ref-1894)
1895. S 41(2). [↑](#footnote-ref-1895)
1896. S 6(8). [↑](#footnote-ref-1896)
1897. S 6(6) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion). [↑](#footnote-ref-1897)
1898. S 6(6). [↑](#footnote-ref-1898)
1899. Ss 6(10), 48(1) (defining “sufficient acknowledgment”). [↑](#footnote-ref-1899)
1900. S 41(7) (defining “school” as an entity with the same meaning at that in the Education Act 1944, the Education (Scotland) Act, 1946 and the Education Act (Northern Ireland), 1947 in relation to England and Wales, Scotland and Northern Ireland, but presumably meaning that which is so defined in the laws of Guyana). [↑](#footnote-ref-1900)
1901. S 41(4) (defining “directly connected” as excluding a person who is connected by reason only that he is a parent or guardian of a pupil in attendance at the school). [↑](#footnote-ref-1901)
1902. S 34(a) (limiting various enumerated neighbouring rights, as regards the “private use” of the neighbouring rights subject-matter). [↑](#footnote-ref-1902)
1903. S 15(2) (also providing, in s 15(3), that the fact that a piece of work is not published shall not of itself prejudice the requirement of fair use). [↑](#footnote-ref-1903)
1904. S 15(2) (also providing, in s 15(3), that the fact that a piece of work is not published shall not of itself prejudice the requirement of fair use). [↑](#footnote-ref-1904)
1905. S 15(2) (also providing, in s 15(3), that the fact that a piece of work is not published shall not of itself prejudice the requirement of fair use). [↑](#footnote-ref-1905)
1906. S 15(2) (also providing, in s 15(3), that the fact that a piece of work is not published shall not of itself prejudice the requirement of fair use). [↑](#footnote-ref-1906)
1907. S 15(2) (also providing, in s 15(3), that the fact that a piece of work is not published shall not of itself prejudice the requirement of fair use). [↑](#footnote-ref-1907)
1908. S 15(2) (also providing, in s 15(3), that the fact that a piece of work is not published shall not of itself prejudice the requirement of fair use). [↑](#footnote-ref-1908)
1909. S 18(1)(a). [↑](#footnote-ref-1909)
1910. S 18(1)(d). [↑](#footnote-ref-1910)
1911. S 18(1)(e). [↑](#footnote-ref-1911)
1912. S 18(1)(b). [↑](#footnote-ref-1912)
1913. S 17(2). [↑](#footnote-ref-1913)
1914. S 18(2)(a). [↑](#footnote-ref-1914)
1915. S 18(2)(c)-(e). [↑](#footnote-ref-1915)
1916. S 18(3)(a). [↑](#footnote-ref-1916)
1917. S 17(3). [↑](#footnote-ref-1917)
1918. S 17(6). [↑](#footnote-ref-1918)
1919. S 17(6)(a). [↑](#footnote-ref-1919)
1920. S 17(6)(b). [↑](#footnote-ref-1920)
1921. S 17(6)(c). [↑](#footnote-ref-1921)
1922. S 18(3)(b). [↑](#footnote-ref-1922)
1923. S 17(5). [↑](#footnote-ref-1923)
1924. S 18(1)(e). [↑](#footnote-ref-1924)
1925. S 18(1)(b). [↑](#footnote-ref-1925)
1926. S 18(1)(d). [↑](#footnote-ref-1926)
1927. S 17(1)(b). [↑](#footnote-ref-1927)
1928. S 17(6)(b). [↑](#footnote-ref-1928)
1929. S 17(1). [↑](#footnote-ref-1929)
1930. S 18(1)(b). [↑](#footnote-ref-1930)
1931. S 17(4). [↑](#footnote-ref-1931)
1932. S 18(2)(b). [↑](#footnote-ref-1932)
1933. S 18(2)(c)-(e). [↑](#footnote-ref-1933)
1934. S 18(3)(a). [↑](#footnote-ref-1934)
1935. S 17(6). [↑](#footnote-ref-1935)
1936. S 17(6)(a). [↑](#footnote-ref-1936)
1937. S 17(6)(b). [↑](#footnote-ref-1937)
1938. S 17(6)(c). [↑](#footnote-ref-1938)
1939. S 18(3)(c). [↑](#footnote-ref-1939)
1940. S 17(5). [↑](#footnote-ref-1940)
1941. S 17(6)(b). [↑](#footnote-ref-1941)
1942. S 19(1). [↑](#footnote-ref-1942)
1943. S 19(1)(c). [↑](#footnote-ref-1943)
1944. S 19(1). [↑](#footnote-ref-1944)
1945. S 19(1). [↑](#footnote-ref-1945)
1946. S 19(1)(a), (b). [↑](#footnote-ref-1946)
1947. S 19(3). [↑](#footnote-ref-1947)
1948. S 19(2). [↑](#footnote-ref-1948)
1949. Art. 24 (applying restrictions on the economic rights of the author to neighbouring rights). [↑](#footnote-ref-1949)
1950. Art. 22.7 (excepting use of works of architecture located in public places). [↑](#footnote-ref-1950)
1951. Art. 22.2 (excepting use of the computer program and for backup/archival purposes). [↑](#footnote-ref-1951)
1952. Art. 24 (applying restrictions on the economic rights of the author to neighbouring rights). [↑](#footnote-ref-1952)
1953. Art. 24 (applying restrictions on the economic rights of the author to neighbouring rights). [↑](#footnote-ref-1953)
1954. Art. 24 (applying restrictions on the economic rights of the author to neighbouring rights). [↑](#footnote-ref-1954)
1955. Art. 24 (applying restrictions on the economic rights of the author to neighbouring rights). [↑](#footnote-ref-1955)
1956. S 29(3)(b). [↑](#footnote-ref-1956)
1957. S 178 (defining “sufficient acknowledgment”). [↑](#footnote-ref-1957)
1958. S 29(3)(b). [↑](#footnote-ref-1958)
1959. S 29(3)(b). [↑](#footnote-ref-1959)
1960. Sch. 2, para. 2(1). [↑](#footnote-ref-1960)
1961. S 30(1A) (defining “made available to the public”). [↑](#footnote-ref-1961)
1962. S 178 (defining “sufficient acknowledgment”). [↑](#footnote-ref-1962)
1963. S 32(5). [↑](#footnote-ref-1963)
1964. S 178 (defining “sufficient acknowledgment”). [↑](#footnote-ref-1964)
1965. S 30(1A) (defining “made available to the public”). [↑](#footnote-ref-1965)
1966. S 32(5). [↑](#footnote-ref-1966)
1967. S 178 (defining “sufficient acknowledgment”). [↑](#footnote-ref-1967)
1968. S 32(5). [↑](#footnote-ref-1968)
1969. S 178 (defining “sufficient acknowledgment”). [↑](#footnote-ref-1969)
1970. S 174(1) (defining an “educational establishment” as any school and any other description as prescribed by the Secretary of State). [↑](#footnote-ref-1970)
1971. S 36(3). [↑](#footnote-ref-1971)
1972. S 36(5). [↑](#footnote-ref-1972)
1973. S 36(4) (providing that such licences 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 under this section”). The Copyright Tribunal is required to have regard to additional considerations where a reference is made to it relating to the licensing of reprographic copying of published literary, dramatic, musical or artistic works, or the typographical arrangement of published editions. S 130. A statutorily implied indemnity is provided for such licences and licensing schemes for reprographic copying. S 136. Where such a scheme relates to an educational establishment, there are also additional powers given to the Secretary of State to extend, vary, or discharge such a licensing scheme, and to substitute for it a statutory licence. Ss 137-141. [↑](#footnote-ref-1973)
1974. S 178 (defining “sufficient acknowledgment”). [↑](#footnote-ref-1974)
1975. S 33(4). [↑](#footnote-ref-1975)
1976. S 33(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion). [↑](#footnote-ref-1976)
1977. S 33(2). [↑](#footnote-ref-1977)
1978. S 2(1) (defining “sufficient acknowledgement”). [↑](#footnote-ref-1978)
1979. S 34(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”). [↑](#footnote-ref-1979)
1980. S 34(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”); Sch. 2, para. 5(3) (applying s 34 to para. 5). [↑](#footnote-ref-1980)
1981. S 32(5). [↑](#footnote-ref-1981)
1982. S 178 (defining “sufficient acknowledgment”). [↑](#footnote-ref-1982)
1983. S 35(3), Sch. 2, para. 6(2). [↑](#footnote-ref-1983)
1984. S 131 (providing that in references to the Copyright Tribunal relating to licences for the recording by or on behalf of educational establishments of broadcasts which include copyright works, or the making of copies of such recordings, for educational purposes, the Tribunal is required to have regard for additional considerations). [↑](#footnote-ref-1984)
1985. S 35(3), Sch. 2, para. 6(2). [↑](#footnote-ref-1985)
1986. Sch. 2, para. 4(3). [↑](#footnote-ref-1986)
1987. Sch. 2, para. 4(3). [↑](#footnote-ref-1987)
1988. Sch. 2, para. 4(3). [↑](#footnote-ref-1988)
1989. S 296ZF (defining “technological measures” as any technology, deviceor component which is designed, in the normal course of its operation, to protect acopyright work other than a computer program(. [↑](#footnote-ref-1989)
1990. S 296ZE(3)(a). [↑](#footnote-ref-1990)
1991. S 296ZE(3)(b). [↑](#footnote-ref-1991)
1992. S 296ZE(11)(a). [↑](#footnote-ref-1992)
1993. S 296ZE(11)(b). [↑](#footnote-ref-1993)
1994. S 296ZE(11)(c). [↑](#footnote-ref-1994)
1995. S 296ZE(9), taken from EU Copyright Directive 2001/29, Art. 6(4). [↑](#footnote-ref-1995)
1996. S 296ZE(10). [↑](#footnote-ref-1996)
1997. S 35(e) (applying cases in Part II where a work can be used without the authorization of the author or owner of copyright to related rights). [↑](#footnote-ref-1997)
1998. S 12(2)(b) uses the expression “including quotations for [sic] newspaper articles”, but the context suggests that it should refer to quotations *from* newspaper articles, since the content of what “another work” constitutes is never particularized in the provision. [↑](#footnote-ref-1998)
1999. S 35(e) (applying cases in Part II where a work can be used without the authorization of the author or owner of copyright to related rights). [↑](#footnote-ref-1999)
2000. S 35(e) (applying cases in Part II where a work can be used without the authorization of the author or owner of copyright to related rights). [↑](#footnote-ref-2000)
2001. S 35(e) (applying cases in Part II where a work can be used without the authorization of the author or owner of copyright to related rights). [↑](#footnote-ref-2001)
2002. S 35(e) (applying cases in Part II where a work can be used without the authorization of the author or owner of copyright to related rights). [↑](#footnote-ref-2002)
2003. S 35(e) (applying cases in Part II where a work can be used without the authorization of the author or owner of copyright to related rights). [↑](#footnote-ref-2003)
2004. Sony Corp. of America v. Universal City Studios, Inc., 104 S.Ct. 774, 784, 464 U.S. 417, 444 (“Any individual may reproduce a copyrighted work for a “fair use;” the copyright owner does not possess the exclusive right to such a use.”). [↑](#footnote-ref-2004)
2005. *See, e.g.,* New Era Publications Intern., ApS v. Carol Publication. Group, 904 F.2d 152, 156 (2nd. Cir, 1990) (holding that use of quotations from copyrighted works of biography to convey the author’s criticism had the purpose and character necessary for a finding of fair use); Rubin v. Brooks/Cole Publication. Co., 836 F.Supp. 909 (D. Mass., 1993) (holding that use and incorporation of psychological instrument known as “love scale” in college social psychology textbook, which reprinted the “love scale” without the copyright holder’s permission, was “fair use” as it presented copyrighted work in productive and scholarly manner within an educational setting for the purposes of teaching and higher learning and did not supersede the original author’s work). [↑](#footnote-ref-2005)
2006. *See,* Cambridge University Press v. Patton, 769 F.3d 1232, 1274 (11th Cir. 2014) (also accepting the argument that a non-transformative making of multiple copies of works for classroom use may be fair use, but reversing and remanding a lower court decision, which had held that the posting of unlicensed portions of copyrighted books electronically and making them available electronically to students amounted to fair use). [↑](#footnote-ref-2006)
2007. The use of books and periodicals by way of classroom copying is spelt out in the U.S. Congressional Committee-approved Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with respect to books and periodicals, Conf. Rep. No. 1733, 94th Cong., 2d Sess. 70. *See* U.S. Copyright Office, Circular 21: Reproduction of Copyrighted Works by Educators and Librarians (2014), available at <http://www.copyright.gov/circs/circ21.pdf>. Though not controlling on the court, the guidelines are instructive as they spell out the minimum, not maximum, amount of allowable educational fair use under s 107, as to the qualifications, frequency and limits, and were not intended to limit fair use in any way. [↑](#footnote-ref-2007)
2008. *Id*., Part III. [↑](#footnote-ref-2008)
2009. *Id*. Note that because the guidelines only spell out the minimum amount of allowable educational fair use under s 107, even if the guidelines are not complied with, such use, for instance, multiple copying, may still be a fair use. *See,* Cambridge University Press v. Patton, 769 F.3d 1232, 1274 (11th Cir. 2014) (accepting the argument that a non-transformative making of multiple copies of works for classroom use may be fair use). [↑](#footnote-ref-2009)
2010. *Id*., Part III. [↑](#footnote-ref-2010)
2011. Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with respect to books and periodicals, *id*. [↑](#footnote-ref-2011)
2012. Guidelines for Educational Uses of Music was approved by the U.S. Congressional Committee. Both are reproduced in the U.S. Copyright Office, Circular 21: Reproduction of Copyrighted Works by Educators and Librarians (2014), available at <http://www.copyright.gov/circs/circ21.pdf>. Though not controlling on the court, the guidelines are instructive as they spell out the minimum, not maximum, amount of allowable educational fair use under s 107, as to the qualifications, frequency and limits, and were not intended to limit fair use in any way. [↑](#footnote-ref-2012)
2013. *Id*., Part A (Permissible Uses). [↑](#footnote-ref-2013)
2014. *Id*., Part B (Prohibitions). [↑](#footnote-ref-2014)
2015. The general rule is that the assembly and printing of coursepacks is not fair use and requires copyright clearance. *See*, *e.g.*, Marcus v. Rowley, 695 F.2d 1171 (9th Cir. 1983) (holding that the use of copyrighted booklet in “learning activity package” which included some of material in copyrighted booklet was not protected fair use); Basic Books Inc. v. Kinko’s Graphics Corp., 758 F. Supp. 1522 (S.D. N.Y. 1991) (holding that copy shop infringed a publisher’s copyright when it reprinted portions of a book in an academic coursepack); Princeton Univ. v. Michigan Document Servs., 99 F.3d 1381 (6th Cir. 1996) (holding that copy shop copying of course materials for students and professors did not qualify as fair use, based on the amount and substantiality of the portions taken and the loss of licensing revenues for academic publishers, while the copy shop was making money on the coursepacks). [↑](#footnote-ref-2015)
2016. Stanford University Libraries, Academic Corusepacks, at <http://fairuse.stanford.edu/overview/academic-and-educational-permissions/academic-coursepacks/>. [↑](#footnote-ref-2016)
2017. S 110 (defining “mediated instructional activities” with respect to the performance or display of a work by digital transmission under this section to refer to activities that use such work as an integral part of the class experience, controlled by or under the actual supervision of the instructor and analogous to the type of performance or display that would take place in a live classroom setting. The term does not refer to activities that use, in 1 or more class sessions of a single course, such works as textbooks, course packs, or other material in any media, copies or phonorecords of which are typically purchased or acquired by the students in higher education for their independent use and retention or are typically purchased or acquired for elementary and secondary students for their possession and independent use.). [↑](#footnote-ref-2017)
2018. S 110(2)(C). [↑](#footnote-ref-2018)
2019. S 110(2)(D)(i) [↑](#footnote-ref-2019)
2020. S 110(2)(D)(ii)(I). [↑](#footnote-ref-2020)
2021. S 110(2)(D)(ii)(II)). [↑](#footnote-ref-2021)
2022. S 110(4). [↑](#footnote-ref-2022)
2023. S 110(4)(A). [↑](#footnote-ref-2023)
2024. S 110(4)(B). [↑](#footnote-ref-2024)
2025. S 110(4)(B) proviso. [↑](#footnote-ref-2025)
2026. *See,* Cambridge University Press v. Patton, 769 F.3d 1232, 1274 (11th Cir. 2014) (also accepting the argument that a non-transformative making of multiple copies of works for classroom use may be fair use, but reversing and remanding a lower court decision, which had held that the posting of unlicensed portions of copyrighted books electronically and making them available electronically to students amounted to fair use). [↑](#footnote-ref-2026)
2027. Guidelines for Educational Uses of Music was approved by the U.S. Congressional Committee. Both are reproduced in the U.S. Copyright Office, Circular 21: Reproduction of Copyrighted Works by Educators and Librarians (2014), available at <http://www.copyright.gov/circs/circ21.pdf>. Though not controlling on the court, the guidelines are instructive as they spell out the minimum, not maximum, amount of allowable educational fair use under s 107, as to the qualifications, frequency and limits, and were not intended to limit fair use in any way. [↑](#footnote-ref-2027)
2028. *Id*., Part A (Permissible Uses). [↑](#footnote-ref-2028)
2029. *Id*., Part B (Prohibitions). [↑](#footnote-ref-2029)
2030. S 112(f)(1) (extending s 110(2) to encompass the making of copies or phonorecords of a digital or analog work (solely to the extent permitted in s 112(f)(2)) where such copies or phonorecords are used solely for s 110(2) transmission). S 112(f)(2) permits the conversion into digital form of an analogue version (if no digital version is available to the institution) or a digital version subject to technological protection measures that prevent its s 110(2) use. [↑](#footnote-ref-2030)
2031. S 110 (defining “mediated instructional activities” with respect to the performance or display of a work by digital transmission under this section to refer to activities that use such work as an integral part of the class experience, controlled by or under the actual supervision of the instructor and analogous to the type of performance or display that would take place in a live classroom setting. The term does not refer to activities that use, in 1 or more class sessions of a single course, such works as textbooks, course packs, or other material in any media, copies or phonorecords of which are typically purchased or acquired by the students in higher education for their independent use and retention or are typically purchased or acquired for elementary and secondary students for their possession and independent use.). [↑](#footnote-ref-2031)
2032. S 110(2)(C). [↑](#footnote-ref-2032)
2033. S 110(2)(D)(i) [↑](#footnote-ref-2033)
2034. S 110(2)(D)(ii)(I). [↑](#footnote-ref-2034)
2035. S 110(2)(D)(ii)(II). The effect of this requirement, read with the requirement above about reasonable and limited portions of other works, is that even if the source work is an analogue audiovisual work to which no technological measures are applied, while it can be digitized (by the entity) for digital transmissions, only “reasonable and limited portions” of it can be transmitted. *See, e.g.*, University of Texas, Copyright Crash Course, <https://copyright.lib.utexas.edu/teachact.html>. [↑](#footnote-ref-2035)
2036. Federal Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes, Oct. 14, 1981, Congressional Record, E4750-E4752, available at <http://policy.ucop.edu/doc/2100006/BroadcastRecording>. The guidelines reflect the consensus of the negotiating committee, consisting of representatives from educational organizations, copyright proprietors and creative guilds and unions, as to the application of fair use in s 107 to the recording, retention and use of television broadcast programs for educational purposes. [↑](#footnote-ref-2036)
2037. Para. 2 (defining “broadcast programs” as television programs transmitted by television stations for reception by the general public without charge). The guidelines do not cover public domain programs, such as daily network newscasts. Many producers of public education programs, especially those receiving State support, licence non-profit educational institutions to tape their programs without a fee, such as those programs funded by the California Public Broadcasting Commission (CPBC) contract or grant or the California Council for the Humanities (CPBC/CCH) joint fund. *See, e.g.*, the University of California Policy: Off-Air Recording of Broadcast Programming for Educational Purposes, Sep. 24, 1985, available at <http://policy.ucop.edu/doc/2100006/BroadcastRecording>. [↑](#footnote-ref-2037)
2038. Para. 1. [↑](#footnote-ref-2038)
2039. Para. 2. [↑](#footnote-ref-2039)
2040. Para. 4. [↑](#footnote-ref-2040)
2041. Para. 4. [↑](#footnote-ref-2041)
2042. Para. 5. [↑](#footnote-ref-2042)
2043. Para. 3. This includes homes of students receiving formalized home instruction. [↑](#footnote-ref-2043)
2044. Para. 6. [↑](#footnote-ref-2044)
2045. Para. 7. [↑](#footnote-ref-2045)
2046. Para. 9. Schools are required to document their compliance, including the making and keeping of records of teacher requests, dates of taping, times shown and number of copies made. The guidelines do not require formal enforcement. [↑](#footnote-ref-2046)
2047. Since these are subscription only and not “broadcast programs … for reception by the general public without charge”. [↑](#footnote-ref-2047)
2048. Para. 6. [↑](#footnote-ref-2048)
2049. Para. 9. [↑](#footnote-ref-2049)
2050. S 1201(d)(2). [↑](#footnote-ref-2050)
2051. S 1201(d)(1)(A). [↑](#footnote-ref-2051)
2052. S 1201(d)(1)(B). [↑](#footnote-ref-2052)
2053. S 1201(d)(3). [↑](#footnote-ref-2053)
2054. S 1201(d)(4). [↑](#footnote-ref-2054)
2055. S 1201(g)(3)(B). [↑](#footnote-ref-2055)
2056. S 1201(g)(1)(A) (defining “encryption research” as activities necessary to identify and analyze flaws and vulnerabilities of encryption technologies applied to copyrighted works, if these activities are conducted to advance the state of knowledge in the field of encryption technology or to assist in the development of encryption products). [↑](#footnote-ref-2056)
2057. S 1201(g)(1)(B) (defining “encryption technology” as the scrambling and descrambling of information using mathematical formulas or algorithms). [↑](#footnote-ref-2057)
2058. S 1201(g)(2)(A). [↑](#footnote-ref-2058)
2059. S 1201(g)(2)(B). [↑](#footnote-ref-2059)
2060. S 1201(g)(2)(C). [↑](#footnote-ref-2060)
2061. S 1201(g)(2)(D). [↑](#footnote-ref-2061)
2062. Art. 53.2 describes the use for personal purposes as “without payment of remuneration” but Art. 33 describes this use of related rights as with “remuneration”. [↑](#footnote-ref-2062)
2063. Art. 53.2. [↑](#footnote-ref-2063)
2064. Art. 53.2. [↑](#footnote-ref-2064)
2065. Art. 33 para. 2 (providing that rates of collecting levy as remuneration and terms and procedure for its collection are established by the cabinet of ministers of Uzbekistan). Art. 33 para. 4 provides that the proportion of remuneration distributed is authors (40%), executors (30%), producers of phonorecords/manufacturers of audiovisual works (30%). [↑](#footnote-ref-2065)
2066. Art. 33 para. 1. [↑](#footnote-ref-2066)
2067. Art. 33 para. 1. [↑](#footnote-ref-2067)
2068. Art. 33 para. 3. [↑](#footnote-ref-2068)
2069. Art. 33 para. 4. [↑](#footnote-ref-2069)
2070. Art. 33. [↑](#footnote-ref-2070)
2071. Art. 146. [↑](#footnote-ref-2071)
2072. Art. 39(2), (3). [↑](#footnote-ref-2072)
2073. Art. 39(4). [↑](#footnote-ref-2073)
2074. Art. 39(5). [↑](#footnote-ref-2074)
2075. Art. 39(9). [↑](#footnote-ref-2075)
2076. Art. 91.1 (applying limitations on rights of exploitation in relation to copyright to neighbouring rights). [↑](#footnote-ref-2076)
2077. Art. 91.1 (applying limitations on rights of exploitation in relation to copyright to neighbouring rights). [↑](#footnote-ref-2077)
2078. Art. 44(5) (excepting for backup/archival purposes). [↑](#footnote-ref-2078)
2079. Art. 91.1 (applying limitations on rights of exploitation in relation to copyright to neighbouring rights). [↑](#footnote-ref-2079)
2080. Art. 91.1 (applying limitations on rights of exploitation in relation to copyright to neighbouring rights). [↑](#footnote-ref-2080)
2081. Art. 91.1 (applying limitations on rights of exploitation in relation to copyright to neighbouring rights). [↑](#footnote-ref-2081)
2082. Art. 91.1 (applying limitations on rights of exploitation in relation to copyright to neighbouring rights). [↑](#footnote-ref-2082)
2083. Art. 91.1 (applying limitations on rights of exploitation in relation to copyright to neighbouring rights). [↑](#footnote-ref-2083)
2084. Art. 91.1 (applying limitations on rights of exploitation in relation to copyright to neighbouring rights). [↑](#footnote-ref-2084)
2085. Art. 25.2. [↑](#footnote-ref-2085)
2086. Art. 25.2. [↑](#footnote-ref-2086)
2087. Art. 25.2. [↑](#footnote-ref-2087)
2088. Art. 25.2. [↑](#footnote-ref-2088)
2089. Art. 25.2. [↑](#footnote-ref-2089)
2090. Art. 25.2. [↑](#footnote-ref-2090)
2091. Art. 25.2. [↑](#footnote-ref-2091)
2092. Art. 25.2. [↑](#footnote-ref-2092)
2093. Art. 32.2. [↑](#footnote-ref-2093)
2094. Art. 32.2. [↑](#footnote-ref-2094)
2095. Art. 15.2 prescribes the following particular references to the work and to the author: work title, name of author, place and date of issue, chapter, paragraph or page number. [↑](#footnote-ref-2095)
2096. Art. 15.2 prescribes the following particular references to the work and to the author: work title, name of author, place and date of issue, chapter, paragraph or page number. [↑](#footnote-ref-2096)
2097. S 50(1)(a). [↑](#footnote-ref-2097)
2098. Ss 21(2)(i), 50(2). [↑](#footnote-ref-2098)
2099. S 50(1)(b). [↑](#footnote-ref-2099)
2100. Ss 21(2)(i), 50(2). [↑](#footnote-ref-2100)
2101. S 21(4) (defining “sufficient acknowledgement”). [↑](#footnote-ref-2101)
2102. S 50(3). [↑](#footnote-ref-2102)
2103. S 21(2)(ii). [↑](#footnote-ref-2103)
2104. S 21(2)(ii). [↑](#footnote-ref-2104)
2105. S 55(2)(a), (b). [↑](#footnote-ref-2105)
2106. S 55(2) proviso. [↑](#footnote-ref-2106)
2107. S 55(2) proviso. [↑](#footnote-ref-2107)
2108. S 55(2) proviso. [↑](#footnote-ref-2108)
2109. S 55(3)(a), (b). [↑](#footnote-ref-2109)
2110. S 55(2) proviso. [↑](#footnote-ref-2110)
2111. S 55(4) proviso. [↑](#footnote-ref-2111)
2112. S 55(4) proviso. [↑](#footnote-ref-2112)
2113. S 55(4)(i), (ii), (iii). [↑](#footnote-ref-2113)
2114. S 24(2). [↑](#footnote-ref-2114)
2115. S 73(1)(a) (applying s 42 to exceptions to rights of performers and holders of recording rights). [↑](#footnote-ref-2115)
2116. S 135(2)(c)(i), (ii) (providing for regulations which the Minister may provide for this purpose). [↑](#footnote-ref-2116)
2117. S 73(1)(a) (applying s 29 to exceptions to rights of performers and holders of recording rights). [↑](#footnote-ref-2117)
2118. S 2 (defining “sufficient acknowledgement”). [↑](#footnote-ref-2118)
2119. S 2 (defining “sufficient acknowledgement”). [↑](#footnote-ref-2119)
2120. S 73(1)(a) (applying s 25(2) to exceptions to rights of performers and holders of recording rights). [↑](#footnote-ref-2120)
2121. S 25(7) (applying qualification to all exceptions permitted by s 25). [↑](#footnote-ref-2121)
2122. S 25(7) (applying qualification to all exceptions permitted by s 25). [↑](#footnote-ref-2122)
2123. S 135(2)(c)(i), (ii) (providing for regulations which the Minister may provide for this purpose). [↑](#footnote-ref-2123)
2124. S 73(1)(a) (applying s 25(1) to exceptions to rights of performers and holders of recording rights). [↑](#footnote-ref-2124)
2125. S 25(7) (applying qualification to all exceptions permitted by s 25). [↑](#footnote-ref-2125)
2126. S 2 (defining “sufficient acknowledgement”). [↑](#footnote-ref-2126)
2127. S 25(7) (applying qualification to all exceptions permitted by s 25). [↑](#footnote-ref-2127)
2128. S 2 (defining “sufficient acknowledgement”). [↑](#footnote-ref-2128)
2129. S 73(1)(a) (applying s 25(4) to exceptions to rights of performers and holders of recording rights). [↑](#footnote-ref-2129)
2130. S 25(4) (excluding parents of pupils per se from “persons directly connected with the activities of the educational establishment”). [↑](#footnote-ref-2130)
2131. S 25(7) (applying qualification to all exceptions permitted by s 25). [↑](#footnote-ref-2131)
2132. S 25(5) (excluding parents of pupils per se from “persons directly connected with the activities of the educational establishment”). [↑](#footnote-ref-2132)
2133. S 25(7) (applying qualification to all exceptions permitted by s 25). [↑](#footnote-ref-2133)
2134. S 73(1)(a) (applying s 25(1) to exceptions to rights of performers and holders of recording rights). [↑](#footnote-ref-2134)
2135. S 25(7) (applying qualification to all exceptions permitted by s 25). [↑](#footnote-ref-2135)
2136. S 2 (defining “sufficient acknowledgement”). [↑](#footnote-ref-2136)
2137. S 73(1)(a) (applying s 25(2) to exceptions to rights of performers and holders of recording rights). [↑](#footnote-ref-2137)
2138. S 25(7) (applying qualification to all exceptions permitted by s 25). [↑](#footnote-ref-2138)
2139. To date, no such regulations have been made by the Minister under the Copyright and Neighbouring Rights Regulations, 2006. [↑](#footnote-ref-2139)
2140. S 135(2)(b) proviso. [↑](#footnote-ref-2140)
2141. To date, no such regulations have been made by the Minister under the Copyright and Neighbouring Rights Regulations, 2006. [↑](#footnote-ref-2141)
2142. S 135(2)(b) proviso. [↑](#footnote-ref-2142)
2143. To date, no such regulations have been made by the Minister under the Copyright and Neighbouring Rights Regulations, 2006. [↑](#footnote-ref-2143)
2144. S 135(2)(b) proviso. [↑](#footnote-ref-2144)