

2014 copyright changes: post-implementation reviews Call for Evidence

Guide to support library, archive, education and research respondents

The UK's copyright laws were updated in 2014. Many of the changes were beneficial to libraries, archives, education, and users of content. The Government is conducting a post-implementation review (PIR) of the 2014 copyright changes. As part of the review, the UK Intellectual Property Office (IPO) has put out a [call for evidence](#). This guide from the Libraries and Archives Copyright Alliance (LACA) explains the changes that were made in 2014 as they relate to libraries, archives, education, and research and provides helpful information to support you in supplying evidence to the IPO.

We encourage as many individuals, organisations, and associations as possible to provide evidence to the IPO.

The IPO is looking for **evidence of the impact of the changes** to copyright law in 2014. It's really important that our sectors provide all the evidence we can, because we want to demonstrate that beneficial changes have real impact. This will help ensure that positive reforms are obtained in the future.

LACA has provided the following materials on our website at uklaca.org/563:

- This guide, which contains:
 - A breakdown of the exceptions and licences that were introduced or updated in 2014, as these apply to our sectors. The IPO's call for evidence is split into three parts. We have split our guidance the same way.
 - Explanation of the exceptions, what changed in 2014, and examples of when you or your users may be using them.
 - Suggestions of what information you can provide to the IPO as evidence or a response in relation to each exception or licence.
- Response sheet (Word document) you can use to collect your evidence and responses and [submit to the IPO by 10 April 2019](#)

The more information provided to the IPO, the better. If you have detailed statistics you can provide, that is fantastic. But equally, please provide any information you can - indications, stories, examples, explanations. You don't have to reply about all, or even most, of the sections. What's important is to **describe and illustrate** the impacts the 2014 changes to copyright have had on our sectors and our users.

Do you...

If so, you're probably using the...

Check out what it is and how you can provide helpful evidence by going to...

make digitised in-copyright content available on your premises via a computer, a touch screen or other device?

dedicated terminals exception

[part 1](#) on p.4

make copies of articles, films, or other in-copyright works from your library to supply to other libraries?

supply of library copies exception

[part 1](#) on p.5

create copies of in-copyright works in your collections for the purpose of preserving the original?

preservation exception

[part 1](#) on p.6

make limited copies of works held in your library or archive in order to supply these to individual users for non-commercial research or private study?

copying by librarians or archivists exceptions

[part 1](#) on p.7

make 'orphan work' in-copyright materials available online following a search for the copyright owner(s) and register the works on the EU IPO Orphan Works Database?

orphan works exception

[part 3.2](#) on p.16

Do you or your users...

If so, you or your users are probably using the...

Check out what it is and how you can provide helpful evidence by going to...

make limited copies of in-copyright works for research or study for a non commercial purpose?

research and private study exception

[part 2.1](#) on p.8

create copies of material so that you can apply computational analysis (eg text and data mining) techniques in order to uncover patterns, omissions, etc.?

text and data mining exception

[part 2.2](#) on p.9

reproduce extracts from in-copyright works for the purpose of educational instruction, such as classes or setting exams?

illustration for instruction exception

[part 2.3](#) on p.10

record broadcasts for educational purposes beyond the scope of a valid licence (ie from the ERA)?

educational recording exception

[part 2.3](#) on p.11

reproduce limited amounts of in-copyright works for educational purposes beyond the scope of a valid licence (ie from the CLA)?

educational copying of extracts exception

[part 2.3](#) on p.12

use extracts from published in-copyright works for illustrating a point?

quotation exception

[part 2.4](#) on p.13

reproduce, re-use, or recreate in-copyright material for satirical purposes or mockery, humour, or social commentary?

parody, caricature, and pastiche exception

[part 2.5](#) on p.14

use 'orphan work' content under a licence from the UK Intellectual Property Office?

UK orphan works licensing scheme

[part 3.1](#) on p.15

Part 1. Archive exceptions

Exception	What this exception permits	What changed in 2014
<p>making works available through dedicated terminals</p> <p>(s. 40B)</p>	<p>This exception allows cultural and educational organisations to make their in-copyright works available through dedicated terminals on their premises, provided the material has been lawfully acquired, is communicated to individual members of the public for research or private study purposes, and is not communicated in contravention of any purchase or licensing terms.</p> <p>You may be using this exception when you:</p> <ul style="list-style-type: none"> • Make a digital copy of a fragile work available to be accessed by the public in order to preserve the original from overhandling • Make a digital copy of a work available at a building on a different site that you run from the site on which the original is stored, negating the need to physically transport the original • Make a digital copy of an item, like a book, diary, photographic album more accessible to members of the public 	<p>This exception was introduced in 2014</p>
<p>To demonstrate the impact of this exception, you could provide the following information in your response:</p>		
<ul style="list-style-type: none"> • Whether, and how often, your organisation has used this exception since 2014 • A description of how the introduction of this exception has altered your approach to dealing with copyright-protected works • Information about how much time and/or cost your organisation may have saved since 2014 by virtue of this exception • A description of the particular benefits you've derived from the introduction of this exception • Examples and stories of your use of this exception, including, for example, how it has improved your services, how it has been included in new policies and procedures, and examples of how it is informing your longer term plans 		

Exception	What this exception permits	What changed in 2014
<p>supplying copies to other libraries</p> <p>(s. 41)</p>	<p>This exception allows libraries staff to supply all or part of an in-copyright published work to another library in response to a request, provided that (if the work is a publication other than a periodical article) it is not reasonable to locate the copyright owner.</p> <p>You may be using this exception when you:</p> <ul style="list-style-type: none"> ● Create a copy of an article from a publication held in your library's collection in order to supply the copy to a different library that has made a request for the copy ● Create a copy of a film held in your library's collection in order to supply the copy to a different library that has made a request for the copy 	<p>The exception was broadened to apply to all types of published copyright-protected works</p> <p>Any clauses in contracts with third parties (including rights holders) which prevent an organisation from benefiting from this exception are not valid</p>
<p>To demonstrate the impact of these changes, you could provide the following information in your response:</p>		
<ul style="list-style-type: none"> ● Whether, and how often, your organisation has used this exception since 2014 ● A description of how changes to this exception have altered your approach to dealing with copyright-protected works ● Information about how much time and/or cost your organisation may have saved since 2014 by virtue of this exception ● A description of the particular benefits you've derived from this exception ● Examples and stories of your use of this exception, including, for example, how it has improved your services, how it has been included in new policies and procedures, and examples of how it is informing your longer term plans 		

Exception	What this exception permits	What changed in 2014
<p>making replacement or preservation copies</p> <p>(s.42)</p>	<p>This exception provides library, archive and museum staff the right to make a copy of in-copyright works in their collections without having to ask for the permission of the copyright owner(s). Under the exception, this copy does not infringe copyright as long as:</p> <ul style="list-style-type: none"> ● it's made for the purpose of archiving or preserving the work; ● the work being copied is part of the permanent collection and is not available for loan; and ● buying a new copy of the work instead of making a copy is not a possible or realistic option. <p>You may be using this exception when you:</p> <ul style="list-style-type: none"> ● Make microfilm copies of local newspapers ● Make digital versions of sound recordings ● Make digital copies of print-based works, such as photographs and older documents ● Create digital copies of born digital materials 	<p>The exception was broadened to apply to all types of copyright-protected work</p> <p>Any clauses in contracts with third parties (including rights holders) which prevent an organisation from benefiting from this exception are not valid</p>
<p>To demonstrate the impact of these changes, you could provide the following information in your response:</p>		
<ul style="list-style-type: none"> ● Whether, and how often, your organisation has used this exception since 2014 ● A description of how changes to this exception have altered your approach to dealing with copyright-protected works ● Information about how much time and/or cost your organisation may have saved since 2014 by virtue of this exception ● A description of the particular benefits you've derived from this exception ● Examples and stories of your use of this exception, including, for example, how it has improved your services, how it has been included in new policies and procedures, and examples of how it is informing your longer term plans 		

Exceptions	What these exceptions permit	What changed in 2014
<p>copying (parts of) works for library and archive users</p> <p>(s. 42A and s. 43)</p>	<p>These exceptions enable library and archive staff to supply copies of in-copyright works to users and enquirers. Copies may only be supplied in response to a request and once a written declaration has been provided by the person seeking the copy. If the work is unpublished, a copy may be provided of all or part of the work. If the work is published, only one article from an issue of a periodical or a reasonable proportion of any other work may be supplied.</p> <p>You may be using this exception when you:</p> <ul style="list-style-type: none"> ● Make and provide to users ‘library privilege’ copies from publications held by the library ● Make and provide to users personal and research-use copies of archival materials 	<p>These exceptions were broadened to apply to all types of copyright-protected work (previously, only literary, dramatic and musical works were in scope)</p> <p>Requirements for a written declaration from users was modernised, removing the need for the declaration to be signed</p> <p>Any clauses in contracts with third parties (including rights holders) which prevent an organisation from benefiting from this exception are not valid</p>
<p>To demonstrate the impact of these changes, you could provide the following information in your response:</p>		
<ul style="list-style-type: none"> ● Whether, and how often, your organisation has used this exception since 2014 ● A description of how changes to this exception have altered your approach to dealing with copyright-protected works ● Information about how much time and/or cost your organisation may have saved since 2014 by virtue of this exception ● A description of the particular benefits you’ve derived from this exception ● Examples and stories of your use of this exception, including, for example, how it has improved your services and extended access, how it has been included in new policies and procedures, and examples of how it is informing your longer term plans 		

Part 2. Other copyright exceptions

2.1 Copyright exception for research and private study

Exception	What this exception permits	What changed in 2014
<p>research and private study</p> <p>(s.29)</p>	<p>This exception permits fair dealing with an in-copyright work for the purposes of private study or non-commercial research.</p> <p>You or your users may be using this exception when you or they:</p> <ul style="list-style-type: none"> ● Make limited reproductions of a work in research notes ● Create an exhibition and carry out research using collection items ● Use a copy of an item for background research for an academic paper 	<p>This exception was broadened to apply to all types of copyright-protected work (previously, only literary, dramatic, musical and artistic works were in scope)</p> <p>Any clauses in contracts with third parties (including rights holders) which prevent an organisation from benefiting from this exception are not valid</p>
<p>To demonstrate the impact of these changes, you could provide the following information in your response:</p>		
<ul style="list-style-type: none"> ● Whether, and how often, you, your organisation, or the users you serve, have used this exception since 2014 ● Information about how much time and/or cost your organisation may have saved since 2014 by virtue of these changes ● Examples and stories of your use of these exceptions since the changes were made: <ul style="list-style-type: none"> ○ E.g. Staff and students in a school, college or university copying extracts of any type of material, beyond literary and artistic works, for research and private study 		

2.2 Copyright exception for text and data mining (TDM)

Exception	What this exception permits	What changed in 2014
<p>text and data mining</p> <p>(s.29A)</p>	<p>This exception permits the creation of copies of content for use in the computational analysis of large quantities of data.</p> <p>You or your users may be using this exception when you or they:</p> <ul style="list-style-type: none"> • Analyse copies of published and unpublished content for patterns, omissions etc. 	<p>This exception was introduced in 2014</p>
<p>To demonstrate the impact of this exception, you could provide the following information in your response:</p>		
<ul style="list-style-type: none"> • Whether, and how often, you, your organisation, or the users you serve, have used this exception since 2014 • Information about how much time and/or cost your organisation may have saved since 2014 by virtue of these changes • Examples and stories of your use of these exceptions since the changes were made and the impact of these (such as new research and discoveries that might have been made) 		

2.3 Copyright exceptions for educational use

Exception	What this exception permits	What changed in 2014
<p>illustration for instruction</p> <p>(s.32)</p>	<p>This exception permits the making of limited copies of works for the purpose of non-commercial illustration for instruction.</p> <p>You or your users may be using this exception when you or they:</p> <ul style="list-style-type: none"> ● Reproduce extracts for the purpose of setting exams ● Reproduce extracts for the purpose of teaching lessons in a school 	<p>This exception was modernised to apply equally to all types of copyright-protected work</p> <p>This exception was modernised to permit copying by reprographic means (for example, enabling use of computers and interactive whiteboards)</p> <p>Any clauses in contracts with third parties (including rights holders) which prevent an organisation from benefiting from this exception are not valid</p>
<p>To demonstrate the impact of these changes, you could provide the following information in your response:</p>		
<ul style="list-style-type: none"> ● Whether, and how often, you or your organisation have used this exception since 2014 ● Information on what impact this exception has had on enabling: <ul style="list-style-type: none"> ○ teachers to use extracts of copyright works when using digital channels - provide examples, such as use of interactive whiteboards or other digital displays ○ educators to increase the amount of a copyright work that can be copied ● Information about how much time and/or cost your organisation may have saved since 2014 by virtue of this exception 		

Exception	What this exception permits	What changed in 2014
<p>educational recording</p> <p>(s. 35)</p>	<p>This exception allows recording of broadcasts by or on behalf of educational establishments for non-commercial purposes. This only applies where no licensing scheme (i.e. from the Educational Recording Agency, ERA) is available.</p> <p>You may be using this exception when you:</p> <ul style="list-style-type: none"> ● Access BOB (Box of Broadcasts) for content to show in a teaching context ● Create your own off-air recording for use within teaching and/or learning contexts 	<p>The exception was modernised to enable broadcast works to be communicated to pupils and education staff beyond educational premises (for example, through a virtual learning environment)</p>
<p>To demonstrate the impact of these changes, you could provide the following information in your response:</p>		
<ul style="list-style-type: none"> ● Whether, and how often, you or your organisation have used this exception since 2014 ● Information on what impact this exception has had on enabling: <ul style="list-style-type: none"> ○ the making of recordings ○ distance learners to access copyright works over secure networks without infringing copyright - provide examples, such as an uptake in such courses due to better materials being available ● Information about how much time and/or cost your organisation may have saved since 2014 by virtue of this exception ● Whether you have found it easier to obtain licences for educational use of copyright materials since these changes. Have these licences met your educational needs? 		

Exception	What this exception permits	What changed in 2014
<p>educational copying of extracts</p> <p>(s. 36)</p>	<p>This exception allows copying and use of multiple copies of extracts from in-copyright works (other than broadcasts and standalone artistic works) by educational establishments. The exception only applies to copying of up to 5% of any work by any organisation per year and where no licensing scheme (i.e. from the Copyright Licensing Agency, CLA) is available.</p> <p>You may be using this exception when you:</p> <ul style="list-style-type: none"> ● Reproduce a limited amount of unpublished material, such as letters, for students as part of a course ● Reproduce published works out of scope of the CLA Licence (i.e. excluded items and/or publishers) for teaching, learning and/or research purposes 	<p>The exception was modernised to enable works to be communicated to pupils and education staff beyond educational premises (for example, through a virtual learning environment)</p> <p>The amount of a work that may be copied under this exception was increased, to up to 5% per year</p>
<p>To demonstrate the impact of these changes, you could provide the following information in your response:</p>		
<ul style="list-style-type: none"> ● Whether, and how often, you or your organisation have used this exception since 2014 ● Information on what impact this exception has had on enabling the making of extract copies ● Information on what impact this exception has had on enabling: <ul style="list-style-type: none"> ○ the making of copies ○ distance learners to access copyright works over secure networks without infringing copyright - provide examples, such as an uptake in such courses due to better materials being available ● Information about how much time and/or cost your organisation may have saved since 2014 by virtue of this exception ● Whether you have found it easier to obtain licences for educational use of copyright materials since these changes. Have these licences met your educational needs? 		

2.4 Copyright exception for use of quotations or extracts of copyright works

Exception	What this exception permits	What changed in 2014
<p>quotation</p> <p>(s.30)</p>	<p>This exception permits the use of an extract of an in-copyright work to illustrate a point, subject to the following criteria:</p> <ul style="list-style-type: none"> ● the work being quoted has been published ● the original work and copyright holder should be credited ● the amount quoted has to be appropriate in relation to the point being made. <p>You or your users may be using this exception when you or they:</p> <ul style="list-style-type: none"> ● Use an extract of an in-copyright in a publication, such as a book and/or academic article ● Reproduce a small amount of an in-copyright work in an exhibition panel and/or leaflet 	<p>This exception was expanded to permit fair dealing quotation from copyright-protected works, including for purposes other than criticism or review ([previously, this exception only related to extracts made for the purposes of criticism, review, and news reporting])</p> <p>Any clauses in contracts with third parties (including rights holders) which prevent an organisation from benefiting from this exception are not valid</p>
<p>To demonstrate the impact of these changes, you could provide the following information in your response:</p>		
<ul style="list-style-type: none"> ● Whether, and how often, you, your organisation, or the users you serve, have used this exception since 2014 ● Information about how much time and/or cost your organisation may have saved since 2014 by virtue of these changes ● Examples and stories of your use of this exception since the changes were made and the impact of these ● Information on any impact the exception has had on you as a rightsholder 		

2.5 Copyright exception for parody, caricature and pastiche

Exception	What this exception permits	What changed in 2014
<p>caricature, parody and pastiche</p> <p>(s.30A)</p>	<p>This exception allows fair dealing use of existing works in a spirit of mockery, humour or social commentary. Any clauses in contracts with third parties (including rights holders) which prevent an organisation from benefiting from this exception are not valid.</p> <p>You or your users may be using this exception when you or they:</p> <ul style="list-style-type: none"> • Use a small amount of an in-copyright work within a campaign based on humour associated with the original item • Recreate an in-copyright work and alter it in order to comment on a societal issue • Use an existing in-copyright work within the context of political and/or social cultural commentary as part of teaching, research and/or learning 	<p>This exception was introduced in 2014</p>
<p>To demonstrate the impact of this exception, you could provide the following information in your response:</p>		
<ul style="list-style-type: none"> • Whether, and how often, you, your organisation, or the users you serve, have used this exception since 2014 • Information about how much time and/or cost your organisation may have saved since 2014 by virtue of these changes • Examples and stories of your use of this exception since the changes were made and the impact of these • Information on any impact the exception has had on you as a rightsholder 		

Part 3. Orphan works

3.1 Orphan works licensing scheme

This section asks about the [UK licensing scheme for orphan works](#) that was introduced in 2014.

About the licensing scheme	What changed in 2014
<p>The orphan works licensing scheme enables the reproduction of all types of ‘orphan works’ by any organisation or individual for commercial and/or non commercial purposes following an application process and payment of an appropriate fee to the UK’s Intellectual Property Office (IPO).</p> <p>You or your users will be using this licence when you or they:</p> <ul style="list-style-type: none">• Have applied to the IPO for permission to reproduce orphan works in specific contexts	<p>This scheme was introduced in 2014</p>
To demonstrate the impact of this scheme, you could provide the following information in your response:	
<ul style="list-style-type: none">• what impact has the licensing scheme had on you as a cultural heritage institution in terms of extending access to orphan works? Please provide examples.	

3.2 Orphan works EU exception

Exception	What this exception permits	What changed in 2014
<p>certain permitted uses of orphan works</p> <p>(s.44B and Schedule ZA1)</p>	<p>This exception permits the non-commercial reproduction of text, audio, and audiovisual ‘orphan works’ (including any embedded artistic works, such as photographs) by libraries, archives, educational establishments, museums, film or audio heritage organisations, and public service broadcasters.</p> <p>Use of the exception requires registration of the orphan work on the EU IPO Orphan Works register following a reasonable search for the copyright owner(s).</p> <p>You may be using this exception when you:</p> <ul style="list-style-type: none"> • Reproduce orphan works online as part of your digitisation activities 	<p>This exception was introduced in 2014</p>
<p>To demonstrate the impact of this exception, you could provide the following information in your response:</p>		
<ul style="list-style-type: none"> • What impact has this exception had on you as a cultural heritage institution in terms of extending access to orphan works? Please provide examples. 		



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