

# Masterlist: Excerpts of Representative Copyright Limitations and Exceptions

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NOTE: The excerpts are ordered chronologically based on the date of the introduction of the particular limitation or exception into the law and not based on the latest, yet irrelevant amendment to the law.

### ACCESS FOR PERSONS WITH A DISABILITY

**HUNGARY - 15**

Act LXXVI of 1999 on Copyright (consolidated text as of January 1, 2011)

Ch. IV Article 41 (1): Any non-commercial use of a work falls within the scope of free use if the purpose of the use is to meet demands of disabled persons that are directly related to their disability and it does not exceed the extent justified by the purpose.

**CROATIA - 15**

Copyright and Related Rights Act (2011)

Article 86: The use of copyright works for the benefit of people with a disability shall be permitted where the work is used in a manner directly related to the disability of such people to the extent required by the specific disability, and where such use is of a non-commercial nature.

**PORTUGAL - 15**

Code of Copyright and Related Rights of 1985 (as last amended by Law No. 16/2008 of April 1, 2008)

Article 75(2)(i):

2) The following uses of a work shall be lawful without the author's consent:

(i) The reproduction, communication to the public and making available to the public for the benefit of disabled persons of a work directly related with the specific disability and to the extent required by it, provided that they are not directly or indirectly intended for profitable purposes.

#### **SERBIA - 12**

Law on Copyright and Related Rights (2009)

Art. 54: For the needs of the persons with invalidity, it is allowed, without the permission of the author and without payment of the remuneration, to copy and distribute the work protected by copyright, if such a work does not exist in the required form, if its use is in direct connection with the invalidity of persons concerned and in the scope that is required by a specific kind of invalidity providing the copying and distribution has not been made for the sake of realizing direct or indirect commercial gain.

#### **JAPAN - 9**

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

Article 37:

(1) It shall be permissible to reproduce in braille a work already made public.

(2) It shall be permissible to record on a memory, or to make the public transmission (excluding the broadcasting or wire diffusion, and including the making transmittable in the case of the interactive transmission) of, a work already made public, by means of a braille processing system using a computer.

(3) For a person, designated by Cabinet Order, who does activities for the welfare of the visually handicapped and others having a handicap in perceiving visual expressions (hereinafter in this paragraph and in Article 102, paragraph (4) referred to as "the visually handicapped, etc."), it shall be permissible to reproduce, or make the interactive transmission (including the making transmittable) of, a word, already made public, which has been offered or made available to the public by means for perceiving visually (including means for perceiving visually and by other perception) its expression (including another work which has been reproduced in the former work or which has been offered or made available to the public in a body united with the former work; hereinafter in this paragraph and in Article 102, paragraph (4) referred to as "visual work"), by means of converting written words of such visual work into oral words or by other means necessary for the use by such visually handicapped, etc., and to the extent deemed necessary for the use exclusively by the visually handicapped, etc. having a difficulty in using such visual work by the former means. However, an exception is made in the case where such visual work has been offered or made available to the public by such means, by



the copyright owner or with his authorization or by a person in favour of whom the right of publication mentioned in Article 79 has been established or with the authorization of such person to reproduce a work or to transmit a work publicly.

(Reproduction, etc. for the aurally handicapped)

Article 37bis. For a person, designated by Cabinet Order according to the types of exploitations mentioned in the following items, who does activities for the welfare of the aurally handicapped and others having a handicap in perceiving aural expressions (hereinafter in this Article and in paragraph (5) of next Article referred to as "aurally handicapped, etc."), it shall be permissible to make the exploitations, mentioned in the following items, of a work, already made public, which has been offered or made available to the public by means for perceiving aurally (including means for perceiving aurally and by other perception) its expression (including another work which has been reproduced in the former work or which has been offered or made available to the public in a body united with the former work; hereinafter in this Article referred to as "aural work"), to the extent deemed necessary for the use exclusively by the aurally handicapped, etc. having a difficulty in using such aural work by the former means. However, an exception is made in the case where such aural work has been offered or made available to the public, by means necessary for the use by such aurally handicapped, etc., by the copyright owner or with his authorization, or by a person in favor of whom the right of publication mentioned in Article 79 has been established.

(i) reproduction or making of the interactive transmission (including the making transmittable) of aural words of such aural work, by means of converting such aural words into written words or by other means necessary for the use by such aurally handicapped, etc. ;

(ii) reproduction of such aural work exclusively for the purpose of lending it for the use by the aurally handicapped, etc. (only such reproduction as made together with that of aural words of such aural work by means of converting such aural words into written words or by other means necessary for the use by such aurally handicapped, etc.).

#### **LUXEMBOURG - 9**

Law of 18 April 2004

Art. 10. When the work, other than a database, has been lawfully made available to the public, the author may not prohibit:

(14 )reproduction for the benefit of persons with visual or auditory disabilities, who are directly related to the disability in question and are of a non-commercial nature, to the extent required by that disability.

#### **BRAZIL - 9**

Law No. 9610 of February 19, 1998, on Copyright and Neighboring Rights

Art. 46.I(d): The following shall not constitute violation of copyright:

The reproduction of literary, artistic or scientific works for the exclusive use of the visually handicapped, provided that the reproduction is done without gainful intent, either in Braille or by means of another process using a medium designed for such users.

*Accord*

Italy – Chapter V. of Law No. 633 of 1941 - Art. 71bis

**UKRAINE - 9**

Law of Ukraine on Copyright and Related Rights (1993) (as amended in 2004)

Article 21 Free Use of a Work with the Indication of the Author's Name: The following shall be permitted without the consent of the author (or other copyright holder), but with mandatory indication of the author's name and of the source of borrowing:

6) to issue works for the blind, published in Braille characters;

**SPAIN - 9**

Consolidated Text of the Law on Intellectual Property of 1996, Title III, Ch. II, 31 bis. (authorizing reproduction for the private use of the blind).

Art. 36(6): the reproduction of works in Braille or another specific form for the exclusive use of the visually handicapped, provided that the reproduction is not done with gainful intent and the copies are not used for profit-making purposes

*Accord* Paraguay – Law No. 1328/98 on Copyright and Related Rights – article 39(6)

**RUSSIA - 9**

Civil Code of the Russian Federation (as amended in 2014)

Article 1274. The Free Use of a Work for Information, Scientific, Educational or Cultural Purposes

6) reproducing without profit-making by a raised-point type or other special method for blind people legally published works, except for the works specifically created for being reproduced by such methods.

**RWANDA - 9**

Law No. 31/2009 of 26/10/2009 on the Protection of Intellectual Property

Article 215: Free reproduction of the work for visually impaired persons:

Notwithstanding the provisions of article 200 of this Law, it shall be permitted without the authorization of the author or other owner of copyright:

1° to reproduce a published work for visually impaired persons in an alternative manner or form which enables their perception of the work, and;

2° to distribute the copies exclusively to those persons, provided that the work is not reasonably available in a form enabling its perception by the visually impaired persons; and the reproduction and distribution are made on a non-profit basis.

The distribution in Rwanda is also permitted in case the copies have been made abroad and the conditions mentioned in paragraph one have been fulfilled.

#### **TAIWAN - 6**

Copyright Act of 2016

Article 53: For the purpose of exclusive use by the visually impaired, learning disabled, hearing impaired or other persons with a perceptual disability, works that have been publicly released may be exploited by local or central government agencies, non-profit organizations and all levels of legally established schools, by means of translation, Braille, sound-recording, digital transformation, verbal imagery, accompanying sign language or otherwise.

The preceding paragraph shall be applied mutatis mutandis to the disabled persons or their guardians referred to in the preceding paragraph for personal and nonprofit use by the disabled.

The copies reproduced in accordance with the preceding two paragraphs may be distributed or publicly transmitted among the disabled persons, local or central government agencies, non-profit organizations and all levels of legally established schools as prescribed in the preceding two paragraphs.

### **ADAPTATIONS & TRANSFORMATIVE USES**

#### **SLOVENIA - 15**

Copyright and Related Rights Act (as amended in 2016)

Article 53: Free Transformations. Transformation of a disclosed work is permissible:

1. if it is a private or other internal transformation, which is not intended for, and not available to the public;
2. if the work is transformed into a parody or caricature, provided this does not, or is not likely to, create confusion as to the source of the work;
3. if the transformation is dictated by the purpose of the permitted use;
4. if the transformation is done in connection with permitted use and the author's objection to such transformation is unreasonable or in bad faith.

#### **JAMAICA - 12**

Copyright Act - Act 5 of 1993 (as amended in 2015)

Art. 85: An act which by virtue of this Part may be done without infringing copyright in a literary, dramatic or musical work does not, where that work is an adaptation, infringe any copyright in the work from which the adaptation was made.

#### **FINLAND - 12**

## Copyright Law (404/1961) (as amended in 2010)

Art. 4:

(1) A person who translates or adapts a work or converts it into some other literary or artistic form shall have copyright in the work in the new form, but shall not have the right to control it in a manner which infringes the copyright in the original work.

(2) If a person, in free connection with a work, has created a new and independent work, his copyright shall not be subject to the right in the original work.

### **SERBIA - 12**

#### Law on Copyright and Related Rights (2009)

Art. 54a: Free adaptation of the published copyright protected work is allowed when it concerns:

- 1) parody or caricature, if that does not create confusion or does not lead to the creation of confusion with regard to the source of the work,
- 2) adaptation of work for personal needs which is not intended and not available to the public,
- 3) adaptation connected to the allowed use of the work , which is caused by the very nature or manner of use.

## CIRCUMVENTION OF TECHNOLOGICAL PROTECTION MEASURES

### COMPUTER PROGRAMS

#### **FINLAND - 18**

#### Copyright Act (404/1961, amendments up to 607/2015 included)

Section 25j:

(1) whoever has legally acquired a computer program may make such copies of the program and make such alterations to the program as are necessary for the use of the program for the intended purpose. This shall also apply to the correction of errors.

(2) Whoever has a right to use a computer program may make a back-up copy of the program, if necessary for the use of the program.

(3) Whoever has a right to use a computer program shall be entitled to observe, study or test the functioning of the computer program in order to determine the ideas and principles which underlie any element of the program if he does so while performing the acts of loading, displaying, running, transmitting or storing the program

(4) Whoever has a right to use a database may make copies of it and perform all other acts necessary for accessing the database and for normal use of its contents.

(5) Any contractual provision limiting use in accordance with subsections 2-4 shall be without effect.

*Accord*

Russia Civil Code of the Russian Federation (Part Four) (enacted in 2006) - Article 1280 (allowing (1) through (3) of Finland's copyright law)

**HUNGARY - 18**

Act LXXVI of 1999 on Copyright (consolidated text as of January 1, 2011)

Art. 59:

(1) Unless otherwise agreed, the author's exclusive right shall not cover the reproduction, adaptation, arrangement, translation and any other modification of the software, including the correction of mistakes, as well as the reproduction of the results of these acts in so far as these acts of use are carried out by the person authorised to acquire the software in compliance with the intended purpose of the software.

(2) No provision in the licensing agreement shall prohibit the user from making a back-up copy of the software if it is necessary for the use.

(3) The person entitled to use a copy of the software may, without the author's authorisation, observe and study the operation of the software, and may make a trial use thereof in the course of its loading, displaying on a monitor, running, transmission or storage in order to get to know the idea or principle serving as a basis for any element of the software.

**GREECE - 15**

Law No. 2121/1993 on Copyright, Related Rights and Cultural Matters (as last amended by Law No. 4281/2014 (Article 42))

42.—(1) In the absence of an agreement to the contrary, the reproduction, translation, adaptation, arrangement or any other alteration of a computer program shall not require authorization by the author or necessitate payment of a fee, where the said acts are necessary for the use of the program by the lawful acquirer in accordance with its intended purpose, including correction of errors.

(2) Reproduction which is necessary for the purposes of loading, displaying, running, or storage of the computer program shall not fall under the restriction of the previous paragraph and shall be subject to authorization by the author.

(3) The making of a backup copy by a person having a right to use the computer program may not be prevented by contract insofar as it is necessary for the use of the program, and shall not necessitate an authorization by the author or the payment of a fee.

(4) The person having a right to use a copy of a computer program shall be entitled, without the authorization of the author and without payment of a fee, to observe, study or test the functioning of the program in order to determine the ideas and principles which underlie any element of the program, if he does so while performing any of the acts, which he is entitled to do. Any agreement to the contrary shall be prohibited.

(5) Reproduction of a computer program for private use other than in the circumstances specified in paragraphs (3) and (4), above, shall be prohibited.

## **ISRAEL - 12**

Copyright Act 2007 (as amended in 2011)

Article 24:

(a) Copying of a computer program for purposes of back up is permitted for a person who possesses an authorized copy of the computer program; A person holding such a copy shall destroy it once it is no longer needed to serve the purpose for which it was made

(b) Copying of a computer program for purposes of maintenance of an authorized copy of the program of a computer system, or for purposes of providing service to a person in possession of an authorized copy of the computer program, is permitted, provided that it is necessary for using the program.

(c) Copying of a computer program, or making a derivative work there from is permitted for a person who possesses an authorized copy of the computer program, for the following purposes and to the extent necessary to achieve said purposes:

(1) Use of the computer program for purposes for which it was intended, including correction of errors in the computer program or making it interoperable with a computer system or which another computer program;

(2) Examination of the data security in the program, correction of security breaches and protection from such breaches;

(3) obtaining information which is needed to adapt a different and independently developed computer system or program, in such a way that it will be interoperable with the computer program.

(d) The provisions of subsection (c) shall not apply with respect to the copying of a computer program or the making of a derivative work there from, as stated in said subsection, if the information which has been obtained through the aforementioned means was used in a manner set forth below, or where such information was readily discernable without use of the aforesaid means:

(1) The said information is transmitted to another person for a purpose different than the purposes set forth in subsection (c);

(2) The said information is used to make a different computer program which infringes copyright in the said computer program.

(e) In this section, "authorized copy" of a computer program means a copy of the computer program which was made by the copyright holder therein or with his consent.

## **INDIA - 12**

Copyright Act of 1957 (as amended in 1999)

Art. 52(1): The following acts shall not constitute an infringement of copyright, namely

(aa) the making of copies or adaptation of a computer programme by the lawful possessor of a copy of such computer programme, from such copy—

(i) in order to utilise the computer programme for the purpose for which it was supplied; or

- (ii) to make back-up copies purely as a temporary protection against loss, destruction or damage in order only to utilise the computer programme for the purpose for which it was supplied;
- (ab) the doing of any act necessary to obtain information essential for operating inter- operability of an independently created computer programme with other programmes by a lawful possessor of a computer programme provided that such information is not otherwise readily available;
- (ac) the observation, study or test of functioning of the computer programme in order to determine the ideas and principles which underline any elements of the programme while performing such acts necessary for the functions for which the computer programme was supplied;
- (ad) the making of copies or adaptation of the computer programme from a personally legally obtained copy for non-commercial personal use;

#### **SWEDEN - 12**

Act on Copyright in Literary and Artistic Works (1960) (as amended in 2011)

Art. 26g: Anyone who has acquired the right to use a computer program is entitled to make such copies of the program and to make such adaptations as are necessary in order for him to use the program for its intended purpose. This also applies to the correction of errors.

Anyone who has the right to use a computer program is entitled to make back-up copies of the program if this is necessary for the intended use of the program. Copies which have been made on the basis of the provisions of the first and second paragraphs may not be used for other purposes and may, furthermore, not be used when the right to use the program has expired.

Anyone who has the right to use a computer program is entitled to observe, study or test the function of the program in order to ascertain the ideas and principles which lie behind the various details of the program. This applies provided that the act is performed in connection with such loading, display on a screen, processing, transmission or storing of the program that he is entitled to make.

#### **RWANDA - 12**

Law No. 31/2009 of 26/10/2009 on the Protection of Intellectual Property

Art. 211: Free reproduction and adaptation of computer programs

Notwithstanding the provisions of article 200 of this Law, the reproduction, in a single copy, or the adaptation of a computer program by the lawful owner of a copy of that computer program shall be permitted without the authorization of the author and without payment of a separate remuneration, provided that the copy or adaptation is necessary:

1° for use of the computer program with a computer for the purpose and extent for which the computer program has been obtained; or

2° for archival purposes and for the replacement of the lawfully owned copy of the computer program in the event that the said copy of the computer program is lost, or rendered unusable.

No copy or adaptation of a computer program shall be used for any purpose other than those specified in paragraph one of this article, and any such copy or adaptation shall be destroyed in the event that continued possession of the copy of the computer program ceases to be lawful within a period of six (6) months after the expiry of the contract.

*Accord:*

Senegal - Law No. 2008-09 of January 25, 2008 on Copyright and Related Rights – Art. 41.

United Arab Emirates - Federal Law No. 7 of the Year 2002 Concerning Copyrights and Neighboring Rights Art. 22

## **BHUTAN - 12**

Copyright Act of 2001

Art. 15:

(1) Notwithstanding the provisions of Section 8( 1)( a) and (c), the reproduction in one copy of the adaptation of a computer program shall be permitted, without the authorization of the author of, or other owner of copyright in, a computer program, by the lawful owner of a copy of that computer program, provided that the copy or adaptation is necessary.

a. for the use of the computer program in conjunction with a computer for the purpose, and to the extent, for which the computer program has been obtained;

b. for archival purposes, and, for the replacement of the lawfully owned copy of the computer program in of the computer program is lost, destroyed or rendered unusable.

(2) No copy or adaptation mentioned in subsection (1) shall be used for any purpose other than the ones determined in subsection (1), and any such copy or adaptation shall be destroyed in the event that continued possession of the copy of the computer program ceases to be lawful.

*Accord:*

Benin - Law No. 2005-30 of April 5, 2006, relating to Copyright and Related Rights Art. 20

Qatar - Law No. 7 of 2002 on the Protection of Copyright and Related Rights

## **CHILE - 9**

Intellectual Property Act (1970) (as amended in 2010)

Art. 71 Ñ: Following activities on computer programs are allowed, without authorization or payment to author or right holder:

a) Adapting or copying a computer program by his possessor, if it is essential for its use, or for purpose of back up, and it is not use for another purpose.

These adaptations could not be transferred under any circumstances without authorization by copyright holder. Similarly, copies could not be transferred under any circumstances, except together with the original computer program.



- b) Reverse engineering on a legally obtained copy of computer program with the only purpose of achieving compatibility between computer programs or for purpose of research and development. Obtained information could not be used for making or commercializing a similar computer program that violates this (copyright) law or any other infraction to copyright.
- c) Actions on a legally obtained copy of computer program with the purpose of testing, researching, or correcting its functioning or safety of them or other programs, network, or computer in with runs. Obtained information only could be used for mentioned purposes.

#### **SERBIA - 9**

##### Law on Copyright and Related Rights (2009)

###### Art. 47:

(1) If a work of authorship is a computer program, the person who has legitimately obtained a copy of that computer program for his/her own usual use, may do the following without its author's permission and without paying any remuneration:

- 1) Store the program in the computer memory and run the program;
- 2) Eliminate errors in the program, as well as make any other necessary changes in it, in accordance with its purpose, unless otherwise provided by contract;
- 3) Make a one back-up copy of the program on a lasting tangible carrier;
- 4) Decompile the program exclusively for the purpose of obtaining the data necessary for making that program inter-operational with some other independently developed program or some hardware, on condition that such data were not accessible in some other way and that decompilation is limited only to those parts of the program which are necessary to achieve interoperability.

(2) The data obtained in the way referred to in Paragraph 1, Item 4, of this Article may not be communicated to others or be used for other purposes, particularly for the purpose of developing or selling another computer program that would infringe on the copyright on the original one.

(3) Act referred to in Paragraph 1, Sub-paragraph 4 of this Article may be directly conducted by a person who has legally obtained a copy of a computer program, or by some other qualified person acting under his/her instructions.

#### **KENYA - 9**

##### Copyright Act 2001 (revised in 2014)

(4) Notwithstanding the provisions of subsection (3), a person who is in lawful possession of a computer program may do any of the following acts without the authorization of the right holder whereby copies are necessary for the use of the computer program in accordance with its intended purpose -

- (a) to make copies of the program to the extent necessary to correct errors; or
- (b) to make a back-up copy; or
- (c) for the purpose of testing a program to determine its suitability for the person's use; or

(d) for any purpose that is not prohibited under any license or agreement whereby the person is permitted to use the program.

(5) The authorization of the right holder of the program shall not be required to decompile the program, convert the program into a version expressed in different programming language, code, notation for the purpose of obtaining information needed to enable the program to operate with other programs.

(6) Any copies made pursuant to this section shall be used only for the purpose for which it was made and shall be destroyed when the person's possession of the computer program ceases to be lawful.

*Accord*

Singapore Copyright Act (1987) - Article 39(A)

**BOTSWANA - 9**

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

Article 17: Reproduction and adaptation of computer programs

1. The reproduction, in a single copy, or the adaptation of a computer by the lawful owner of a copy of that computer programmes shall be permitted without the authorization of the author or other owner of copyright, provided that the copy or adaptation is necessary

(a) For use of the computer programme with a computer for the purpose and extent for which the computer program has been obtained; or

(b) For archival purposes and for the replacement of the lawfully owned copy of the computer in the event that the said copy of the computer is lost, destroyed or rendered unusable.

2. No copy or adaptation of a computer programme shall be used for any purpose other than those specified in subsection (1), and any such copy or adaptation shall be destroyed in the event that continued possession of the copy of the computer ceases to be lawful.

*Accord*

El Salvador - Law on the Promotion and Protection of Intellectual Property Rights (1993) Art. 45 (g)

**TUNISIA - 9**

Law No 2009-33 (2009) amending No. 94-36 (1994)

Article 46: Is prohibited, any use of a computer program not expressly authorized in writing, by its author or his representative, unless contrary contractual stipulation. However, is allowed without authorization of the author or his representative, the realization of only one backup copy of the computer program by the owner of the licit specimen of this computer program.

**THAILAND - 6**

Copyright Act, B.E. 2558 (2015)

35. An act against a computer program which is a copyright work under this Act in the following cases shall not be deemed an infringement of copyright provided that the purpose is not for profit and the first paragraph of Section 32 is complied with:

- (1) research or study of the computer program;
- (2) use for the benefit of the owner of the copy of the computer program;
- (3) comment, criticism or introduction of the work with an acknowledgment of the ownership of the copyright in the computer program;
- (4) reporting of news through mass media with an acknowledgment of the ownership of copyright in the computer program;
- (5) making copies of a computer program in a reasonable quantity by a person who has lawfully bought or obtained the program from another person so as to keep them for maintenance or prevention of loss;
- (6) reproduction, adaptation, exhibition or display for the benefit of judicial proceedings or administrative proceedings by authorized officials or for reporting the result of such proceedings;
- (7) use of the computer program as part of questions and answers in an examination;
- (8) adapting the computer program as necessary for use;
- (9) making copies of the computer program so as to keep them for reference or research in the public interest.

#### **SOUTH AFRICA - 6**

Copyright Act No.98 of 1978 (as amended in 2002)

General exceptions regarding protection of computer programs

19B.(2) The copyright in a computer program shall not be infringed by a person who is in lawful possession of that computer program, or an authorized copy thereof, if—

- (a) he makes copies thereof to the extent reasonably necessary for back-up purposes;
- (b) a copy so made is intended exclusively for personal or private purposes; and
- (c) such copy is destroyed when the possession of the computer program in question, or authorized copy thereof, ceases to be lawful.

#### **INDONESIA - 6**

Law of the Republic of Indonesia no. 19/2002 on Copyright

Art 15:

Provided that the sources are fully cited, the following shall not be deemed as Copyright infringement:

- a. making of a back-up copy of a computer program by the owner of the computer solely for his own use.

#### **LEBANON - 3**

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

## Ch. VI: Exceptions – Art. 25

Non-profit-making educational institutions, universities and public libraries may, without the authorization of the author and without obligation to pay him compensation, reproduce a limited number of computer programs for the purpose of lending them free of charge to students and university people, provided that they possess at least one original copy of the work and provided that the Ministry of Education, the Ministry of Culture and Higher Education and the Ministry of Technical and Vocational Education subsequently issue decrees determining the copying mechanism, the categories of computer programs that may be copied and the number of copies allowed. Students may make one copy for their personal use.

## CURRENT ECONOMIC, POLITICAL, SOCIAL, OR RELIGIOUS TOPICS

### **MACAO - 15**

Decree-Law No. 43/99/M

Art. 61 The following shall be lawful without the consent of the author:

(c) the fixing, reproduction and communication to the public by any means of short excerpts from works where their inclusion in accounts of current events is justified by the informatory purpose pursued;

(i) the reproduction of news articles and articles on economic, political or religious topics, provided that such reproduction has not been expressly reserved.

Art. 62 - Limits and Requirements

(1) The private and free use of a protected work shall not prevent its normal economic exploitation or unjustifiably prejudice the legitimate interests of the author.

(2) The free use referred to in the preceding Article shall be accompanied by the following:

(a) a mention, where possible, of the author and title of the work;

(b) in the case referred to in subparagraph (d) of the preceding Article, equitable remuneration payable to the author by the entity that carried out the reproduction.

(3) The works reproduced or quoted under the preceding Article must not be susceptible of confusion with the works of the person using them, and the reproduction or quotation must not be so extensive as to prejudice interest in the works.

### **OMAN - 12**

Royal Decree No. 65/2008 promulgating the Law on Copyright and Related Rights

Art. 20 Subject to the moral copyrights, stipulated under this law, the following uses of works shall be lawful even without the consent of the author provided that the source and the name of the author are mentioned if listed in the work, and provided that a free use shall not be allowed 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:

(4) Reproduction, broadcasting, or making available to the public by the press of portions of articles published in newspapers or periodicals on current economic, political, or religious topics and of broadcast works of the same character, in cases in which the reproduction, broadcasting, or such communication thereof is not expressly reserved for the right owner at the time of publication.

#### **SENEGAL - 9**

Copyright and Related Rights Law No 2008-09

Article 45. Use for information purposes. –

1. Provided that the name of the author and the source are mentioned, the reproduction and communication for information purposes of articles on current political, social or economic topics, and of speeches intended for the public made at political, judicial, administrative or religious gatherings, or at public meetings of a political nature or official ceremonies, shall not be subject to the author's consent.
2. The reproduction and communication, for the purpose of reporting a current event, of works that may be seen or heard in the course of the event shall not, insofar as they are justified for information purposes, be subject to the author's consent.

#### **BHUTAN - 9**

Copyright Act of 2001

Art. 14: Notwithstanding the provisions of Section 8(1)(a), (h) and (i), the following acts shall be permitted, without the authorization of the author of, or other owner of copyright in, the work, subject to the obligation to indicate, as far as practicable, the source and the name of the author:

a. the reproduction in a newspaper or periodical, the broadcasting or other communication to the public, of an article published in a newspaper or periodical on current economic, political or religious topics or a broadcast work of the same character; this permission shall not apply where the right to authorize reproduction, broadcasting or other communication to the public is expressly reserved by the author, or other owner of copyright, on the copies, or in connection with the broadcasting or other communication to the public, of the work;

*Accord*

Malawi – Copyright Act, 1989 - Art. 10(c)

Namibia – Copyright and Neighbouring Rights Protection Act, 1994 (Act 6 of 1994) - Art. 15(7)

Qatar – Law No. 7 of 2002 on the Protection of Copyright and Related Rights – article 19

Rwanda – Law No. 31/2009 of 26/10/2009 on the Protection of Intellectual Property – article 209(1)

Sri Lanka Copyright Act – No. 36, 2003 – article 6(a)

Ukraine – Law on Copyright and Related Rights – article 21(3)

**MADAGASCAR - 9**

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

Book I, Ch. III: Limitation of Proprietary Rights – Art. 46(1)

Notwithstanding the provisions of Title II, Chapter II, on proprietary rights, it shall be permitted, without authorization from the author and without payment of remuneration, but subject to the obligation to give the source and the name of the author, where this name features in the source:

1) to reproduce and to distribute to the press, to broadcast on radio or to communicate by cable to the public, an economic, political or religious article published in newspapers or periodicals, or a broadcast work of the same nature, where the right to reproduce, to broadcast or to communicate in this way to the public is not expressly reserved

*Accord*

Mozambique – Law No. 4/2001 of 27 February 2001 (Copyright Law) – article 14 (allows “reproduction and distribution” under the same conditions)

**TUNISIA- 9**

Law No 2009-33 (2009) amending No. 94-36 (1994)

Article 10: Are licit, without authorization of the author or counterpart, the hereafter indicated uses of the protected works which were made available to the public, subject to the provisions of article 37 of the law herein:

d) the communication or reproduction of press articles published in newspapers or periodical publication on subjects of economic, political or social current events; or of broadcast works having the same nature, by way of press, radio or television, or communication to the public, if the rights of communication to the public, reproduction, and radio and television broadcasting are not expressly reserved, with the obligation to clearly indicate the source and the author name, if this name appears in the source.

Article 14. If it is not expressly stated in the source that the right of reproduction is reserved, articles concerning political, social or economic current events may be reproduced in the press or be broadcast.

**ZAMBIA - 9**

Copyright and Performance Rights Act, 1994

Art. 21(1)(c)

Subject to subsection (2), the following acts shall not constitute infringement of copyright:

(c) fair dealing with a work for the purposes of reporting current events—  
(i) in a newspaper, magazine or similar periodical, provided there is a sufficient acknowledgement; or

(ii) by broadcasting or by inclusion in a cable program service or by its use in an audiovisual work;

*Accord*

Zimbabwe – Copyright Act (Chapter 26:1) 1967 – arts. 9(1)(c); 11(1)(c)

Singapore – Copyright Act – article 37

**EL SALVADOR - 9**

Law on the Promotion and Protection of Intellectual Property Rights (1993)

47. It shall likewise be lawful, without consent or remuneration, and provided that the author and source are named:

(a) to reproduce and distribute through the press, or to transmit by any means, topical articles on economic, social, artistic, political or religious matters publicized in mass communication media, provided that the reproduction or transmission have not been expressly reserved;

*Accord*

Panama – Law No. 15 of August 8, 1994 on Copyright and Neighboring Rights and Enacting Other Provisions – article 50(1)

Venezuela – Law on Copyright – 1993 – article 47 (concerned with “the dissemination by the press or broadcasting of articles”).

**PORTUGAL - 9**

Code of Copyright and Related Rights (1985) (as amended in 2008)

Art. 75

(2) The following uses of a work shall be lawful without the author’s consent:

(m) The reproduction, communication to the public or making available to the public, articles of topicality, economic discussion, political or religious affiliation, of broadcast works or of other materials of the same nature, if not EXPRESSLY reserved;

**SOUTH AFRICA - 9**

Copyright Act, 1978 (as amended in 2002)

Art. 12(7)

(7) The copyright in an article published in a newspaper or periodical, or in a broadcast, on any current economic, political or religious topic shall not be infringed by reproducing it in the press or broadcasting it, if such reproduction or broadcast has not been expressly reserved and the source is clearly mentioned.

**ICELAND - 9**

Copyright Act No. 73/1972 (as amended in 2010)

Article 15: Popular articles on the subject of economics, politics or religion in newspapers or periodicals, or broadcast material or the same type, may be cited in

other newspapers or periodicals or performed in a broadcast, unless expressly stated in the articles or the broadcasts that such representation is prohibited. Reference shall, as a rule, be made to the source when such representation is made.

*Accord*

Saudi Arabia – Law issued by Royal Decree No. M/41, 2 Rajab, 1424 (30.08.2003) - article 15(4) (does not mention situations where communication rights are expressly reserved by the author)

Tanzania – The copyright and neighboring rights Act, 1999 – article 12(4)

**INDIA - 9**

Copyright (Amendment) Act, 2012

Arts. 52(1)(m)

52. 1. The following acts shall not constitute an infringement of copyright, namely:  
(m) the reproduction in a newspaper, magazine or other periodical of an article on current economic, political, social or religious topics, unless the author of such article has expressly reserved to himself the right of such reproduction;

*Accord*

Pakistan – Copyright Ordinance of 1962– Article 57(1)(m)

**TURKEY - 9**

Law No. 5846 of December 5, 1951 on Intellectual and Artistic Works (as amended in 2014)

Article 36: Contents of Newspapers: Article 15 of the Press Law being reserved, daily news and information communicated to the public by the press or radio may be freely quoted.

Articles or features on social, political or economic issues of the day published in newspapers or journals may be freely quoted in their original or adapted form in other newspapers or journals and may be broadcast by radio or disseminated by any other means, except where the right to quote them has been expressly reserved. Even where the right to quote is reserved, it is permitted to abridge such articles and features as a press review and to so quote, broadcast by radio or disseminate them in any other manner.

In all such cases, mention must be made of the name, the issue and the date of the newspaper, of the journal, of the agency and of any other source from which the quotations have been made, together with the name, the pseudonym or the mark of the author of the articles.

**CURRENT EVENTS**

**CROATIA - 15**

Copyright and Related Rights Act (2011) (as amended in 2014)

Art. 89



(1) It shall be permitted, to the extent necessary for informing the public on current events by press, radio or television, to reproduce, to distribute and to communicate to the public:

1. works that are part of current event that is being reported on, provided that the work is used to the extent justified by the purpose and manner of reporting on current events;
2. newspapers' articles on and photographs of current political, economical or religious topics, which are released through other media of public communication, provided that the author has not expressly prohibited such use, and that the work is used to the extent justified by the purpose and manner of reporting;
3. public political, religious or other speeches made at state or local governmental bodies, religious institutions or at state or religious ceremonies, as well as excerpts from public presentations;

(2) In all the cases referred to in paragraph (1) of this Article, the source and authorship shall be indicated.

#### **THAILAND - 15**

Copyright Act, B.E. 2537 (1994)

Article 32(4)

32. An act against a copyright work under this Act of another person which does not conflict with normal exploitation of the copyright work by the owner of copyright and does not unreasonably prejudice the legitimate rights of the owner of copyright shall not be deemed an infringement of copyright.

Subject to the provision in the first paragraph, the following acts in relation to a copyright work shall not be deemed an infringement of copyright:

- (4) reporting of news through mass media with an acknowledgment of the ownership of copyright in such work;

*Accord*

Namibia – Copyright and Neighbouring Rights Protection Act, 1994 (Act 6 of 1994) - Art. 15(1)(c)

#### **TUNISIA -15**

Law No. 94-36 (1994)

Ch II. Art. 15. The recording, reproduction and broadcasting of literary, scientific or artistic works referred to as part of information relating to current events shall be lawful whatever the means used, within the limits justified by the intended purpose of the information.

#### **CHINA - 12**

Copyright Law of the People's Republic of China (as amended in 2010)

Art. 22(3)

In the following cases, a work may be used without permission from, and without payment of remuneration to, the copyright owner, provided that the name of the author and the title of the work are mentioned and the other rights enjoyed by the copyright owner in accordance with this Law are not prejudiced:

(3) Unavoidable inclusion or quotation of a published work in the media, such as a newspaper, periodical, or radio or television program, for purpose of reporting current events.

#### **BHUTAN - 12**

Copyright Act of the Kingdom of Bhutan, 2001

Art. 14(b)

14. Notwithstanding the provisions of Section 8(1)(a), (h) and (i), the following acts shall be permitted, without the authorization of the author of, or other owner of copyright in, the work, subject to the obligation to indicate, as far as practicable, the source and the name of the author:

b. the reproduction and the broadcasting or other communication to the public, for the purpose of reporting current events, of short excerpts of a work seen or heard in the course of such an event, to the extent justified by the said purpose

*Accord*

Guatemala – Law on Copyright and Related Rights - Title IV: Limitations of Protection – Arts. 66(b).

#### **SPAIN - 12**

Consolidated Text of the Law on Intellectual Property of 1996 (as amended in 2015)

Title III, Ch. II – Art. 35

(1) Any work liable to be seen or heard in the reporting of current events may be reproduced, distributed and communicated to the public, but only to the extent justified by the informatory purpose.

#### **SLOVENIA - 12**

Copyright and Related Rights Act of March 30, 1995 (as amended in 2007)

Art. 48:

(1) In order to have free access to information of public nature it shall be free:  
1. to reproduce works, which are capable of being seen or heard as a part of a current event that is being reported on

#### **POLAND - 12**

Act No. 83 of February 4, 194, on Copyright and Neighboring Rights (as amended in 2010)

Art. 26

It shall be permitted to quote, in the reports of current events, the works made available in the course of such events, however, within the limits justified by the purpose of the information.

#### **JORDAN - 12**

Copyright Law No. 22 of 1992 (as amended in 2005)

Article 7: The protection provided for under this Law shall not include the following works unless collections of these works are distinguished with personal effect, which encompasses invention or organization:

b) News published, broadcast or delivered publicly.

**COLOMBIA - 9**

Law No. 23 On Copyright (Jan. 28, 1982)

Art. 33.

Any title, photograph, illustration and commentary on a current event, published by the press or broadcast by radio or television, may be reproduced in so far as this has not been expressly prohibited.

**BENIN - 9**

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

Art. 17:

For the purpose of reporting of a current event by means of photography or cinematography or through aural or visual broadcasting, the recording, reproduction and public communication of literary or artistic works that may be seen or heard during such event shall be lawful, to the extent justified by the intended informatory purpose.

*Accord*

El Salvador – Law on the Promotion and Protection of Intellectual Property Rights - Art. 47(b)

Malawi – Copyright Act, Law No. 9, April 26 - Art. 10(d)

Tanzania – The copyright and neighboring rights Act, 1999 - Art. 12(5)

**INDIA - 6**

Copyright Act, 1957 (as last amended by Act No. 49 of 1999)

Article 52(1): the following acts shall not be an infringement on copyright  
(b) a fair dealing with a literary, dramatic, musical or artistic work for the purpose of reporting current events— (i) in a newspaper, magazine or similar periodical, or (ii) by broadcast or in a cinematograph film or by means of photographs.

*Accord*

Pakistan – Copyright Ordinance of 1962 (updated) – article 57(1)(b)

South Africa Copyright Act – Act No. 98 of 1978 – article 12(1)(b) and (c)

**UNITED ARAB EMIRATES - 0**

Federal Law No. 7 of the Year 2002 Concerning Copyrights and Neighboring Rights

Art. 3. Protection does not extend to mere ideas, procedures, methods of work, mathematical understandings, principles, and abstract facts, but extend to creative expression in any of them. Protection does not extend also to the following:  
(2) The news, events and the current facts, which constitute merely media news.  
(3) The works transferred to public property. Nevertheless, the items in paragraph 1, 2 and 3 of this article if their compilation or arrangement or any effort thereof is characterized by creative manner shall enjoy protection.

#### **PORTUGAL - 0**

Code of Copyright and Related Rights (1985) (as amended in 2008)

Article 7. (Exclusion of protection)

1 - The following are not the object of protection:

a) daily news and accounts of events disclosed as mere information, whatever the mode of their dissemination.

### EDUCATION

#### **HUNGARY - 15**

Act LXXVI of 1999 on Copyright (consolidated text as of January 1, 2007)

Ch IV Article 34

(2) Part of a literary, musical work or film made public, or such entire works of a smaller extent as well as pictures of works of fine art, architectural, applied art and industrial design creations as well as photographic works, may be borrowed for the purposes of illustration for school education and scientific research, with the indication of the source and the author named therein, to the extent justified by the purpose and on the condition that the borrowing work is not used for commercial purposes. Borrowing shall mean the use of a work in another work to an extent that goes beyond quotation.

(3) The non-commercial reproduction and distribution of the borrowing work mentioned in Paragraph (2) shall not be subject to the author's authorisation where the borrowing work is, pursuant to the relevant legislation, qualified as a textbook or a reference book and the school education purpose is indicated on its front page.

(4) The work may be adapted for purposes of school education in the course of school classes. The authorisation of the author of the original work also shall be required for the use of the work so adapted.

#### **TURKEY - 15**

Law on Intellectual and artistic works - Law No. 5846 of 5.12.1951 (as amended in 2008)

Art. 34: It is free to create selected or collected works, which are dedicated to educational purposes, by way of making quotations in an amount justified by the purpose, from published musical, literary and scientific works and works of fine arts that are made public. Works of the type set out in the third subparagraph of article 2 and first and fifth subparagraphs of the first paragraph of article 4 may only be

quoted to explain the content of the selected and collected work. However, this freedom may not be used in a way which would prejudice the legitimate interests of the author without good reason or which would conflict with the normal exploitation of the work.

The first paragraph shall also apply to school radio broadcasts made exclusively for schools and approved by the Ministry of Education.

The permission of the author is necessary for making selected or collected works for purposes other than education, by way of quotations of published musical, literary and scientific works and works of fine arts that are made public.

In all such cases, the name of the work and the author shall be cited in the customary manner.

#### **TUNISIA - 15**

Law No 2009-33 (2009) amending No. 94-36 (1994)

Article 10: Are licit, without authorization of the author or counterpart, the hereafter indicated uses of the protected works which were made available to the public, subject to the provisions of article 37 of the law herein:

b) the use of work by way of illustration for educational aims, in printed papers, performances, dramatic representations or audio or audio-visual recordings.  
c) reproduction, for education or for the examinations in the educational establishments, in a noncommercial and nonprofit aim and to the extent justified by the aim to reach, of the isolated articles licitly published in a newspaper or periodical publication, short extracts of a work or a short work licitly published, in the following conditions:

- 1 - the indication of source in a complete manner and the author name, each time when the work is used.
- 2 - the use of work for noncommercial or for-profit purposes.

#### **LAOS - 12**

Law No. 01/NA of 2011 on Intellectual Property

Art. 111 The following acts shall be permissible without consent of the author, and without remuneration:

2. utilization, to the extent justified by the purpose, of literary or artistic works by way of illustration in publications, broadcasts or sound or visual recordings for teaching, provided such utilization is compatible with fair practice;

#### **UGANDA - 12**

The Copyright and Neighbouring Rights Act, 2006

Art. 15 (1) The fair use of a protected work in its original language or in a translation shall not be an infringement of the right of the author and shall not require the consent of the owner of the copyright where—

(c) a published work is used for teaching purpose to the extent justified for the purpose by way of illustration in a publication, broadcast or sound or visual

recording in so far as the use is compatible with fair practice and acknowledgement is given to the work and the author;

(d) the work is communicated to the public for teaching purposes for schools, colleges, universities or other educational institution or for professional training or public education in so far as the use is compatible with fair practice and acknowledgement is given to the work and the author;

#### **ESTONIA - 12**

Copyright Act passed 11 November 1992

#### **Ch IV, § 19**

The following is permitted without the authorisation of the author and without payment of remuneration if mention is made of the name of the author of the work, if it appears thereon, the name of the work and the source publication:

2) the use of a lawfully published work for the purpose of illustration for teaching and scientific research to the extent justified by the purpose and on the condition that such use is not carried out for commercial purpose

3) the reproduction of a lawfully published work for the purpose of teaching or scientific research to the extent justified by the purpose in educational and research institutions whose activities are not carried out for commercial purposes.

#### **ANGOLA - 12**

Law on Authors Rights, No. 4/90 of March 10, 1990

Article 29: The following uses of works already disclosed lawfully shall be permitted, without the authorization of the author and without payment of remuneration, on condition that the title and the name of the author are stated and that the work is respected

(b) Reproduction by photographic processes or processes analogous to photography where carried out by public libraries, documentation centers other than commercial establishments, scientific institutions or teaching establishments, on condition that the number of copies thus made does not exceed the requirement to be met by those copies.

#### **THAILAND - 12**

Copyright Act, B.E. 2537 (1994)

Art. 32. An act against a copyright work under this Act of another person which does not conflict with normal exploitation of the copyright work by the owner of copyright and does not unreasonably prejudice the legitimate rights of the owner of copyright shall not be deemed an infringement of copyright.

Subject to the provision in the first paragraph, the following acts in relation to a copyright work shall not be deemed an infringement of copyright:

(6) reproduction, adaptation, exhibition or display by a teacher for the benefit of his teaching provided that the act is not for profit;

(7) reproduction, adaptation in part of a work or abridgment or making a summary by a teacher or an educational institution so as to distribute or sell to students in a class or in an educational institution provided that the act is not for profit

#### **INDONESIA - 9**

Law of the Republic of Indonesia no. 19/2002 on Copyright

Art 15: Provided that the sources are fully cited, the following shall not be deemed as Copyright infringement:

- (a) the use of a work of another party for the purpose of education, research, scientific thesis, report writing, criticising or reviewing an issue, provided that it does not prejudice the normal interest of the Author;
- (b) the excerpt of a work of another party, in whole or in part, for the purposes of: (i) lecturers of which the purpose is solely for education and science;

#### **GHANA - 9**

Copyright Act 2005

19. (1) The use of a literary or artistic work either in the original language or in translation shall not be an infringement of the right of the author in that work and shall not require the consent of the owner of the copyright where the use involves

(c) subject to subsection (3)

- (i) the utilisation of the work by way of illustration in publications, broadcasts of sound or visual recordings for teaching, to the extent justified for the purposes, or
- (ii) the communication for teaching purposes of the work, broadcast for use in educational institutions, or
- (iii) the utilisation of the work for professional training or public education,

#### **TANZANIA - 9**

The Zanzibar Copyright Act of 2003

Art. 12 (1) Notwithstanding the provisions of section 6(1)(a), the following acts shall be permitted without authorization of the author, or other owner of copyright:

(a) the reproduction of a short part of a published work for teaching purposes by "Reprographic reproduction by way of illustration, In writings or sound or visual recordings, provided that such reproduction is compatible with fair practice and does not exceed the extent justified by the purpose;

(b) the reprographic reproduction, for face-to-face teaching in educational institutions the activities of which do not serve direct or indirect commercial gain, of published articles, other short works or short extracts of works, to the extent justified by the purpose, provided that

(i) the act of reproduction is an Isolated one occurring, if repeated, on separate and unrelated occasions, and

(ii) there is no collective license available (that is, offered by a collective administration organization of which the educational institution is or should be aware) under which such reproduction can be made.

(2) The source of the work reproduced and the name of the author shall be indicated as far as practicable on all copies made under subsection (1) of this section.

#### **EL SALVADOR - 9**

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

Article 44. - The following communications shall be lawful without the consent of the author or payment of remuneration:

c) those exclusively educational purposes, and which take place in teaching establishments, provided that there is no gainful intent;

Article 45. - With regard to works already lawfully disclosed, is permitted without permission of the author or remuneration:

c) reproduction by reprographic means, for the teaching or the holding of examinations in educational institutions provided that no profit and to the extent justified by the purpose, articles, brief extracts or lawfully published short works, to provided that such use is in keeping with proper practice;

#### **SOUTH AFRICA - 9**

Copyright Act, 1978 (as amended in 2002)

s12(4) The copyright in a literary or musical work shall not be infringed by using such work, to the extent justified by the purpose, by way of illustration in any publication, broadcast or sound or visual record for teaching: Provided that such use shall be compatible with fair practice and that the source shall be mentioned, as well as the name of the author if it appears on the work.

#### **JAPAN - 9**

Copyright Act 1970

Article 35(1) A person who is in charge of teaching and those who are taught in a school or other educational institutions\*1 (except those institutions established for profit-making) may reproduce a work already made public if and to the extent deemed necessary for the purpose of use in the course of lessons, provided that such reproduction does not unreasonably prejudice the interests of the copyright owner in the light of the nature and the purpose of the work as well as the number of copies and the form of reproduction.

#### **BENIN - 9**

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



Art. 21. Notwithstanding the provisions of Article 4.2 of the present Law, it shall be permitted, without the consent of the author but subject to the requirement of indicating the source and the name of the author if such name is given in the source:

- to use a lawfully published work as an illustration in publications, broadcasts or sound or visual recordings intended for teaching;
- to reproduce, by reprographic means, for teaching or for examinations within teaching establishments whose activities are not directly or indirectly profit-making, and to the extent justified by the intended purpose, individual articles lawfully published in a newspaper or periodical, and short extracts from a lawfully published work or a lawfully published short work.

#### **NEW ZEALAND - 6**

Copyright Act 1994 (last Amended 2011)

Section 44: Copyright in a literary, dramatic, musical, or artistic work or the typographical arrangement of a published edition is not infringed by the copying of the whole or part of the work or edition if—

- (a) the copying is done by means of a reprographic process or by any other means; and
- (b) the copying is done—
  - (i) in the course of preparation for instruction; or
  - (ii) for use in the course of instruction; or
  - (iii) in the course of instruction; and
    - (a) the copying is done by or on behalf of the person who is to give, or who is giving, a lesson at an educational establishment; and
    - (b) no more than 1 copy of the whole or part of the work or edition is made on any one occasion.

In subsections (3) to (6),—

**published edition** or **edition**, in relation to a collective work, means that part of the edition containing each work or part of a work

**work**, in relation to a collective work, means each of the works or parts of works in the collective work.

#### **BAHRAIN - 6**

Law No. 22 on Copyright and Neighboring Rights of June 25, 2006

Article 21: It is lawful to undertake the following actions without the consent of the author and without paying compensation, on condition that mention is made of the source, and of the name of the author if it appears in the source:

- (b) Using a legally published literary or artistic work in publications, radio or television programmes or audiovisual recordings, as a means of clarification for purposes of education, if undertaken by nonprofit educational institutions.
- (c) Making a photographic reproduction of an article, brief extracts of a work, or a short work, all of which have been legally published, for educational purposes within nonprofit educational institutions, on condition that this involves only a

single copy, or separate occasions, and in the degree necessary to achieve those purposes.

#### **EGYPT - 6**

Intellectual property Law 82 of 2002

Article 171. Without prejudice to the moral rights of the author under this Law, the author may not, after the publication of the work, prevent third parties from carrying out any of the following acts:

Reproduction, if necessary for teaching purposes in educational institutes, of an article, a short work or extracts therefrom, provided that:

- reproduction is made once or at different separate occasions;
- the name of the author and the title of the work are mentioned on each copy.

#### **ANDEAN COMMUNITY - 6**

Decision 351 Common Regime on Copyright (1993)

Article 22.- Without prejudice to the provisions of Chapter V and those of the foregoing Article, it shall be lawful, without the authorization of the author and without payment of any remuneration, to do the following:

(b) reproduce by reprographic means for teaching or for the holding of examinations in educational establishments, to the extent justified by the purpose, articles lawfully published in newspapers or magazines, or brief extracts from lawfully published works, on condition that such use is made in accordance with fair practice, that it does not entail sale or any other transaction for payment and that no profit-making purposes are directly or indirectly pursued thereby;

#### **PORTUGAL - 6**

Code of Copyright and Related Rights (1985) (as amended in 2008)

Art. 75(2)(f)

2) The following uses of a work shall be lawful without the author's consent:

(f) The reproduction, distribution and making available to the public, for teaching or education purposes, of parts of a published work, as long as they are solely for purposes of teaching at such establishments, and are not directly or indirectly aimed at an economic or commercial benefit.

#### **TAIWAN - 6**

Copyright Act (amended in 2014)

Article 46: Within a reasonable scope, and where necessary for the purpose of teaching in schools, all levels of legally established schools and their teachers may reproduce the works of another person which have already been publicly released.

#### **UKRAINE - 6**

Law of Ukraine on Copyright and Related Rights (as amended up to 2004)

Article 23. Free Reproduction of Specimens of a Work for Training

The following shall be permitted without the consent of the author or other copyright holder:

- 1) to reproduce excerpts from published written works or audiovisual works as illustrations for training, provided that the extent of the reproduction is consistent with said purpose;
- 2) for educational institutions to reprographically reproduce for classroom lessons published articles and other small works and excerpts from written works, with or without illustrations, provided that:
  - a) the extent of the reproduction is consistent with said purpose;
  - b) reproduction of the work is a single, not a regular, event;
  - c) there are no restrictions on the part of collective management organizations concerning the terms and conditions for the reproduction.

### **BRUNEI DARUSSALAM - 3**

Emergency (Copyright) Order, 1999

Article 36.

(1) Copyright in a literary, dramatic, musical or artistic work is not infringed by its being copied in the course of instruction, or of preparation for instruction, provided the copying —

- (a) is done by a person giving or receiving the instruction; and
- (b) is not by means of a reprographic process.

(2) Copyright in a sound recording, film, broadcast or cable programme is not infringed by its being copied by making a film or film sound-track in the course of instruction, or of preparation for instruction, in the making of films or film sound-tracks, provided the copying is done by a person giving or receiving the instruction.

## GENERAL COPYRIGHT EXCEPTIONS (OPEN)

### **UNITED STATES - 15**

U.S. Copyright Act (1976) (as consolidated in 2011)

Section 107: Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

(4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

#### **ISRAEL - 15**

Copyright Act 2007 (as amended in 2011)

Art. 19 : (a) Fair use of a work is permitted for purposes such as: private study, research, criticism, review, journalistic reporting, quotation, or instruction and examination by an educational institution.

(b) In determining whether a use made of a work is fair within the meaning of this section the factors to be considered shall include, inter alia, all of the following:

- (1) The purpose and character of the use;
  - (2) The character of the work used;
  - (3) The scope of the use, quantitatively and qualitatively, in relation to the work as a whole;
  - (4) The impact of the use on the value of the work and its potential market.
- (c) The Minister may make regulations prescribing conditions under which a use shall be deemed a fair use.

#### **REPUBLIC OF KOREA - 12**

Copyright Act (2013)

Art.35-3 (Fair Use of Copyrighted Material)

(1) It is permissible to use works for news reporting, critique, education and research when such use does not conflict with the normal exploitation of works and does not unreasonably prejudice the legitimate interests of rights holders except in cases pursuant to Articles 23 to 35bis and 101ter to 101quinquies.

(2) In determining whether an act of using works falls under Paragraph (1), the following subparagraphs, etc. shall be considered:

1. The purposes and characters of the use, including whether or not such use is for profit;
2. The category and nature of the works;
3. The amount and substantiality of the portion used in relation to the whole work;
4. The effect of the use on the current or potential market or value of the work.

#### **SINGAPORE - 12**

Copyright Act Chapter 63 of 1987 (as amended in 2006)

Section 35(1) Subject to this section, a fair dealing with a literary, dramatic, musical or artistic work, or with an adaptation of a literary, dramatic or musical work, for any purpose other than a purpose referred to in section 36 or 37 shall not constitute an infringement of the copyright in the work. [52/2004]

Section 35(2) For the purposes of this Act, the matters to which regard shall be had, in determining whether a dealing with a literary, dramatic, musical or artistic work

or with an adaptation of a literary, dramatic or musical work, being a dealing by way of copying the whole or a part of the work or adaptation, constitutes a fair dealing with the work or adaptation for any purpose other than a purpose referred to in section 36 or 37 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 or adaptation;
- (c) the amount and substantiality of the part copied taken in relation to the whole work or adaptation;
- (d) the effect of the dealing upon the potential market for, or value of, the work or adaptation; and
- (e) the possibility of obtaining the work or adaptation within a reasonable time at an ordinary commercial price.

Section 36. A fair dealing with a literary, dramatic, musical or artistic work, or with an adaptation of a literary, dramatic or musical work, shall not constitute an infringement of the copyright in the work if it is for the purpose of criticism or review, whether of that work or of another work, and a sufficient acknowledgment of the work is made.

#### **PHILIPPINES - 12**

Intellectual Property Code of Philippines (1997)(as amended by Republic Act No. 10372 of 2013)

185.1. The fair use of a copyrighted work for criticism, comment, news reporting, teaching including multiple copies for classroom use, scholarship, research, and similar purposes is not an infringement of copyright. Decompilation, which is understood here to be the reproduction of the code and translation of the forms of the computer program to achieve the inter-operability of an independently created computer program with other programs may also constitute fair use under the criteria established by this section, to the extent that such decompilation is done for the purpose of obtaining the information necessary to achieve such interoperability.

#### **TAIWAN - 9**

Copyright Act of 2016

Art. 65: Fair use of a work shall not constitute infringement on economic rights in the work.

In determining whether the exploitation of a work complies with the provisions of Articles 44 through 63, or other conditions of fair use, all circumstances shall be taken into account, and in particular the following facts shall be noted as the basis for determination:

- (1) The purposes and nature of the exploitation, including whether such exploitation is of a commercial nature or is for nonprofit educational purposes.
- (2) The nature of the work.

(3) The amount and substantiality of the portion exploited in relation to the work as a whole.

(4) Effect of the exploitation on the work's current and potential market value.

Where the copyright owner organization and the exploiter organization have formed an agreement on the scope of the fair use of a work, it may be taken as reference in the determination referred to in the preceding paragraph.

In the course of forming an agreement referred to in the preceding paragraph, advice may be sought from the specialized agency in charge of copyright matters.

#### **MALAYSIA - 9**

Copyright Act 1987 (as amended in 2006)

Section 13(2) Notwithstanding subsection (1), the right of control under that subsection does not include the right to control -

(a) the doing of any of the acts referred to in subsection (1) by way of fair dealing for purposes of non-profit research, private study, criticism, review or the reporting of current events, subject to the condition that if such use is public, it is accompanied by an acknowledgement of the title of the work and its authorship, except where the work is in connection with the doing of any of such acts for the purposes of non-profit research, private study and the reporting of current events by means of a sound recording, film or broadcast;

#### HOME STYLE RADIO/ BROADCASTING IN SMALL BUSINESSES

#### **MEXICO - 12**

Federal Copyright Act (1996)

Art. 150

There shall be no royalties for public performance where the following circumstances all obtain:

- (I) the performance takes the form of the communication of a transmission received direct by means of a radio or television receiving set of a type commonly used in private homes;
- (II) no charge is made for viewing or listening to the transmission, which also does not form part of a range of services;
- (III) the transmission received is not retransmitted for profit-making purposes;
- (IV) the receiving party is a minor operative or micro-industry.

#### **CHILE - 3**

Intellectual Property Act 1970 (as modified in 2010)

Article 71 E. In commercial establishments that show or sell musical instruments, radio, television or any other equipment that allows emitting sounds or images,

works and phonograms could be used without restriction or payment, with the only purpose of testing them to customers, if they take place within the store or apartment of the establishment destined for that purpose and in conditions that avoid its diffusion outside.

In case of commercial establishments that sell computer equipment or programs, using protected works obtained lawfully is free and without payment, but with the only purpose of testing them to customers and under same conditions set forth by previous paragraph.

## INCIDENTAL INCLUSION

### **CZECH REPUBLIC - 15**

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.

Art. 38c: Copyright is not infringed by anybody who uses a work incidentally, in connection with an intended primary use of another work or element.

### **PORTUGAL - 15**

Code of Copyright and Related Rights (1985) (as amended in 2008)

Art. 75(2)(r)

2) The following uses of a work shall be lawful without the author's consent:

(r) The episodic inclusion of a work or other material protected in another material;

### **NETHERLANDS - 12**

Copyright Act 1912 (as amended in 2012)

Article 18a: Incidental processing of a literary, scientific or artistic work as a component of subordinate significance in another work will not be regarded as an infringement of copyright.

### **SERBIA - 9**

Law on Copyright and Related Rights (2009)

Article 48: Any person shall have the right of temporary reproduction of the work of authorship without the author's permission and without paying any remuneration, under the following conditions:

- 1) Reproduction is transient or incidental,
- 2) Reproduction is an integral and essential part of a technological process,
- 3) Purpose of reproduction is to enable a transmission of data in a network between two or more persons through an intermediary, or to enable a lawful use of a work of authorship, and

4) Reproduction does not have independent economic significance.

**ZAMBIA - 9**

Copyright and Performance Rights Act, 1994 (Act No. 44 of 1994)

Article 21(1)

Subject to subsection (2), the following acts shall not constitute infringement of copyright:

- (h) the incidental inclusion of a work in an artistic work, audiovisual work, sound recording, broadcast or cable program;
- (i) the publishing, broadcasting, inclusion in a cable program service, or the communication to the public by any other means of anything whose making was, by virtue of paragraph (h), not an infringement of the copyright.

**JAMAICA - 6**

Copyright Act - Act 5 of 1993 (as amended in 2015)

Art. 55

Incidental Inclusion of Protected Work: Copyright in a work is not infringed—

- (a) by its incidental inclusion in an artistic work, sound recording, film, broadcast or cable programme; or
- (b) by the issue to the public of copies or the playing, showing, broadcasting or inclusion in a cable programme service of anything whose making was not an infringement of copyright by virtue of paragraph (a),  
and for the purposes of this section, a musical work, words spoken or sung with music, or so much of a sound recording, broadcast or cable programme as includes a musical work or such words, shall not be regarded as incidentally included if it is deliberately included.
- (c) by the making of copies for the purpose of restoring or preserving the work;
- (d) by the making of copies which are transient, temporary or incidental to the authorized publication of the work; or
- (e) by the incidental storage and copying of the work which occurs pursuant to authorized transmission of the work,".

**CHILE - 6**

Intellectual Property Act of 1970 (as modified in 2010)

Art. 71 Q:

Incidental and exceptional use of a protected work is legal with purpose of criticizing, commenting, making caricature, teaching, academic interest or research, if that use does not cover the exploitation of protected work. This exception does not apply to documentary audiovisuals works.



## LIBRARIES, ARCHIVES, MUSEUMS, CULTURAL INSTITUTIONS

### **LUXEMBOURG - 18**

Law of 18 April 2004 (as amended in 2004)

Article 10: reproduction of a lawfully accessible to the public, conducted by a library for public, educational intuitions, museum or archive which are not for economic or commercial advantage, directly or indirectly for the sole purpose of preserving the heritage and perform all work reasonably necessary to the safeguarding of this work, provided it does not affect the normal operation of such work and does not prejudice the legitimate interests of authors, and public communication of works audiovisual by these

### **TAIWAN - 15**

Copyright Act of 2016

Article 48: Libraries, museums, history museums, science museums, art museums, and other cultural institutions open to the public may reproduce works in their collections in any of the following circumstances:

1. Where a patron requests reproduction of a part of a work that has been publicly released, or a single article from a seminar paper or a single article from a periodical that has been publicly released, provided that the copy is for personal research purposes and is limited to one copy per person.
2. Where necessary to preserve materials.
3. Where the works in question are out of print or difficult to purchase, and have been requested by another similar institute.

### **JORDAN - 15**

Copyright Law No. 22 of 1992 (as amended in 2014)

Art. 20. Public libraries and non-commercial documentation centers, educational institutes, scientific and cultural institutions any copy any product by photocopying it without the permission of the author, provided that the photocopies and the number of photocopies are limited to the need of those institutions, and that this process does not damage the copyright of the product's author, and that it does not violate the ordinary exploitation of that product.

### **ITALY - 15**

Law No. 633 of 1941 (as amended in 2010)

Art. 68, para 2:

Permission is given for the free photocopying of works found in public and scholastic libraries, public museums, and public archives, undertaken by these said bodies for their own duties, without any direct or indirect economic or commercial gain.

### **CHILE - 12**

## Intellectual Property Act 1970 (as modified in 2014)

Article 71 I. Non-for-profit libraries and archives can, without authorization from or any payment to right holders, reproduce an out-of-market work, in the following conditions:

- a) Work is in its permanent collection and reproducing is necessary for purpose of preserving the work, replacing it in case of losing or deteriorating, up to two copies.
- b) For replacing a copy from another library or archives that has been lost, destroyed, or became useless, up to two copies.
- c) For including a copy in its permanent collection.

For purpose of this article, a copy of a work should not be available for public sale in the domestic or international market during the last three years.

Article 71 K. Non-for-profit libraries and archives can, without authorization from or any payment to right holders, make electronic reproduction of work from their collection for purpose of their free consulting for a reasonable number of users simultaneously, only in computers of networks from the same institution and in conditions that guarantee that electronic copies of those reproductions cannot be made.

### **SERBIA - 12**

#### Law on Copyright and Related Rights (2009)

Article 45: Public libraries, educational institutions, museums and archives shall have the right to reproduce works without author's permission and without paying remuneration, exclusively for their archival and non-commercial purposes.

Article 55: State bodies, educational institutions and public libraries shall have the right to reproduce works without the author's permission, with the obligation to pay the remuneration, for educational or scientific research purposes, by means of photocopying or using any other kind of photographic technique or similar technique with the similar results, on a paper or any other similar medium institutions in order to know cultural heritage, provided that such communication is analog and is done within the confines of the institution.

### **PERU - 12**

#### Copyright Act (1996) (amended in 2014)

Article 43. Respect to works legally published, it is allowed without author's authorization:

- c) Individual reproduction of works by public non-for profit libraries and archives, when work is part of their permanent collection, in order to preserve that copy and replace it in case it is lost, destructed, or became useless; or to replace a lost, destructed, or useless copy that was part of the permanent collection of another library or archives, and it is not possible to acquire it in reasonable time and conditions.

## **SPAIN - 12**

Consolidated Text of the Law on Intellectual Property of 1996 (as amended in 2011)

Title III, Ch. II – Art. 37

1) The owners of copyright may not object to reproductions of works where they are made without gainful intent by museums, libraries, record libraries, film libraries, newspaper libraries or archives which are in public ownership or form part of institutions of cultural or scientific character, and where the reproduction is effected solely for research purposes.

(2) Museums, archives, libraries, newspaper libraries, record libraries or film libraries in public ownership or belonging to institutions of general cultural, scientific or educational interest without gainful intent, or to teaching institutions integrated in the Spanish educational system, shall not require the authorization of the owners of copyright or pay remuneration to them for the loans that they make.

## **THAILAND - 12**

Copyright Act, B.E. 2537 (1994) (as amended in 2015)

34. A reproduction of a copyright work under this Act by a librarian in the following cases shall not be deemed an infringement of copyright provided that the purpose of such reproduction is not for profit and the first paragraph of Section 32 is complied with:

(1) reproduction for use in his own library or another library;

(2) reasonable reproduction in part of a work for another person for the benefit of research or study.

## **IRAN - 12**

Copyright Law of 1970

Article 8: Public libraries, documentation centers, scientific institutions and educational establishments, which are noncommercial, may produce protected works by a photographic or similar process, in the numbers necessary, for the purposes of their activities, according to a decree to be issued by the Board of Ministers.

## **ORPHAN WORKS**

### **JAMAICA - 18**

Copyright Act - Act 5 of 1993 (as amended in 2015)

Art. 71

71.—(1) Copyright in a literary, dramatic, musical or artistic work is not infringed by an act done at a time when, or in pursuance of an arrangement made at a time when—

- (a) it is not possible by reasonable inquiry to ascertain the identity of the author;  
and
- (b) it is reasonable to assume—
- (i) that the copyright has expired; or
- (ii) that the author died fifty years or more before the beginning of the calendar year in which the act is done or the arrangements are made.
- (2)(a) efforts undertaken to ascertain the identity or locate an author, referred to in subsection (1), shall be documented; and
- (b) without prejudice to the adequacy of any other form of effort to ascertain the identity of the author, reasonable inquiry shall be deemed to have been made, where a notice seeking to ascertain the location or identity of the author has been published electronically or otherwise in a newspaper in island-wide circulation in Jamaica or other publicly available medium.
- (3) Where an act referred to in subsection (1) is done for profit, or is not governed by the other provisions of this Part, and the author is located or identified no later than six years after the end of the calendar year in which the act takes place, the copyright owner shall be entitled to receive equitable remuneration for the use made of the work.
- (4) Where there is no agreement as to equitable remuneration payable pursuant to subsection (3), an application for a determination of the equitable remuneration payable, may be made to the Copyright Tribunal or to a court of competent jurisdiction."
- (5) Subsection (1)(b)(ii) does not apply in relation to work in which copyright originally vested in an international organization by virtue of section 146 and in respect of which an order under that section specifies a copyright period longer than fifty years.
- (6) In relation to work of joint authorship—
- (a) the reference in subsection (1) to its being possible to ascertain the identity of the author shall be construed as a reference to its being possible to ascertain the identity of any of the authors; and
- (b) the reference in subsection (1)(b)(ii) to the author having died shall be construed as a reference to all the authors having died.

#### **DENMARK - 12**

Consolidated Act on Copyright 2010 (as amended in 2014)

Ch.4 Art. 63(5): Copyright in a work of unknown authorship that has not been made public shall last 70 years after the end of the year in which the work was created.

#### **BRUNEI DARUSSALAM - 12**

Emergency (copyright) order, 1999

Article 61

Copyright in a literary, dramatic, musical or artistic work is not infringed by an act done at a time when, or under arrangements made at a time when —  
it was not possible by reasonable inquiry to ascertain the identity of the author; and

it was reasonable to assume —  
that copyright had expired; or  
that the author had died fifty years or more before the beginning of the year in  
which the act was done or the arrangements were made.

#### **SWITZERLAND - 12**

Federal Law on Copyright and Related Rights Act (Copyright, Lda) of 9 October 1992  
(status as of 2017)

Ch. 5: Limitations on Copyright - Art. 22b - Use of Orphan Works

1 The necessary rights to the exploitation of phonograms or videograms shall be  
exercised by a management company authorized, to the extent that:

- a. operation for stocks publicly accessible archives and archives of broadcasting  
organizations;
- b. rights holders are unknown or untraceable;
- c. phonograms or videograms intended for exploitation have been produced or  
reproduced in Switzerland and at least ten years have passed since their production  
or reproduction.

2 Users are required to notify management companies phonograms or videograms  
containing orphan works.

#### **JORDAN - 9**

Copyright Law No. 22 of 1992 (as amended in 2014)

Art. 26

If any product did not carry the name of its author or carried an assumed name, the  
publisher of that product is considered authorized de jure by the author to practice  
his rights stipulated in this law until the author declares his character and proves it.

### PARODY/SATIRE/PASTICHE

#### **MALAYSIA - 15**

Copyright Act (2012 Amendment)

Section 13: (2) Notwithstanding subsection (1), the right of control under that  
subsection does not include the right to control-- (a) the doing of any of the acts  
referred to in subsection (1) by way of fair dealing including for purposes of  
research, private study, criticism, review or the reporting of news or current events:

3 Provided that it is accompanied by an acknowledgement of the title of the work  
and its authorship, except connection with the reporting of news or current events  
by means of a sound recording, film or broadcast;"

(b) the doing of any of the acts referred to in subsection (1) by way of parody,  
pastiche or caricature;

## **CROATIA - 15**

Copyright and Related Rights Act (2011) (as amended in 2014)

Art. 94 – Parodies and Caricatures: It shall be permitted to transform the work into a parody or caricature to the extent necessary for the purpose thereof, by indicating the work being transformed and its author.

## **PERU - 15**

Copyright Law 1996 (as amended in 2014)

Art. 49: A parody of a disclosed work shall not be considered a transformation requiring authorization by the author where it does not involve a risk of confusion therewith or risk damaging the original work or its author, without prejudice to the remuneration accruing to him for such use.

## **ESTONIA - 15**

Copyright Act (consolidated text of February 1, 2017)

Ch IV, § 19 (7) Free use of works for scientific, educational, informational and judicial purposes

The following is permitted without the authorisation of the author and without payment of remuneration if mention is made of the name of the author of the work, if it appears thereon, the name of the work and the source publication:

...

7) the use of a lawfully published work in a caricature, parody or pastiche to the extent justified by such purpose.

## **FRANCE - 15**

Intellectual Property Code of 1992 (as amended in 2017)

Art. L122-5: When a work has been disclosed, the author may not prohibit:

3. on condition that the name of the author and the source are clearly stated:
4. parody, pastiche and caricature, observing the rules of the genre.

The exceptions listed in this article may prejudice the normal exploitation of the work nor unreasonably prejudice the legitimate interests of the author.

## **CHILE - 15**

Intellectual Property Act 1970 (as modified in 2010)

Article 71Q. It shall be permitted to engage in satire or parody that constitutes an artistic contribution setting it apart from the work to which it refers, its performance or the characterization of the performer.

## **AUSTRALIA - 12**

Copyright 1968 (consolidated as of June 27, 2015)

Section 41A, 103AA

#### 41A Fair dealing for purpose of parody or satire

A fair dealing with a literary, dramatic, musical or artistic work, or with an adaptation of a literary, dramatic, or musical work, does not constitute an infringement of the copyright in the work if it is for the purpose of parody or satire.

#### 103AA Fair dealing for purpose of parody or satire

A fair dealing with an audio-visual item does not constitute an infringement of the copyright in the item or in any work or other audio-visual item included in the item if it is for the purpose of parody or satire.

### **SENEGAL - 12**

Law No. 2008-09 of January 25, 2008 on Copyright and Related Rights

Article 43. Parody. – The author may not prohibit the reproduction or communication of the work in the form of a parody, where the rules of the genre are observed.

### **RUSSIAN FEDERATION - 12**

Civil Code of Russian Federation (2006) (as amended in 2011)

Article 1274: (3) The creation of a work in the genre of literary, musical or other parody or in the genre of cartoon on the basis of another (original) legally promulgated work, and the use of the parody or cartoon is permitted without the consent of the author or other owner of the exclusive right to the original work and without a fee being paid thereto.

### **LUXEMBOURG - 12**

Law of 18 April 2004

Art. 10. where the work, other than a database, has been lawfully made available to the public, the author may not prohibit:

(6) caricature, parody or pastiche that is intended to mock the parodied work, provided they comply with fair practice in this area and especially that they borrow the elements strictly necessary to caricature and does not denigrate the work.  
author.

### **BRAZIL - 12**

Law No. 9610 of February 19, 1998, on Copyright and Neighboring Rights

Art. 47: Paraphrases and parodies shall be free where they are not actual reproductions of the original work and are not in any way derogatory to it.

### **SPAIN - 12**

Law No. 22/1987 of November 11, 1987 on Intellectual Property (as amended in 1992)

Title III, Ch. II – Art. 39: The parody of a disclosed work shall not be considered a transformation that requires the consent of the author, provided that it involves no risk of confusion with that work and does no harm to the original work or its

## **MADAGASCAR - 12**

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

Book I, Ch. III: Limitation of Proprietary Rights. Article 43 – Where a work has been disclosed, the author cannot prohibit:

4) parody, pastiche or caricature, taking into account the laws of the genre.

## **BELGIUM - 12**

Law on Copyright and Neighboring Rights (of June 30, 1994, as amended by the Law of April 3, 1995)

Ch.1, Sec. 5, Art. 22 (1) Once a work has been lawfully published, its author may not prohibit:

6. caricature, parody and pastiche, observing fair practice.

## **TUNISIA - 12**

Law No 2009-33 (2009), amending No. 94-36 (1994)

Article 10: Are licit, without authorization of the author or counterpart, the hereafter indicated uses of the protected works which were made available to the public, subject to the provisions of article 37 of the law herein:

f) the pastiches, parodies, caricatures of an original work, taking into account the laws of the kind.

## **NETHERLANDS - 9**

Copyright Act 1912 (as amended in 2006)

Art. 18b Publication or reproduction of a literary, scientific or artistic work in the context of a caricature, parody or pastiche will not be regarded as an infringement of copyright in that work, provided the use is in accordance with what would normally be sanctioned under the rules of social custom.

## **PERSONAL/ PRIVATE USES**

### **ANGOLA - 18**

Law on Authors Rights, No. 4/90 of March 10, 1990

Article 29: The following uses of works already disclosed lawfully shall be permitted, without the authorization of the author and without payment of remuneration, on condition that the title and the name of the author are stated and that the work is respected

(a) Reproduction, translation, adaptation, arrangement or any other transformation for exclusively individual and private purposes.

### **EL SALVADOR - 18**

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



Article 45. - With regard to works already lawfully disclosed, is permitted without permission of the author or remuneration:

- a) production of one copy of the work for the personal and exclusive benefit of the user, who shall have made it himself with his own facilities, provided that the normal exploitation of the work is not affected and the legitimate interests of the author are not unjustifiably prejudiced thereby;
- b) photomechanical reproduction for exclusive personal use, such as by photocopying and microfilming, provided it is confined to small parts of a protected work or to works that are out of print. Any use of the parts reproduced for other than personal purposes, made by any means or process and in competition with the author's exclusive right to exploit his work, shall be treated as unlawful reproduction;

**UGANDA - 18**

The Copyright and Neighbouring Rights Act, 2006

Art. 15(1)(a)

(1) The fair use of a protected work in its original language or in a translation shall not be an infringement of the right of the author and shall not require the consent of the owner of the copyright where—

- (a) the production, translation, adaptation, arrangement or other transformation of the work is for private personal use only;

**DJIBOUTI - 18**

Law n° 114/AN/96/3rd L on the Protection of Copyright (1996) (as amended in 2006)

Art. 54: Notwithstanding the provisions of Article 10, the following uses of a protected work shall be permissible without the author's consent in the case of a protected work that has been lawfully published:

- (a) the reproduction, translation, adaptation, arrangement or other transformation of such a work exclusively for the user's own personal or private use;

**MALAWI - 18**

Copyright Act, Law No. 9, 1989 (as amended in 2001)

Art. 10(a)(i)

10. The following uses of a work under this Part, either in its original language or in its translation, shall be permissible without the author's consent and without the obligation to pay remuneration for the use of such work

- (a) in the case of any work that has been lawfully published:
  - (i) the reproduction, translation, adaptation, arrangement or other transformation of such work exclusively for the user's own personal or private use;

**UNITED KINGDOM - 15**

Copyright and Rights in Performances (Personal Copies for Private Use) Regulations 2014.

## 28B Personal copies for private use

(1) The making of a copy of a work, other than a computer program, by an individual does not infringe copyright in the work provided that the copy—

- (a) is a copy of—
  - (i) the individual's own copy of the work, or
  - (ii) a personal copy of the work made by the individual,
- (b) is made for the individual's private use, and
- (c) is made for ends which are neither directly nor indirectly commercial.

(2) In this section "the individual's own copy" is a copy which—

- (a) has been lawfully acquired by the individual on a permanent basis,
- (b) is not an infringing copy, and
- (c) has not been made under any provision of this Chapter which permits the making of a copy without infringing copyright.

(3) In this section a "personal copy" means a copy made under this section.

(4) For the purposes of subsection (2)(a), a copy "lawfully acquired on a permanent basis"—

- (a) includes a copy which has been purchased, obtained by way of a gift, or acquired by means of a download resulting from a purchase or a gift (other than a download of a kind mentioned in paragraph (b)); and
- (b) does not include a copy which has been borrowed, rented, broadcast or streamed, or a copy which has been obtained by means of a download enabling no more than temporary access to the copy.

(5) In subsection (1)(b) "private use" includes private use facilitated by the making of a copy—

- (a) as a back up copy,
- (b) for the purposes of format-shifting, or
- (c) for the purposes of storage, including in an electronic storage area accessed by means of the internet or similar means which is accessible only by the individual (and the person responsible for the storage area).

[The regulations also include a section on "Remedy where restrictive measures prevent or restrict personal copying" and other specific language regarding recordings.]

### **NEPAL - 15**

Copyright Act 2059 (2002)

Art. 16: Reproduction allowed for personal purpose:

(1) Notwithstanding anything contained in Clause (a) of Section 7, no authorization shall be required from the author or the copyright owner to reproduce some portions of any published work for personal use.

(2) Notwithstanding anything contained in Sub-section (1), no reproduction of an architectural design erected as a building and other construction related design or a significant portion of any book or of a musical work as notation of all or significant portion of a database through digital transmission shall be allowed in a manner to be prejudicial to the economic right of the author or the copyright owner.

#### **EGYPT - 15**

Intellectual property Law 82 of 2002

Art. 171. Without prejudice to the moral rights of the author under this Law, the author may not, after the publication of the work, prevent third parties from carrying out any of the following acts:

(1) Perform the work in family context or student gathering within an educational institution, to the extent that no direct or indirect financial remuneration is obtained;

(2) Make a single copy of the work for one's exclusive personal use, provided that 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;

#### **TUNISIA - 15**

Law No 2009-33 (2009) amending No. 94-36 (1994)

Art. 10

Are licit, without authorization of the author or counterpart, the hereafter indicated uses of the protected works which were made available to the public, subject to the provisions of article 37 of the law herein:

(a) the reproduction of the work intended for the private use, provided that this reproduction does not violate the normal exploitation of work, nor causes an unjustified prejudice to the legitimate material interests of the author.

#### **QATAR - 15**

Law No. 7 of 2002 on the Protection of Copyright and Related Rights

18. The following uses of a protected work are permitted without the Author's authorization:

(1) using the work exclusively for personal use, through reproduction, translation, quotation, musical arrangement, acting, broadcast listening, television viewing, photography or by any other means;

#### **COLOMBIA - 15**

Law No. 23 On Copyright (Jan. 28, 1982)

Art. 37: It shall be lawful to reproduce, by any means, a literary or scientific work, such reproduction having been arranged or effected by the party concerned in one copy for his private use and without gainful intent.

**GHANA - 15**

Copyright Act, 2005

Article 19(1)(a)

19. (1) The use of a literary or artistic work either in the original language or in translation shall not be an infringement of the right of the author in that work and shall not require the consent of the owner of the copyright where the use involves (a) the reproduction, translation, adaptation, arrangement or other transformation of the work for exclusive personal use of a person, if the user is an individual and the work has been made public.

**TAIWAN - 12**

Copyright Act of 2016

Art. 51: Within a reasonable scope, where for nonprofit use by an individual or a family, a work that has been publicly released may be reproduced by a machine that is either located in a library or is not provided for public use.

**TANZANIA - 12**

The Zanzibar Copyright Act 2003

Article 9

9.(1) Notwithstanding the provisions of section 6(1)(a), and subject to the provisions of subsection (2) of this section, the private Personal of a published work in a single copy shall be permitted without the authorization of the author or owner of copyright, where the reproduction is made by a physical person exclusively for his own personal purposes.

(2) The permission under subsection (1) of this section shall not extend to reproduction:

- (a) of a work of architecture In the form of building or other construction;
- (b) In the form of reprography of the whole or a substantial part of a boot or of a musical work in the form of notation;
- (c) of the whole or a substantial part of a database In digital form;
- (d) of a computer program, except as provided in section 15; and
- (e) of any work In cases 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.

**SRI LANKA - 12**

Copyright Act – No. 36, 2003

Art. 12

12. (1) Notwithstanding anything contained in paragraph (a) of subsection (1) of section 9 and subject to the provisions of subsection (2) of this section, the private reproduction of a published work in a single copy shall be permitted without the authorization of the owner of the copyright, where the reproduction is made by a physical person from a lawful copy of such work exclusively for his own personal purposes.

(2) The permission under subsection (1) of this section shall not be extended to the reproduction—

(a) of a work of architecture in the form of a building or other constructions ;

(b) in the form of reprography of the whole or a substantial part of a book or of a musical work in the form of notations ;

(c) of the whole or a substantial part of a data base ;

(d) of a computer program, except as provided in subsection (7) ; and

(e) of any work, in case the reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the owner of the copyright

#### **BHUTAN - 12**

##### Copyright Act of 2001

Art. 10. (1) Notwithstanding the provisions of Section 8(1) (a), and subject to the provision of subsection (2), the private reproduction of a published work in a single copy, where the reproduction is made by a physical person exclusively for his own personal purposes, shall be permitted, without the authorization of the author of, or other owner of the copyright in, the work.

(2) The permission under subsection (1) shall not extend to the reproduction

(a) of a work of architecture in the form of building or other construction;

(b) where the reproduction is reprographic reproduction, or entire book, or a substantial part thereof, or of a musical work in graphic form;

(c) of a data base;

(d) of a computer program, except as provided in Section 15; and

(e) of any work in cases 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.

#### **BOTSWANA - 12**

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

##### Art. 13(1)

(1) Subject to subsection (2), the private reproduction of a published work in a single copy shall be permitted without the authorization of the author or owner of copyright, where the reproduction is made by any person exclusively for his own personal purposes.

(2) The permission granted under subsection (1) shall not extend to reproduction-

(a) of a work of architecture in the form of building or other construction;

- (b) in the form of reprography of the whole or a substantial part of a book or of a musical work in the form of notation;
- (c) of the whole or a substantial part of a data base;
- (d) of a computer, except as provided in section 17; and
- (e) of any work in cases 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.

**Article 20: importation for personal purposes**

The importation of a copy of a work by any person for his own personal purposes shall be permitted without the authorization of the author or other owner of copyright.

**MACAO - 12**

Decree-Law 43/99/M of August 16, 1999

**Article 60:**

- (1) The private use of protected works shall be free unless otherwise provided.
- (2) The following in particular shall be considered private use:
  - (a) reproduction of the work exclusively for the private purposes of the person who does it;
  - (b) the performance of a dramatic or dramatical-musical work, the showing of a cinematographic work, the recitation of a literary work, the performance of a musical work and any other form of communication of a work already disclosed or published, when done without gainful intent and in a place open to the public.

**SPAIN - 12**

Consolidated Text of the Law on Intellectual Property (1998) (as amended in 2011)

**Title III, Ch. II – Art. 31(1)2**

31(1) Works already disclosed may be reproduced without authorization from the author and without prejudice, where applicable, to the provisions of Article 34 of this Law in the following cases:

- (1) for the private use of the copier, without prejudice to the provisions of Articles 25 and 99(a) of this Law, provided that the copy is not put to either collective or profit-making use;

**PARAGUAY - 12**

Law No. 1328/98 on Copyright and Related Rights

**Tit. 4, Ch. 1, Art. 38(1)**

38. The intellectual works protected by this Law may be lawfully communicated in the following cases without need for the permission of the author or payment of any remuneration:

- 1. where it is done in an exclusively domestic environment, provided that there is no direct or indirect profit-making purpose;

**BRAZIL - 12**

Law No. 9610 of February 19, 1998, on Copyright and Neighboring Rights

Art.46: The following shall not constitute violation of copyright:

(II) the reproduction in one copy of short extracts from a work for the private use of the copier, provided that it is done by him and without gainful intent;

**CANADA - 12**

Copyright Act (R.S.C., 1985, c. C-42) (as amended in 2016)

Art. 29: (1) It is not an infringement of copyright for an individual to reproduce a work or other subject-matter or any substantial part of a work or other subject-matter if

(b) the reproduction is used only for the individual's private purposes.

**AUSTRALIA - 12**

Copyright Act 1968 (as amended in 2015)

Section 111: (1) This section applies if a person makes a cinematograph film or sound recording of a broadcast solely for private and domestic use by watching or listening to the material broadcast at a time more convenient than the time when the broadcast is made.

**RUSSIA - 12**

Civil Code of the Russian Federation (2009) (as amended in 2017)

(Part Four), Art. 1273

1. shall be permitted without the consent of the author or copyright holder and without remuneration playback citizen, if necessary, and exclusively for personal purposes lawfully disclosed works, with the exception of:

- 1) reproduction of works of architecture in the form of buildings and similar structures;
- 2) databases playback or their essential parts, except as provided by [section 1280](#) of the Code;
- 3) reproduction of computer programs except for the cases provided by Article 1280 of the present Code;
- 4) reproduction (Paragraph 2 of Article 1275) of books (in their entirety) and of sheet music.
- 5) video recording of an audiovisual work in case of its public performance at a place open for free attendance or at a place where there are a significant number of persons present not belonging to the usual circle of a family;
- 6) reproduction of an audiovisual work with the use of professional equipment not meant for use in home conditions.

2. In case where clause reproduction of phonograms and audiovisual works is done exclusively for personal purposes, the authors, performers, producers of phonograms and audiovisual works shall have the right to remuneration provided for by Article 1245 of the present Code.

## **UNITED ARAB EMIRATES – 12**

Federal Law No. 7 of the Year 2002 Concerning Copyrights and Neighboring Rights

Art. 22

Without prejudice to literary rights of the author stipulated in this law, the author after the publication of his work must not prohibit a third person to perform one of the following acts:

1. To make a sole copy from the work for the merely personal and non-commercial or professional but personal use of the copier. The works of the fine and applied arts are excepted unless were located in public place by consent of the right holder or his successor, the works of architecture are also excepted as in para (7) of this article and also the computer programs and their application unless as indicated in para (2) of this article.

## **SUDAN - 12**

The Copyright and Neighboring Rights Protection Act 1996

Article 14:

(4) It shall be allowed to reproduce, translate or adapt a published work for personal and private use but this shall not apply to computer programs, data banks and scores of a musical work.

## **BRUNEI DARUSSALAM - 12**

Emergency (Copyright) Order, 1999

Article 73: The making for private and domestic use of a recording of a broadcast or cable programme solely for the purpose of enabling it to be listened to or viewed at a more convenient time does not infringe any copyright in the broadcast or cable programme or in any work included in it.

## **SLOVENIA - 12**

Copyright Act of 1995 (as amended in 2016)

Art. 50(2)

(2) A natural person may freely reproduce the work first on paper or any similar medium using photocopies or other photographic techniques with similar effects,

2. any other vehicle, if this is done for private use if the specimens are not handed over or communicated to the public and provided that no intention to achieve direct or indirect economic benefits.

## **RWANDA - 9**

Law No. 31/2009 of 26/10/2009 on the Protection of Intellectual Property

Art. 214: Free importation of a work for personal purposes



Notwithstanding the provisions of article 200 of this Law, the importation of a copy of a work by a natural person for his or her own personal purposes shall be permitted without the authorization of the author or other owner of copyright.

**BENIN - 9**

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

Art. 22: The import of a copy of a work by a natural person for personal purposes shall be permitted without the consent of the author or of any other holder of copyright in the work.

**SENEGAL - 9**

Law No. 2008-09 of January 25, 2008 on Copyright and Related Rights

Art. 40

1. The author may not prohibit reproduction intended for strictly personal and private use.
2. The exception set out in paragraph 1 shall not apply to:
  - (a) the reproduction of architectural works in the form of buildings or other similar structures;
  - (b) the reprographic reproduction of works of visual art in limited editions, musical scores and textbooks;
  - (c) the reproduction of an electronic database;
  - (d) the reproduction of a computer program.

**PORTUGAL - 9**

Code of Copyright and Related Rights (2008)

Art. 75(2)(a)

- 2) The following uses of a work shall be lawful without the author's consent:
  - (a) The reproduction of a work, solely for private purposes, on paper or similar medium carried out by any kind of photographic technique or a process having a similar effect, with the exception of sheet music, as well as the reproduction in any medium carried out by an individual for private use and for no direct or indirect commercial purpose.

**BAHRAIN - 9**

Act No. 22 of the year 2006 relating to the protection of copyright and neighboring rights

- Art. 19: It is lawful to make a single copy of a legally published original work, or of a legal copy thereof, for purely personal use without the consent of the author and without paying compensation. This does not apply to the following:
- (a) Reproducing works of architecture in the form of buildings or any other construction.

- (b) Making a photocopied reproduction of a (written) work, either in its entirety or a fundamental part thereof.
- (c) Making a photocopied reproduction of a work of sheet music, either in its entirety or a large part thereof.
- (d) Making a total or partial reproduction of databases in digital format.
- (e) Reproducing computer programs, unless pursuant to the provisions of article 26 of this Act.

#### **SAUDI ARABIA - 9**

Copyright Law (Royal Decree No. M/41, 2 Rajab, 1424) (30.08.2003)

Art. 15(1):

The following uses of the copyrighted work, in its original language or in translation, are lawful without obtaining the permission of the copyright owner. These forms of use are:

- (1) Copying the work for personal use, excluding computer software, audio and audio-visual works.

#### **LEBANON - 9**

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

Article 23: (1) Without prejudice to the provisions of Article 24 of this Law, any natural person may, for his personal and private use, copy, record or make a single copy of any work protected under this Law without the authorization or consent of the copyright holder and without having to pay him any compensation, provided that the work has been legally published.

(2) The use of a copy copied or reproduced inside a company or at any other work place shall not be considered as personal and private use.

Article 24: (1) The exception provided for in the previous Article shall not apply if it is prejudicial to the other rights and interests of the copyright holder. In particular, it shall be prohibited to:

- execute an architectural work in the form of a complete or partial construction;
- copy, record or reproduce any work of which a limited number of original copies are published;
- reproduce the whole or a significant part of a book;
- record or transmit compilations of data of all kinds;
- record or copy computer programs unless the record or copy is made by the person authorized by the copyright holder to use the program and for the purpose of making a single copy for use in the case of loss or damage of the original copy.

#### **MADAGASCAR - 9**

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

Book I, Ch. III: Limitation of Proprietary Rights – Art. 42

Notwithstanding the provisions of Title II, Chapter II, on proprietary rights, and subject to the provisions of paragraph 2 of this article and the provisions of Book III, Title I, it shall be permitted, without authorization from the author, to reproduce a

work lawfully published exclusively for the private use of the user. Paragraph 1 shall not apply:

- 1) to the reproduction of works of architecture in the form of buildings or other similar reconstructions;
- 2) to the reprographic reproduction of limited-edition works of fine art, to the graphic presentation of musical works (scores) or to exercise manuals that are used only once;
- 3) to the reproduction of the whole or large parts of databases;
- 4) to the reproduction of computer programs, save in the cases referred to in Article 51.

#### **JAMAICA – 9**

Copyright Act - Act 5 of 1993

Art. 84:

The making for private and domestic use of a recording of a broadcast or cable programme solely for the purpose of enabling it to be viewed or listened to at a more convenient time does not infringe any copyright in the broadcast or cable programme or in any work included in it.

#### **SOUTH AFRICA - 9**

Copyright Act No.98 of 1978 (as amended in 2002)

Art. 12(1)

(1) Copyright shall not be infringed by any fair dealing with a literary or musical work-

(a) for the purposes of research or private study by, or the personal or private use of, the person using the work;

#### **FRANCE - 9**

Intellectual Property Code enacted in 1992 (as amended in 2017)

Art. L122-5-2

When the work has been disclosed, the author may not prohibit:

1. copies or reproductions reserved strictly for the private use of the copier and not intended for collective use, with the exception of copies of works of art to be used for purposes identical with those for which the original work was created and copies of software other than backup copies made in accordance with paragraph II of Article L. 122-6-1, as well as copies of reproductions of an electronic database.

#### **POLAND - 6**

Act of 2/4/94 (1994) (as amended in 2016)

Article 23

1. Without a permit developers allowed free use of the already disseminated work for their own personal use. This provision does not authorize the building of another person's work of architectural and architectural design, and the use of electronic databases having the characteristics of the track, unless it concerns his own scientific use unrelated to the purpose of profit.
2. Scope of personal use includes the use of single copies of work by a group of individuals in personal relationships, in particular kinship, affinity or social relationship.

#### **ESTONIA - 6**

Copyright Act passed 11 November 1992 (as amended in 2017)

Ch IV, § 18

(1) A lawfully published work may be reproduced and translated by a natural person for the purposes of personal use without the authorisation of its author and without payment of remuneration on the condition that such activities are not carried out for commercial purposes.

(2) The following shall not be reproduced for the purposes of personal use without the authorisation of the author and without payment of remuneration:

- 1) works of architecture and landscape architecture;
- 2) works of visual art of limited edition;
- 3) electronic databases;
- 4) computer programs, except the cases prescribed in §§ 24 and 25 of this Act; Page 10 / 46 Copyright Act
- 5) notes in reprographic form.

#### QUOTATION

#### **RWANDA - 18**

Law No. 31/2009 of 26/10/2009 on the Protection of Intellectual Property

Art. 205

Notwithstanding the provisions of article 200 of this Law, the reproduction, in the form of quotation, of a short part of a published work shall be permitted without authorization of the author or other owner of copyright and without payment of any remuneration, provided that the reproduction is compatible with fair practice and does not exceed the extent justified by the purpose. The quotation shall be accompanied by an indication of source and the name of the author, if his or her name appears in the work from which the quotation is taken.

#### **UGANDA - 18**

The Copyright and Neighbouring Rights Act, 2006

Art. 15

(1) The fair use of a protected work in its original language or in a translation shall not be an infringement of the right of the author and shall not require the consent of the owner of the copyright where—

(b) a quotation from a published work is used in another work, including a quotation from a newspaper or periodical in the form of press summary, where—

(i) the quotation is compatible with fair practice; and

(ii) the extent of the quotation does not exceed what is justified for the purpose of the work in which the quotation is used, and

(iii) acknowledgement is given to the work from which the quotation is made;

#### **BHUTAN - 18**

##### Copyright Act of 2001

Art. 11 Notwithstanding the provisions of Section 8(1)(a), the reproduction of a short part of a published work, in the form of quotation, in another work, shall be permitted without authorization of the author of, or other owner of the copyright in, the work from which the quotation is taken, provided that such a reproduction is compatible with fair practice and its extent does not exceed the extent justified by the purpose. The quotation shall be accompanied by the indication of its source and the name of the author if his name appears in the work from which the quotation is taken.

#### **BOTSWANA - 18**

##### Copyright & Neighboring Rights Act, 2000 (as amended in 2006)

##### Art. 14

(1) The reproduction, in the form of quotation, of a short part of a published work shall be permitted without authorization of the author or other owner of copyright, provided that the reproduction is compatible with fair practice and does not exceed the extent justified by the purpose.

(2) Any quotation made in accordance with subsection (1) shall be accompanied by an indication of source and the name of the author, if his name appears in the work from which the quotation is taken.

#### **MOROCCO - 18**

##### Law No. 2-00 on Copyright and Related Rights (promulgated by Dahir No. 1-00-20 of 9 Kaada 1420 (15 February 2000))

Art. 14: Notwithstanding the provisions of Article 10 above, it shall be permitted, without the author's authorization or the payment of a fee, to cite a lawfully published work in another work, provided that the source and author's name are indicated, where this name appears in the source, and that such a citation complies with correct use and its scope does not exceed that justified by the aim to be achieved.

#### **HUNGARY - 18**

Act No. LXXVI of 1999 on Copyright (as amended in 2007)

Art. 34.—(1) From a disclosed work any part may be cited by indication of the source and naming the author indicated as such. Such citation shall be true to the original and its scope shall be justified by the nature and purpose of the borrowing work.

**LEBANON - 18**

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

Ch. VI: Exceptions, Art. 25

It shall also be permitted, without the authorization of the author and without obligation to pay him compensation, to use a limited part of any legally published work for purposes of criticism, argumentation or citation or for an educational purpose, provided that the part used does not exceed what is necessary and customary. However, the name of the author and the source shall always be indicated, if the name of the author is included in the work.

**PARAGUAY - 18**

Law No. 1328/98 on Copyright and Related Rights

Art. 40

It shall be permissible, without the authorization of the author or payment of remuneration, to make quotations from lawfully disclosed works, subject to the obligation to mention the name of the author and the source, and on condition that the quotations are made in accordance with proper practice and to the extent justified by the aim pursued.

**PHILIPPINES - 18**

Intellectual Property Code of the Philippines (Republic Act No. 8293) – (1998)

Art. 184.1. Notwithstanding the provisions of Chapter V, the following acts shall not constitute infringement of copyright:

- (b) The making of quotations from a published work if they are compatible with fair use and only to the extent justified for the purpose, including quotations from newspaper articles and periodicals in the form of press summaries: Provided, That the source and the name of the author, if appearing on the work, are mentioned;

**PERU - 18**

Copyright Law - Legislative Decree No. 822 of April 23, 1996

Art. 44

It shall be permissible to make quotations from lawfully disclosed works without the author's consent or payment of remuneration, subject to the obligation to state the name of the author and the source, and to the condition that such quotations are made in accordance with proper practice and only to the extent justified by the aim pursued.

**DENMARK - 18**

Consolidated Act on Copyright (2014)

Section 22: A person may quote from a work which has been made public in accordance with proper usage and to the extent required for the purpose.

**MADAGASCAR - 18**

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

Art. 44

Notwithstanding the provisions of Title II, Chapter II, on proprietary rights, it shall be permitted, without authorization from the author and without payment of remuneration, to use the analyses and short quotations lawfully published in another work, provided the source and the name of the author are given, and where this name features in the source, provided this quotation is in line with good practice and provided its length is no greater than that warranted by the goal to be achieved.

**POLAND - 18**

Act No. 83 of February 4, 1994, on Copyright and Neighboring Rights (as amended in 2016)

Article 29: You are free to quote, in works constituting an independent whole, fragments of disseminated works and disseminated works art, photographic works or minor works in full, to the extent justified by the objectives of the quotation, such as explaining, polemic, critical analysis or scientific, teaching or the rules of the genre works.

**PANAMA - 18**

Law No. 15 of August 8, 1994 on Copyright and Neighboring Rights and Enacting Other Provisions

Art. 49

It shall be permissible, without authorization from the author or payment of remuneration, to make quotations from lawfully published works, subject to the obligation to name the author and the source and on condition that the quotations are made in conformity with proper practice and to the extent justified by the aim pursued.

**THAILAND - 18**

Copyright Act, B.E. 2537 (1994)

Art. 33 A reasonable citation, quotation, copy, emulation or reference in part and from a copyright work under this Act with an acknowledgment of the ownership of copyright in such work shall not be deemed an infringement of copyright provided that the first paragraph of Section 32 is complied with

32. An act against a copyright work under this Act of another person which does not conflict with normal exploitation of the copyright work by the owner of copyright and does not unreasonably prejudice the legitimate rights of the owner of copyright shall not be deemed an infringement of copyright.

**VENEZUELA - 18**

Law on Copyright (1993)

Art. 46(2)

46. Provided that the name of the author and the source are clearly stated, the following shall also be lawful:

2. the quotation of certain parts of an already disclosed work in an original work in which the author has made use of language as a means of expression.

**JORDAN - 18**

Copyright Law No. 22 of 1992 (as amended in 2005)

Art. 17(d)

Published works may be used without the author's permission subject to the following conditions in the following cases:

d) Quoting paragraphs from the work in another work for the purpose of illustration, discussion, criticism, culturing or examination within the limits which justify this purpose provided that the name of the work and author is mentioned.

**MALAWI - 18**

Copyright Act, Law No. 9, April 26, 1989 (as amended in 2001)

Art. 10(a)(ii)

10. The following uses of a work under this Part, either in its original language or in its translation, shall be permissible without the author's consent and without the obligation to pay remuneration for the use of such work

(a) in the case of any work that has been lawfully published:

(ii) the inclusion, subject to mention of the source and the name of the author, of quotations from such work in another work, provided that such quotations are compatible with fair practice and their extent does not exceed that justified by the purpose, including quotations from newspaper articles and periodicals in the form of press summaries;

**SPAIN - 18**

Consolidated Text of the Law on Intellectual Property, regularizing, clarifying and harmonizing the Applicable Statutory Provisions (2011)

Art. 32.

It shall be lawful to include in one's own work fragments of the works of others, whether of written, sound or audiovisual character, and also to include isolated works of three-dimensional, photographic, figurative or comparable art character, provided that the works concerned have already been disclosed and that they are



included by way of quotation or for analysis, comment or critical assessment. Such use may only be made for teaching or research purposes and to the extent justified by the purpose of the inclusion, and the source and the name of the author of the work shall be stated.

Periodical compilations made in the form of press summaries or reviews shall be treated as quotations. The aforesaid notwithstanding, if compilations of press articles are carried out basically consisting in the mere reproduction thereof and such an activity is carried out for commercial purposes, the author who has not expressly shall be entitled to receive an equitable remuneration. In case the author expressly indicates his opposition shall an activity shall not be deemed covered by this limitation.

#### **COLOMBIA - 18**

Law No. 23 On Copyright (Jan. 28, 1982)

Ch. III, Art. 31.

31. It shall be permissible to quote an author by transcribing the necessary passages in so far as they are not of such length and continuity that they might reasonably be considered a simulated, substantial reproduction constituting a prejudice for the author of the work from which they were taken. Every quotation shall mention the name of the author of the work quoted and the title of that work

Where the inclusion of the works of others constitutes the main part of the new work, the courts shall, at the request of any interested party, make an equitable assessment in an oral proceeding, awarding a proportional amount to each of the owners of the works included.

#### **SOUTH AFRICA - 18**

Copyright Act (1978) (as amended in 2002)

Art. 12(3)

The copyright in a literary or musical work which is lawfully available to the public shall not be infringed by any quotation therefrom, including any quotation from articles in newspapers or periodicals that are in the form of summaries of any such work: Provided that the quotation shall be compatible with fair practice, that the extent thereof shall not exceed the extent justified by the purpose and that the source shall be mentioned, as well as the name of the author if it appears on the work.

#### **FINLAND - 18**

Copyright Act 404 of 1961 (as amended in 2015)

Section 22: (446/1995): Quotation (607/2015)

A work made public may be quoted, in accordance with proper usage to the extent necessary for the purpose.

#### **SWEDEN - 18**

Act on Copyright in Literary and Artistic Works of 1960 (as amended in 2011)

Art. 22

Anyone may, in accordance with proper usage and to the extent necessary for the purpose, quote from works which have been made available to the public.

**NORWAY - 18**

Copyright Act of 1961 (as amended in 2007)

Art. 22

An issued work may be quoted, in accordance with proper usage and to the extent necessary to achieve the desired purpose.

**SOUTH KOREA - 18**

Copyright Act of 1957 (as amended in 2013)

Article 28 (Quotations from Works Made Public): It shall be permissible to make quotations from a work already made public: provided that they are within a reasonable limit for news reporting, criticism, education, and research, etc. and compatible with fair practices.

**NEPAL - 18**

Copyright Act 2059 (2002)

Article 17 : Notwithstanding anything contained in Clause (a) of Section 7, some portions of a published work can be cited for fair use without authorization of the author or the copyright owner in a manner not to be prejudicial to the economic right of such author or owner. In making such citation, its source and the author' name, in cases where it appears, shall also be mentioned.

**SENEGAL - 15**

Law No. 2008-09 of January 25, 2008 on Copyright and Related Rights

Art. 44

Analyses and quotations. – Provided that the name of the author and the title of his or her work are mentioned, the author may not prohibit analyses of and short quotations from the work that are compatible with fair practice.

**TAIWAN - 15**

Copyright Act of 2016

Art. 52: Within a reasonable scope, works that have been publicly released may be quoted where necessary for reports, comment, teaching, research, or other legitimate purposes.

**BENIN - 15**

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

Art. 15: On condition that the title of the work and the name of its author are mentioned, analyses and short quotations from a work already lawfully made accessible to the public shall be lawful, provided that they are compatible with fair practice and insofar as they are justified by the intended scientific, critical, polemic, educational or inforamatory purpose, including quotations from newspaper articles and periodicals in the form of press summaries.

Such quotations and analyses may be used in the original version or in translation.

#### **CROATIA - 15**

Copyright and Related Rights Act (OG No. 167/2003)

Art. 90 It shall be permitted to make quotations of excerpts from a copyright work, which has already been lawfully made available to the public for purposes of scientific research, teaching, criticism, polemics, revision, review to the extent justified by the purpose to be achieved and in accordance with fair practice, provided that the source and the name of the author are indicated.

#### **UNITED ARAB EMIRATES - 15**

Federal Law No. 7 of the Year 2002 Concerning Copyrights and Neighboring Rights

Art. 22.5

22. Without prejudice to literary rights of the author stipulated in this law, the author after the publication of his work must not prohibit a third person to perform one of the following acts:

5. Quotation of short paragraphs, derivation or reasonable analysis of the work for the purpose of criticism, discussion, or information provided mentioning the source and the author's name.

#### **BRAZIL - 15**

Law No. 9610 of February 19, 1998, on Copyright and Neighboring Rights

Art. 46: The following shall not constitute violation of copyright:

(III) the quotation in books, newspapers, magazines or any other medium of communication of passages from a work for the purposes of study, criticism or debate, to the extent justified by the purpose, provided that the author is named and the source of the quotation is given;

#### **KAZAKHSTAN - 15**

Law on Copyright and Neighboring Rights (1996) (as amended in 2015)

Ch. II Art. 19 (1)

It shall be allowed, without consent of the author or owner of the right and without paying out royalties, but with compulsory indication of the authors name, whose work is being used, and of the borrowing resource:

(1) to cite in the original and translations for scientific, research, polemic, critical and information purposes from the legally published works in the size that is justified for the citation purposes, including reproduction of extracts from newspaper and magazine articles in the form of periodical reviews;

**NAMIBIA - 15**

Copyright and Neighbouring Rights Protection Act (1994)

Art. 15(3)

(3) The copyright in a literary or musical work which is lawfully available to the public shall not be infringed by a quotation therefrom, including a quotation from an article in a newspaper, magazine or similar periodical that is in the form of a summary of that work, provided-

- (a) the quotation is compatible with fair practice;
- (b) the extent of the quotation does not exceed that justified by the purpose; and
- (c) the source and the name of the author, if that name appears on the work, are mentioned.

**TUNISIA - 15**

Law No. 94-36 on Literary and Artistic Property (1994)

Ch. II, Art. 11

Art. 11. Quotations and borrowings from a work already lawfully made available to the public shall be authorized on condition that they are compatible with fair practice and are justified by a scientific, educational or informational purpose, including quotations and borrowings from articles in the form of press summaries. Such quotations and borrowings may be used in their original version or in translation and shall be accompanied by identification of the source and of the name of the author if his name is given in the source.

**SWITZERLAND - 15**

Federal Law on Copyright and Related Rights Act (2017)

Ch. 5: Limitations on Copyright - Art. 25

- 1. Published works may be quoted if the quotation serves as an explanation, a reference or an illustration, and the extent of the quotation is justified for such purpose.
- 2. The quotation must be designated as such and the source given. Where the source indicates the name of the author, the name must also be cited.

**ANGOLA - 15**

Law on Authors Rights, No. 4/90 of March 10, 1990

Article 29: The following uses of works already disclosed lawfully shall be permitted, without the authorization of the author and without payment of remuneration, on condition that the title and the name of the author are stated and that the work is respected:

(e) Quotations of short fragments of works of others, in written, sound or visual form, where justified by scientific, critical, didactic, or informative purposes.

**CHINA - 15**

Copyright Law of the People's Republic of China (as amended in 2010)

Art. 22(2)

In the following cases, a work may be used without permission from, and without payment of remuneration to, the copyright owner, provided that the name of the author and the title of the work are mentioned and the other rights enjoyed by the copyright owner in accordance with this Law are not prejudiced:

(2) appropriate quotation from another person's published work in one's own work for the purpose of introducing or commenting on a certain work, or explaining a certain point.

**GUATEMALA - 12**

Law on Copyright and Related Rights (as amended in 2000)

Title IV: Limitations of Protection

Art. 66. shall be lawful without the authorization of the right holder and without payment of remuneration, with obligation to mention the source and the name of the author of the work used, if indicated:

d) Include in a given work, fragments of other, written, audio or audiovisual works and three-dimensional, photography and the like, provided that the works have already been disclosed and they are included by way of appointment or for analysis, for teaching or research.

**LUXEMBOURG - 12**

Law of 18 April 2004

Art. 10.1

10. When the work, other than a database, has been lawfully made available to the public, the author may not prohibit:

1. Short quotations in original or in translation, justified by the critical, polemic, educational, scientific or informative nature of the work to which they are incorporated.

Uses referred to in paragraph above can be made without the permission of the author as long as they are compatible with fair practice, they do not go for profit, they are justified the purpose and they do not affect the work or its operation.

The author's name and the title of the work reproduced or quoted shall be mentioned if they appear in the source.

## **EGYPT - 12**

Intellectual property Law 82 of 2002

Art. 171

Without prejudice to the moral rights of the author under this Law, the author may not, after the publication of the work, prevent third parties from carrying out any of the following acts:

(4) Make an analysis of the work, or excerpts or quotations therefrom, for the purpose of criticism, discussion or information.

## **INDONESIA - 12**

Law of the Republic of Indonesia no. 19/2002 on Copyright

Art 15: Provided that the sources are fully cited, the following shall not be deemed as Copyright infringement:

(b) the excerpt of a work of another party, in whole or in part, for the purposes of advocacy within or outside the court.

## **ARGENTINA - 9**

Legal Intellectual Property Regime Law No. 11.723 of 1933 (as amended in 2009)

Article 10. Any person may publish, for didactic or scientific purposes, comments, criticisms or notes referring to intellectual works, 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.

This provision shall cover educational and teaching works, collections, anthologies and other similar works.

Where inclusions from works by other people are the main part of the new work, the courts may fix, on an equitable basis and in summary judgment, the proportional amount to which holders of the rights in the works included are entitled.

## **RIGHT TO BROWSE**

### **UNITED KINGDOM - 12**

Proposed amendment to the UK Enterprise and Regulatory Reform Bill, which would in turn have amended CDPA of 1988

Art. 30A Sharing and viewing on the internet:

Where a work is made available to the public at a particular web address with the permission of the owner of the copyright in that work, copyright shall not be infringed by:

(a) any circulation of that web address, or of its title, or of another web address that redirects to that web address;

(b) the downloading of any data required to display that work at that address, and any subsequent processing of that data, including processing for display, provided

that it does not result in any publication elsewhere of the work or an adaptation of the work."

#### **EUROPEAN UNION**

Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society

Article 5 Exceptions and limitations

1. Temporary acts of reproduction referred to in Article 2, which are transient or incidental [and] an integral and essential part of a technological process and whose sole purpose is to enable:

- (a) a transmission in a network between third parties by an intermediary, or
- (b) a lawful use of a work or other subject-matter to be made, and which have no independent economic significance, shall be exempted from the reproduction right provided for in Article 2.

#### **PORTUGAL - 9**

Code of Copyright and Related Rights of 1985 (as last amended by Law No. 16/2008 of April 1, 2008)

Art. 75(1)

Temporary acts of reproduction that are transient, incidental or ancillary, and are integral and essential part of a technological process, the sole purpose of which is to enable a transmission in a network Between third parties by an intermediary, or lawful use of a protected work and which do not have, in themselves, an economic significance, including, to the extent that the foregoing conditions are complied with, acts enabling web browsing and temporary storage, as well as act enabling an effective operation of the transmission systems, shall be excluded from the right of reproduction, provided that the intermediary shall not modify the contents of the transmission or interfere with the lawful use of technology in accordance with good practices as acknowledged by the market, in order to obtain data on the use of information, and generally the merely the technological processes of transmission.

#### **CHILE**

Intellectual Property Act 1970 (as modified in 2010)

Art. 71 O.

A provisional copy of a work is legal without payment or authorization from right holders. Provisional reproduction must be transitory and accessory; be essential part of a technological process, and have the only purpose a legal transmission in a network between third parties by an intermediary, or a legal use of a work or another protected content without an independent economic significance.

## SAFE HARBORS FROM SECONDARY LIABILITY FOR INTERNET SERVICE PROVIDERS

### UNITED STATES - 15

17 USC § 512(c) – excerpt relevant language ([Link](#))

(1) In general.— A service provider shall not be liable for monetary relief, or, except as provided in subsection (j), for injunctive or other equitable relief, for infringement of copyright by reason of the storage at the direction of a user of material that resides on a system or network controlled or operated by or for the service provider, if the service provider—

(A)

(i) does not have actual knowledge that the material or an activity using the material on the system or network is infringing;

(ii) in the absence of such actual knowledge, is not aware of facts or circumstances from which infringing activity is apparent; or

(iii) upon obtaining such knowledge or awareness, acts expeditiously to remove, or disable access to, the material;

(B) does not receive a financial benefit directly attributable to the infringing activity, in a case in which the service provider has the right and ability to control such activity; and

(C) upon notification of claimed infringement as described in paragraph (3), responds expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity

## TEMPORARY REPRODUCTIONS FOR TECHNOLOGICAL PROCESSES

### DENMARK - 3

Consolidated Act on Copyright of 2014

Art. 11a: – (1) It is permitted to make temporary copies

i) which are transient or incidental;

ii) which are an integral and essential part of a technical process;

iii) the sole purpose of which is to enable a transmission of a work in a network between third parties by an intermediary, or a lawful use of a work; and

iv) which have no independent economic significance.

(2) The provision of subsection (1) shall not apply to computer programs and databases.

### SERBIA- 3

Law on Copyright and Related Rights (2009) (as amended in 2016)

Limitations on Copyright - Art. 48:

Any person shall have the right of temporary reproduction of the work of authorship without the author's permission and without paying any remuneration, under the following conditions:



- 1) Reproduction is transient or incidental,
- 2) Reproduction is an integral and essential part of a technological process,
- 3) Purpose of reproduction is to enable a transmission of data in a network between two or more persons through an intermediary, or to enable a lawful use of a work of authorship, and
- 4) Reproduction does not have independent economic significance..

### **ISRAEL- 3**

Copyright Act 2007 (as amended in 2011)

Art. 26: the transient copying, including incidental copying, of a work, is permitted if such is an integral part of a technological process whose only purpose is to enable transmission of a work as between two parties, through a communications network, by an intermediary entity, or to enable any other lawful use of the work, provided the said copy does not have significant economic value in itself.

### **NEW ZEALAND - 3**

Copyright Act 1994 (as reprinted in 2016)

Section 43A Transient reproduction of work

A reproduction of a work does not infringe copyright in the work if the reproduction—

- (a) is transient or incidental; and
- (b) is an integral and essential part of a technological process for—
  - (i) making or receiving a communication that does not infringe copyright; or
  - (ii) enabling the lawful use of, or lawful dealing in, the work; and
- (c) has no independent economic significance.

*Accord*

Switzerland – Federal Law on Copyright and Related Rights Act (copyright, LDA) of 9 October 1992 (as of 1 July 2008) – Ch. 5: Limitations on Copyright - Art. 24to - Temporary Reproductions

Luxembourg – Law of 18 April 2004 - Art. 10.5

Croatia – Copyright and Related Rights Act (2011) - Art 81 (2011)

### **POLAND - 3**

Copyright and Neighboring Rights Act of 1994 ( as amended in 2010)

Article 23<sup>1</sup>

No author's permission shall be required for transitory or incidental reproduction of works, such reproduction having no independent economic significance but constituting an integral and fundamental part of a manufacturing process the sole purpose of which is to enable:

- 1) transmission of work through the data transmission system between third parties by an intermediary;

or

2) the use of work in compliance with law.

<sup>1</sup> Within the scope of its regulation, this Act shall implement the following directives of the European Communities:

1) Directive 91/250/EEC of 14 May 1991 on the legal protection of computer programs (OJ of EC, No. L 122, 17/05/1991);

#### **PORTUGAL**

Code of Copyright and Related Rights of 1985 (as amended in 2008)

Art. 75(1)

Temporary acts of reproduction that are transient, incidental or ancillary, and are integral and essential part of a technological process, the sole purpose of which is to enable a transmission in a network Between third parties by an intermediary, or lawful use of a protected work and which do not have, in themselves, an economic significance, including, to the extent that the foregoing conditions are complied with, acts enabling web browsing and temporary storage, as well as act enabling an effective operation of the transmission systems, shall be excluded from the right of reproduction, provided that the intermediary shall not modify the contents of the transmission or interfere with the lawful use of technology in accordance with good practices as acknowledged by the market, in order to obtain data on the use of information, and generally the merely the technological processes of transmission.

#### **AUSTRALIA - 3**

Copyright Act of 1968 (as consolidated in 2015)

Section 43A: Temporary reproductions made in the course of communication

(1) The copyright in a work, or an adaptation of a work, is not infringed by making a temporary reproduction of the work or adaptation as part of the technical process of making or receiving a communication.

(2) Subsection (1) does not apply in relation to the making of a temporary reproduction of a work, or an adaptation of a work, as part of the technical process of making a communication if the making of the communication is an infringement of copyright.

Section 43B: temporary reproductions of works as part of a technical process of use

(1) Subject to subsection (2), the copyright in a work is not infringed by the making of a temporary reproduction of the work if the reproduction is incidentally made as a necessary part of a technical process using a copy of the work

(2) Subsection (1) does not apply to

a. The making of a temporary reproduction of a work if the reproduction is made from

i. An infringing copy of the work; or

ii. A copy of the work where the copy is made in another country and would be an infringing copy of the work if that use constitutes an infringement of the copyright in the work

(3) Subsection (1) does not apply to any subsequent use of a temporary reproduction of a work other than as part of the technical process in which the temporary reproduction was made.

## USER GENERATED CONTENT

### CANADA - 15

Copyright Act (R.S.C., 1985, c. C-42) (as amended in 2016)

#### Non-commercial user-generated content

Article 29.21: (1) It is not an infringement of copyright for an individual to use an existing work or other subject-matter or copy of one, which has been published or otherwise made available to the public, in the creation of a new work or other subject-matter in which copyright subsists and for the individual — or, with the individual's authorization, a member of their household — to use the new work or other subject-matter or to authorize an intermediary to disseminate it, if

- (a) the use of, or the authorization to disseminate, the new work or other subject-matter is done solely for non-commercial purposes;
- (b) the source — and, if given in the source, the name of the author, performer, maker or broadcaster — of the existing work or other subject-matter or copy of it are mentioned, if it is reasonable in the circumstances to do so;
- (c) the individual had reasonable grounds to believe that the existing work or other subject-matter or copy of it, as the case may be, was not infringing copyright; and
- (d) the use of, or the authorization to disseminate, the new work or other subject-matter does not have a substantial adverse effect, financial or otherwise, on the exploitation or potential exploitation of the existing work or other subject-matter — or copy of it — or on an existing or potential market for it, including that the new work or other subject-matter is not a substitute for the existing one.

## WORKS IN PUBLIC PLACES (PANORAMA)

### CHINA - 18

Copyright Law of the People's Republic of China (as amended in 2010)

Art. 22:

In the following cases, a work may be used without permission from, and without payment of remuneration to, the copyright owner, provided that the name of the

author and the title of the work are mentioned and the other rights enjoyed by the copyright owner in accordance with this Law are not prejudiced:  
(10) copying, drawing, photographing, or video-recording of a work of art put up or displayed in an outdoor public place.

#### **CROATIA - 12**

Copyright and Related Rights Act of 2011 (as amended in 2014)

Art. 91: (1) It shall be permitted to reproduce the works, which are permanently located on streets, squares, parks or other places that are accessible to the public, and to distribute and communicate to the public such reproductions.  
(2) The works referred to in paragraph (1) of this Article may not be reproduced in a three-dimensional form.  
(3) The source and authorship shall be indicated on the copies referred to in paragraph (1) of this Article, unless such indication is not possible.

#### **BRAZIL - 12**

Law No. 9.610 of February 19, 1998 on Copyright and Neighboring Rights

Art. 48.

Works permanently located in public places may be freely represented by painting, drawing, photography and audiovisual processes.

#### *Accord*

Cameroon – Law No. 2000/011 of December 19, 2000 on Copyright and Neighbouring Rights – article 32 (also adds the right to reproduce and make available to the public)

Cote d'Ivoire – Law n°96-564 of July 25, 1996 on the protection of intellectual works and the rights of authors, performers and producers – art. 34 (like Cameroon, adds the right to reproduce and make available to the public but further limits the channels to “by means of cinematography or television”)

Djibouti – Law n° 114/AN/96/3rd L on the Protection of Copyright – article 41(4) (also allows it if it is “included in the film or program by way of background or as incidental to the essential matters represented”)

India – Copyright Act 1911- Art. 52(1)(t)

Kenya – Copyright Act 2001 - Article 26(1)(b) (also adds “or the inclusion in a film or broadcast”)

Malawi – Copyright Act, Law No. 9, April 26 - Art. 10(e)

(also allows for this exception if the work is “included in the audio work or video recording only by way of background or as incidental to the essential matters represented”)

Uganda – The Copyright and Neighbouring Rights Act, 2006 – article 15(g) (also includes “or is included by way of background or is otherwise incidental to the main object represented in the photograph or audio-visual work or television broadcast”)

#### **COLOMBIA - 12**

Law No. 23 On Copyright (Jan. 28, 1982)

Art. 39

It shall be permissible to reproduce, by painting, drawing, photography or cinematography, works that are permanently located on public highways, streets or squares, and to distribute such reproductions or works and communicate them to the public. With regard to works of architecture, this provision shall be applicable solely to outward views.

**THAILAND - 9**

Copyright Act, B.E.2537 (1994)

Art. 37: A drawing, painting, construction, engraving, molding, carving, lithography, photograph, film, video broadcast or any similar use of an artistic work, except for an architectural work, which is openly located in a public place shall not be deemed an infringement of copyright in the artistic work.

**EL SALVADOR - 9**

Law on the Promotion and Protection of Intellectual Property Rights (1993)

Article 45. - With regard to works already lawfully disclosed, is permitted without permission of the author or remuneration:

f) the reproduction of a work of art on permanent display in a street, square or other public place in an artistic medium different from that used for the making of the original; with regard to buildings, this right shall be limited to the outer walls;

*Accord*

Guatemala – Law on Copyright and Related Rights - Title IV: Limitations of Protection – Art. 64(d).

Serbia – Law on Copyright and Related Rights - 5. Limitations on Copyright - Art. 51

**CANADA - 9**

Copyright Act - C.42 (1985) (as amended in 2016)

Art. 32.2.b

(1) It is not an infringement of copyright

(b) for any person to reproduce, in a painting, drawing, engraving, photograph or cinematographic work

(i) an architectural work, provided the copy is not in the nature of an architectural drawing or plan, or

(ii) a sculpture or work of artistic craftsmanship or a cast or model of a sculpture or work of artistic craftsmanship, that is permanently situated in a public place or building;

**MALAYSIA - 6**

Copyright Act of 1987 (as amended in 2012)

## Section 13(2)

(c) the inclusion in a film or broadcast of any artistic work situated in a place where it can be viewed by the public;

(d) the reproduction and distribution of copies of any artistic work permanently situated in a place where it can be viewed by the public;

(f) the inclusion of a work in a broadcast, performance, showing, or playing to the public, collection of literary or musical works, sound recording or film, if such inclusion is made by way of illustration for teaching purposes and is compatible with fair practice: [Subs. Act A775:s.6]

## TAIWAN - 6

### Copyright Act (2007-07011)

Art. 58: Artistic works or architectural works displayed on a long-term basis on streets, in parks, on outside walls of buildings, or other outdoor locales open to the public, may be exploited by any means except under the following circumstances:

1. Reproduction of a building by construction of another building.
2. Reproduction of a work of sculpture by production of another sculpture.
3. Reproduction for the purpose of long-term public display in locales specified in this article.
4. Reproduction of artistic works solely for the purpose of selling copies.

### *Accord*

South Korea – Copyright Act of 1957 amended 4/22/09 - Art. 35(2)

## DATA MINING

### UNITED KINGDOM - 9

#### Copyright, Designs and Patent Act of 1988

##### Section 29A:

(1)The making of a copy of a work by a person who has lawful access to the work does not infringe copyright in the work provided that—

(a)the copy is made in order that a person who has lawful access to the work may carry out a computational analysis of anything recorded in the work for the sole purpose of research for a non-commercial purpose, and

(b)the copy is accompanied by a sufficient acknowledgement (unless this would be impossible for reasons of practicality or otherwise).

(2)Where a copy of a work has been made under this section, copyright in the work is infringed if—

(a)the copy is transferred to any other person, except where the transfer is authorised by the copyright owner, or

(b)the copy is used for any purpose other than that mentioned in subsection (1)(a), except

where the use is authorised by the copyright owner.

(3) If a copy made under this section is subsequently dealt with—

(a) it is to be treated as an infringing copy for the purposes of that dealing, and

(b) if that dealing infringes copyright, it is to be treated as an infringing copy for all subsequent purposes.

(4) In subsection (3), “dealt with” means sold or let for hire, or offered or exposed for sale or hire.

(5) To the extent that a term of a contract purports to prevent or restrict the making of a copy which, by virtue of this section, would not infringe copyright, that term is unenforceable.]

#### **JAPAN - 6**

Copyright Act No. 48 of 1970 (as amended in 2009)

Article 47-7. To the extent that it is considered to be necessary, it is permissible to record a work onto a recording medium or to make an adaptation of a work (including recording a derivative work created by adaptation) if the purpose of doing so is data analysis (meaning the extraction, comparison, classification, or other statistical analysis of language, sound, or image data, or other elements of which a large number of works or a large volume of data is composed; the same applies hereinafter in this Article) by means of a computer; provided, however, that this does not apply with regard to database works compiled for use by persons who carry out data analyses. 36 (Reproduction in conjunction with the exploitation of works on a computer)

Article 47-8. If a person uses a copy of a work to exploit that work on a computer, or if a person exploits a work transmitted by means of wireless communication or wired telecommunications on a computer after receiving such a transmission, it is permissible for the work to be recorded on the recording medium of that computer in the course of data retrieval by the computer for the exploitation of the work, to the extent that this is found to be necessary in order for the data to be retrieved smoothly and efficiently.

#### **FRANCE - 6**

Intellectual Property Code of 2016

Section 10: Copies or digital reproductions made from a legal source, to text mining and data included or associated with the scientific literature for the purposes of public research, excluding any commercial purpose.

#### **SOUTH KOREA**