

## Submission to U.S. Trade Representative for the 2020 G.S.P. Review of South Africa

### South Africa Country Practice Review

### Subject matter: Copyright Amendments Bill

### Written Comment

Docket ID: USTR-2019-0020

January 17, 2020

### Michael Palmedo and Andrés Izquierdo

We are legal researchers at American University's Program on Information Justice and Intellectual Property (PIJIP). Our work focuses on copyright exceptions. We appreciate the opportunity to submit comments for the 2020 South Africa Country Practice Review.

Our submission demonstrates that it is common for countries to allow the use of copyrighted works for educational purposes – even full works – without the authorization of the copyright owner.

We reviewed the copyright laws all the Members of the African Regional Intellectual Property Organization (ARIPO)<sup>1</sup> and the WIPO Group of Latin American and Caribbean Countries (GRULAC) – a total of 38 countries. The relevant legal texts are attached below as Annex 1. We asked two questions: How many countries' laws contain a right to use excerpts of works for teaching without compensation? And how many (if any) allow the use of whole works for teaching?

Most countries in both groups did allow for unauthorized use of excerpts of copyrighted works for teaching purposes, without compensation. A smaller, but still significant number of countries allow the use of entire works. (In some instances, only press reports and short works can be reproduced in full. In other instances, there is no such restriction on the type of entire works that can be used.) Our “counts” for each of the questions are as follows:

*How many of the laws contain a right to use excerpts of works for teaching without compensation?*

32	Yes
5	No
1	Maybe/unclear (Kenya)

*How many allow the use of whole works for teaching? (if any)*

7	Yes
20	No
11	Maybe/depends on the type of work

---

<sup>1</sup> The one omission is Somalia, which does not have its copyright law available in the WIPO Lex database.

# Appendix 1: Examples of Copyright Exceptions for Educational Uses

## *African Regional Intellectual Property Organization (ARIPO)*

### **Botswana**

Copyright and Neighboring Rights Act, 2000 (Chapter 68:02, as amended by Act No. 6 of 2006)

<https://wipolex.wipo.int/en/text/505430>

#### 15. Reproduction for teaching

(1) The following acts effected for purposes of teaching 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 way of illustration, in writings or sound or visual recordings, provided that reproduction is compatible with fair practice and does not exceed the extent justified;

(b) the reprographic reproduction, for face-to-face teaching in education 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 licence available, 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).

### **Eswatini**

Copyright Act, 1912

<https://wipolex.wipo.int/en/text/139455>

4. (1) Copyright in a work shall be deemed to be infringed by any person who, without the consent of the owner of the copyright, does anything the sole right to do which is by this Act conferred on the owner of the copyright:

Provided that the following acts shall not constitute an infringement of copyright:

...

(d) the publication in a collection, mainly composed of non-copyright matter, bona fide intended for the use of schools, and so described in the title and in any advertisements issued by the publisher, of short

passages from published literary works not themselves published for the use of schools in which copyright subsists:

Provided-that not more than two of such passages from works by the same author are published by the same publisher within five years, and that the source from which such passages are taken is acknowledged;

## **Gambia**

Copyright Act, 2004

<https://wipolex.wipo.int/en/text/221246>

30. (1) Notwithstanding the provisions of section 9(1)(a), the following acts are permitted without authorisation of the author or other owner of copyright-

(a) the reproduction of a short part of a published work for teaching purposes by way of illustration, in writing or sound or visual recording, provided that the 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 whose activities 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 occasion, and

(ii) there is no collective licence offered by a Collecting Society of which the educational institution is or should be aware, under which the 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).

## **Ghana**

Copyright Act, 2005 (Act 690)

<https://wipolex.wipo.int/en/text/148037>

Permitted use of work protected by copyright

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,

if the work has been made public;

... (3) Paragraph (b) of subsection (1) does not apply in respect of any particular quotations unless the quotations referred to in that paragraph are compatible with fair practice and the extent of the quotations does not exceed what is justified for the purpose of the work in which the quotations are used.

## **Kenya**

Copyright Act, 2001 (Act No. 12 of 2001, as amended up to Act No. 11 of 2017)

<https://wipolex.wipo.int/en/text/506085>

### 26. Nature of copyright in literary, musical or artistic works and audio-visual works

(1) Copyright in a literary, musical or artistic work or audio-visual work shall be the exclusive right to control the doing in Kenya of any of the following acts, namely the reproduction in any material form of the original work or its translation or adaptation, the distribution to the public of the work by way of sale, rental, lease, hire, loan, importation or similar arrangement, and the communication to the public and the broadcasting of the whole work or a substantial part thereof, either in its original form or in any form recognisably derived from the original; but copyright in any such work shall not include the right to control—

(a) the doing of any of those acts by way of fair dealing for the purposes of scientific research, private use, criticism or review, or the reporting of current events subject to acknowledgement of the source;

(b) the reproduction and distribution of copies, or the inclusion in a film or broadcast, of an artistic work situated in a place where it can be viewed by the public;

(c) the incidental inclusion of an artistic work in a film or broadcast;

(d) the inclusion in a collection of literary or musical works of not more than two short passages from the work in question if the collection is designed for use in a school registered under the Education Act (Cap. 211) or any university established by or under any written law and includes an acknowledgement of the title and authorship of the work;

(e) the broadcasting of a work if the broadcast is intended to be used for purposes of systematic instructional activities;

(f) the reproduction of a broadcast referred to in the preceding paragraph and the use of that reproduction in a school registered under the Education Act (Cap. 211) or any university established by or under any written law for the systematic instructional activities of any such school or university;

## **Lesotho**

Copyright Order 1989 (Order No.13 of 1989)

<https://wipolex.wipo.int/en/text/209919>

9. Notwithstanding section 7, the following uses of a protected work, either in the original language or in translation, shall be permissible without the author's consent and without the obligation to pay remuneration for the use of the work,

(a) in the case of any work that has been made whether or not that work has been lawfully published,

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

(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; and

(iii) the utilization of the work by way of illustration in publications, broadcasts, distribution by cable, sound or visual recordings for teaching, to the extent justified by the purpose, or the communication for teaching purposes of the work broadcast or distributed by cable for use in schools, education, universities and professional training: Provided that such use is compatible with fair practice and that the source and the name of the author are mentioned in the publication, the broadcast, the programme distributed by cable or the recording;

...

(f) the reproduction, by photography, sound or video-recording, of electronic storage, by public libraries, national archives and museums, non commercial documentation centres, scientific institutions and educational establishments, of literary, artistic or scientific works which have already been lawfully made available to the public:

Provided that such reproduction, the number of copies made, and use thereof are limited to the needs of the regular activities of the entity reproducing the work, and neither conflict with the normal exploitation of the work nor unreasonably prejudice the legitimate interest of the author;

## **Liberia**

Liberia Intellectual Property Act, 2016

<https://wipolex.wipo.int/en/text/439552>

### §9.8. Fair Use

a) Notwithstanding the provisions of Sections 9.6 and 9.7, the fair use of a copyright work, including such use by reproduction in copies or sound recordings or by any other means specified by that section, for purposes such as parody, satire, 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 fair use, the factors to be considered shall include:

- i. the purpose and character of the use, including whether such use is of a commercial nature or is for educational purposes;
- ii. the nature of the copyrighted work;
- iii. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- iv. the effect of the use upon the potential market for or value of the work.

b) 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.

...

### § 9.12. Reproduction and Other Utilization for Teaching

a) The following acts shall be permitted without authorization of the author, or other owner of copyright:

- i. the utilization by way of illustration for teaching purposes of a work that has lawfully been made available to the public, in publications, broadcasting or sound or visual recordings, provided that such utilization is compatible with fair practice and does not exceed the extent justified by the purpose; the utilization can also include the making available of such works in computer networks, provided that access to the works is only available to enrolled pupils or students and their teachers;
- ii. 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 :
- iii. the act of reproduction is an isolated act occurring, if repeated, on separate and unrelated occasions;
- iv. there is no collective license available, offered by a collective management organization of which the educational institution is or should be aware, under which such reproduction can be made.

b) The source of the work and the name of the author shall be indicated, as far as is practicable, on all copies made under subsection (a) of this Section or otherwise in reasonable connection with the work.

## **Malawi**

Copyright Act, 2016 (Act No. 26 of 2016)

<https://wipolex.wipo.int/en/text/446811>

40. Artistic works may be used to the extent required for the purposes of, and in connection with the text of critical or scientific presentations which have not been prepared for commercial purposes:

Provided that the work has already been lawfully made available to the public, and that the use is comparable with fair practice.

...

48.\_\_(1) The Minister may, by notice published in the Gazette, designate libraries, archives, museums, scientific institutions and educational establishments to make copies of works.

(2) The libraries, archives, museums, scientific institutions and educational establishments designated pursuant to subsection (1) shall abide by the following conditions\_\_

(a) reproduction of works shall not be made with intent of direct or indirect gain, and that the number of copies made and the use thereof, shall be limited to the needs of the regular activities of the body reproducing the work which may be to\_\_

- (i) conserve or safeguard works contained in its collections;
- (ii) complete a copy contained in its collection, parts of which have been damaged or lost;
- (iii) obtain copies of such works as are subject to the Printed Publications Act whenever the library, archive, museum scientific institution or educational establishment is a beneficiary of the Printed Publications Act and copies of the work cannot be obtained from a sales outlet, the publisher, the producer or the importer;
- (iv) assist a particular personal and individual research or study in which case reproduction shall be limited to making copies in a paper format, including printouts, of articles in a collection of works such as encyclopedias or anthologies, or from a publication such as newspapers or

journals, or short excerpts from other works in its collections, and only one copy of the work may be delivered to the individual requesting access thereto, either directly or to another body designated, by notice published in the Gazette, to which the individual made the request;

(b) except in the case of subparagraph (a) (i), the work has already been lawfully made available to the public;

(c) except\_\_

(i) in the case of subparagraph (a) (i);

(ii) as provided for in subparagraph (a) (iv); or

(iii) by permission from the Minister for a particular research, the copies are made in the same form as the copy from which the reproduction was made:

Provided the making of printouts from machine readable material shall be permitted except when otherwise provided;

(d) where in the case of paragraph (c), the copy is delivered against payment, a licence from the Society shall be required;

(e) where the work is a computer programme, the copy made is not a machine readable copy;

(f) the number of copies made from a sound or audiovisual recording does not exceed the number of copies of the recording already contained in the collection;

(g) machine readable copies and copies of sound or audiovisual recordings shall be used only on the premises of the body having made the reproduction, or on individual request, on the premises of another body designated by the Minister, in which case, that body shall be under the obligation to\_\_

(i) return the copy;

(ii) delete the copy; or

(iii) destroy the copy; and

(h) whenever machine readable copies, sound or audiovisual recordings are made available to the public, no access to a facility for reproduction shall be provided.

(3) An institution designated pursuant to subsection (1) may use terminals on its own premises to make works in its collections available to individuals when this is done for the purpose of research or private study and not for direct or indirect gain: Provided that\_\_

(a) the work has already been lawfully made available to the public;

(b) the work has not been obtained pursuant to\_\_

(i) the Printed Publications Act; or

(ii) subsection (1) (a) (iii); and

(c) no access to a facility for digital reproduction or transmission is provided to the public.

(3) The making of any copy under this section shall be subject to the provisions of subsection (1) and subsection (2) shall not imply a permission to make machine readable copies for the purpose of making work available on a terminal.

## **Mozambique**

Law No. 4/2001 of February 27, 2001 (Copyright Law)

<https://wipolex.wipo.int/en/text/128885>

### Use for Educational Purposes

11. It is permitted, without authorization by the author or payment of remuneration, but without prejudice to the obligation to mention the source and the author's name if it appears in the source:

(a) to use a lawfully published work by way of illustration in publications, broadcasts or audio or video recordings intended for educational purposes;

(b) to reproduce by reprographic means for educational purposes or for examinations within educational establishments whose activities are not directly or indirectly profit-making and to the extent justified by the aim to be achieved, isolated articles lawfully published in a newspaper or magazine or short extracts from a lawfully published work or short work, provided that such use conforms to normal custom and practice.

...

### Free Use

47. The following acts are permitted without authorization by the holders of the rights mentioned in Articles 42 and 45 and without payment of remuneration:

...

(c) use intended exclusively for education and scientific research;

## **Namibia**

Copyright and Neighbouring Rights Protection Act, 1994 (Act No. 6 of 1994)

<https://wipolex.wipo.int/en/text/222895>

### 15 General exceptions regarding protection of literary and musical works

...

(4) The copyright in a literary or musical work shall not be infringed by the use of such work by way of illustration in a publication, broadcast or sound or visual recording for teaching purposes, provided-

(a) such use is compatible with fair practice;

(b) the extent of such use 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.

...

### 16 General exceptions in respect of reproduction of works

In addition to reproductions permitted in terms of this Act reproduction of a work shall also be permitted in such circumstances as are prescribed, but in such a manner that the reproduction is not in conflict with a normal exploitation of the work and is not unreasonably prejudicial to the legitimate interests of the owner of the copyright.



## **Rwanda**

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

<https://wipolex.wipo.int/en/text/194215>

Article 206: Free reproduction for teaching

Notwithstanding the provisions of article 200 of this Law, the following acts shall be permitted in respect of a work without the authorization of the author or other owner of copyright, subject to the obligation to indicate the source and the name of the author as far as practicable:

1° to use a lawfully published work for teaching purposes by way of illustration, broadcasting or sound or visual recordings;

2° the reprographic reproduction, for teaching or for examinations in educational institutions of which do not serve direct or indirect commercial gain, to the extent justified by the purpose, various articles lawfully published in magazines or gazettes, short extracts of works got lawfully or a short creative work lawfully published

...

Article 247: General free use of a work

Notwithstanding the provisions of articles 242 to 246 of this Law, the following acts shall be carried out without authorization of owners of rights stipulated in these articles and without any remuneration:

...

4° reproduction solely for the purpose of face-to-face teaching activities, except for performances and phonograms which have been published as teaching or instructional materials;

## **Sao Tome and Principe**

Code on Copyright and Related Rights (approved by Decree-Law No. 02/2017)

<https://wipolex.wipo.int/en/text/497465>

Article 75: Scope

...

2. The following uses of a work without the consent of the author shall be lawful:

...

e) Partial or total reproduction of a work that has previously been made available to the public, provided that such reproduction is carried out by a public library, public archives, public museum, a documentation centre for non-commercial use or a scientific or teaching institution, and such reproduction and the corresponding number of copies are not for public use and are restricted to the needs of the activities of these institutions and are not aimed at obtaining a direct or indirect economic or commercial advantage, including the reproductions necessary to preserve and archive a work.

f) Reproduction, distribution and making available to the public for didactic and education purposes of parts of a published work, provided that it is intended exclusively for teaching in such establishments and are not aimed at obtaining a direct or indirect economic or commercial advantage;

g) Inclusion of citations or summaries from the works of others, whatever the type or nature, in support of one's own opinions or for purposes of critique, discussion or teaching, and to the extent necessary to achieve such purpose;

h) Inclusion of short excerpts or fragments of the works of others for the purposes of teaching;

...

Article 81

The following reproduction is also permitted:

a) A single copy, for purposes of exclusively scientific or humanitarian interest, of works not yet commercially available or impossible to obtain, for the period necessary for their use;

...

[note: 187 allows reproductions of broadcasts for educational use]

## **Sierra Leone**

The Copyright Act, 2011 (Act No. 8 of 2011)

<https://wipolex.wipo.int/en/text/328521>

30 (1) Notwithstanding paragraph (a) of subsection (1) of section 10, the following acts are 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 way of illustration, in writing or sound or visual recording, if the reproduction is compatible with fair practices and does not exceed the extent justified by the purpose.

(b) the reprographic reproduction, for face-to-face teaching in educational institutions whose activities 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, if-

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

(ii) there is no collective license offered by a Collecting Society of which the educational institution is or should be aware, under which the 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).

## **Somalia**

Copyright Law – Law No. 66 of 7 September 1977

## **Sudan**

The Copyright and Neighboring Rights Protection Act 1996

<https://wipolex.wipo.int/en/text/129528>

## Art. 14

(3) In connection with publication of school textbooks or books prepared for educational purposes or books of history, literature or art, it shall be allowed:

(a) to make short quotations from works already published;

(b) to reproduce any published drawing, photograph, design, inscription or map provided that such reproduction is restricted to what is necessary for the purpose of illustrating the written text;

(c) In cases (a) and (b) , the title of the work reproduced and the name of its author shall be mentioned.

...

(6) Educational institutions shall be authorized to reproduce short works, articles or short part of a published work as well as to incorporate them in the school broadcasts or sound recordings for the non-commercial purpose of illustrating in the teaching process.

## Tanzania

Copyright and Neighbouring Rights Act, 1999

<https://www.aripo.org/wp-content/uploads/2018/12/Tanzania-Copyright-Act.pdf>

12.(1) Notwithstanding provisions of section 9, the following uses of a protected work, either in the original or in translation, shall be permissible without the authors' consent and the obligation to pay remuneration for the use of the work.

2) In the case of any work except, computer programs and architectural works, that has been lawfully Published-

...

(c) the utilization of the work by way of illustration in publications, broadcasts, programs distributed by cable, or sound or visual recordings for teaching, to the extent Justified by the purpose or the communication for teaching purposes of the work broadcast or distributed by cable for the use in schools, education, universities and professional training, provided that

Such use is compatible with fair practice and that the source and the name of the author are the mentioned in publication, the broadcast, the programme distributed by cable or the recording.

...

(7) The reproduction, by photography of sound of video recording, or electronic storage, by public libraries, non-commercial documentation scientific centres, institutions and educational establishments of literary and artistic works which have already been lawfully made available to the public, provided such reproduction, the number of copies made, and the use thereof are limited to the needs of the regular activities of the entity reproducing the work, and neither conflict with the normal exploitation of the work nor unreasonably prejudice the legitimate interests of the author.

## Uganda

The Copyright and Neighbouring Rights Act, 2006

<https://wipolex.wipo.int/en/text/141975>

15. Fair use of works protected by copyright

(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;

...

(j) subject to conditions prescribed by the Minister, a reproduction of a literary, artistic or scientific work by a public library, a non-commercial documentation centre, a scientific institution or an educational institute if the reproduction and the copies made—

(i) do not conflict with the normal exploitation of the work reproduced;

(ii) do not unreasonably affect the right of the author in the work;

(k) any work is transcribed into braille or sign language for educational purpose of persons with disabilities

(2) In determining whether the use made of a work in any particular case is a fair use the following factors shall be considered—

(a) the purpose and character of the use, including whether the use is of a commercial nature or is for non-profit educational purposes;

(b) the nature of the protected work;

(c) the amount and substantiality of the portion used in relation to the protected work as a whole; and

(d) the effect of the use upon the potential market for value of the protected work.

(3) The fact that a piece of work is not published shall not of itself prejudice the requirement of fair use in accordance with subsection(2)

## **Zambia**

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

<https://wipolex.wipo.int/en/text/176492>

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

...

(f) the reproduction of a work for the purposes of the education system of Zambia—

(i) by a teacher or pupil in the course of instruction, provided that the reproduction is not made by means of an appliance capable of producing multiple copies; or

(ii) as part of the questions to be answered in an examination; or

(iii) in answer to such questions;

(2) An act which—

(a) conflicts with the normal commercial exploitation of a work; or

(b) unreasonably prejudices the legitimate commercial interests of the owner of the copyright in a work;

shall not, for the purposes of subsection (1)—

(i) be treated as fair dealing with the work; or

(ii) be treated as an act to which paragraph (f) of subsection (1) applies.

## **Zimbabwe**

Copyright and Neighbouring Rights Act (Chapter 26:05, as amended up to Act No. 32 of 2004)

<https://wipolex.wipo.int/en/text/503729>

### 25. Educational use of copyright material

(1) Subject to this section, the copyright in a work shall not be infringed by the use of the work by way of illustration in any publication, broadcast or record for teaching if-

(a) the use is compatible with fair practice; and

(b) the extent of the use is justified by the purpose; and

(c) sufficient acknowledgement is given.

(2) The copyright in a work shall not be infringed by anything done for the purposes of an examination by way of setting questions, communicating the questions to the candidates or answering the questions:

Provided that this subsection shall not extend to making a copy of the score of a musical work for use by an examination candidate in performing the work.

(3) The inclusion of a short passage from a published literary work in a collection which-

(a) is intended for use in educational establishments and is so described in its title and in any advertisement issued by or on behalf of the publisher; and

(b) consists mainly of material in which no copyright subsists;

shall not infringe the copyright in the work if the work itself is not intended for use in such establishments and its inclusion is accompanied by a sufficient acknowledgement:

Provided that not more than two such excerpts from copyright works by the same author shall be included in such collections published by the same publisher in any period of five years.

(4) The performance of a dramatic or musical work before an audience consisting of teachers and pupils at an educational establishment and other persons directly connected with the establishment's activities shall not be regarded as a public performance for the purposes of infringement of copyright if the performance is given-

(a) by a teacher or pupil in the course of the establishment's activities; or

(b) at the establishment by any person for the purposes of instruction:

Provided that a person shall not be regarded as directly connected with the establishment's activities for the purposes of this subsection simply because he is a parent of a pupil.

(5) The playing or showing of an audio-visual work, a sound recording, a broadcast or a cable programme before an audience consisting of teachers and pupils at an educational establishment and other persons directly connected with the establishment's activities shall not be regarded as a public performance of the work for the purposes of infringement of copyright if the work is played or shown for the purposes of instruction:

Provided that a person shall not be regarded as directly connected with the establishment's activities for the purposes of this subsection simply because he is a parent of a pupil.

(6) Copyright in a literary or musical work shall not be infringed by an educational establishment which, by reprographic copying, makes copies of passages from the work for the purposes of instruction:

Provided that-

(i) the extent of such copying shall not exceed such limits as may be prescribed; and

(ii) no such copying shall be authorised by this subsection if, or to the extent that, a licence or a licence scheme is available authorising the copying in question and the person making the copies knew or ought to have been aware of that fact

(7) No act shall be regarded as permitted by this section if it conflicts with a normal exploitation of the work concerned or prejudices unreasonably the legitimate interests of the owner of copyright in the work.

## *WIPO Group of Latin America and Caribbean Countries*

### **Argentina**

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

<https://wipolex.wipo.int/en/text/225488>

Article 36. The authors of literary, dramatic, dramatico-musical and musical works shall enjoy the exclusive right to authorize:

(a) the recital and public performance of their works;

(b) the public broadcasting by any means of the recital and performance of their works.

However, the performance and recital of literary or artistic works already published, in public acts organized by educational institutions, or linked with the fulfillment of their educational purposes, study plans and programs, shall be lawful and shall be exempt from the payment of copyrights and performers' rights established under Article 56, provided that the event in question is not broadcast outside the place where it occurs and the performers gather and perform free of charge.

The performance of pieces of music in concerts, auditions and public performances by orchestras, bands, ensembles, choirs and other musical organizations belonging to national State institutions, as well as those from the provinces or municipalities, shall also be exempt from the payment of copyright to which the previous paragraph refers, provided that public attendance at such gatherings is free. (Paragraph replaced by Article 1 of Law No. 20.098 Official Journal January 23, 1973).

The reproduction and distribution of scientific or literary works used in special systems for the unsighted or persons with other sensory disabilities shall be exempt from the payment of copyright fees, provided that such reproduction and distribution are handled by authorized bodies. (Paragraph incorporated by Article 1 of Law No. 26.285 September 13, 2007)

This exemption shall also cover works that are distributed electronically, encrypted or protected by any other system which prevents them being read by unauthorized persons. The authorized bodies shall allocate and administer the access codes to the protected works. (Paragraph incorporated by Article 1 of Law No. 26.285 Official Journal September 13, 2007)

The exemption shall not apply to the reproduction and distribution of works which were originally published in special systems for the visually impaired or persons with other sensory disabilities and which are available commercially. (Paragraph incorporated by Article 1 of Law No. 26.285 Official Journal September 13, 2007)

For the purposes of this Article, it shall be considered that:

- “Sensory disabilities” mean severe visual impairment, amblyopia, dyslexia or any other physical or neurological impairment which affects the reading, handling or understanding of conventionally printed texts;
- “Encrypted” means material ciphered in such a way that it cannot be read by persons who do not have an access code. The use of such protection or a similar system is deemed essential for the purpose of this exemption, given that unprotected dissemination could unreasonably prejudice the legitimate interests of the author or impede the normal exploitation of the works;
- “Authorized body” means a State entity or non-profit association with legal status, whose primary task is to assist the unsighted or persons with other sensory disabilities;
- “Scientific works” mean treaties, texts, popular science books, articles from specialized journals, and any material relating to the various branches of science or technology;
- “Literary works” mean poetry, short stories, novels, philosophy, history, essays, encyclopaedias, dictionaries, texts and all other writings in which form and content combine to express knowledge and ideas of universal or national interest;
- “Unauthorized persons” mean people who are not unsighted or do not have other sensory disabilities;
- “Special systems” mean Braille, digital texts and audio recordings, provided that these are solely intended for the persons referred to in the previous paragraph;
- “Physical medium” means any tangible element that stores voices using a tape or digital recording, or digital texts, for example, cassettes, CDs, DVDs or USB memory sticks.

(Paragraph incorporated by Article 1 of Law No. 26.285 Official Journal September 13, 2007)

The following information must be recorded for works which are reproduced and distributed using special systems: the details of the authorized body, the date of original publication and the name of the individual or legal entity holding the copyright. Likewise, there must be a warning that those making unauthorized use of these reproductions are liable to imprisonment, in accordance with Article 172 of the Criminal Code. (Paragraph incorporated by Article 1 of Law No. 26.285 Official Journal September 13, 2007) (Article replaced by Article 1 of Law No. 17.753 Official Journal June 3, 1968)

## **Belize**

Copyright Act (Cap. 252, Revised Edition 2000)

<https://wipolex.wipo.int/en/text/125464>

### **Fair Dealing**

56.-(1) Subject to subsection (2) and section 58, fair dealing with a protected work for the purposes of research or private study does not infringe copyright in the work. (2) Copying by a person other than the researcher or student himself is not fair dealing if -

(a) in the case of a librarian, or a person acting on behalf of a librarian, he does anything which Regulations under section 66 would not permit to be done under section 67 or 68 (articles or parts of published works; restriction on multiple copies of same material);

or (b) in any other case, the person doing the copying knows or has reason to believe that it will result in copies of substantially the same material being provided to more than one person at substantially the same time and for substantially the same purpose.

### **Use of Work for Educational Purposes**

60.-(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 is done by a person giving or receiving instruction and is not by means of a reprographic process.

(2) Copyright in a sound recording, film, broadcast or cable program is not infringed by its being copied by making a film or film soundtrack 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 instruction.

(3) Copyright in a work is not infringed by anything done for the purposes of an examination by way of setting the questions, communicating the questions to candidates or answering the questions.

61.-(1) The inclusion, in a collection intended for use in educational institutions, of a short passage from a published literary or dramatic work does not infringe copyright in the work if - (a) the collection is described in the title and in any advertisements thereof issued by or on behalf of the publisher, as being so intended; (b) the work was not itself published for the use of educational institutions; (c) the collection consists mainly of material in which no copyright subsists; (d) not more than one other such passage or part from works by the same author is published by the same publisher within the period of five years immediately preceding the publication of that collection; and (e) the inclusion is accompanied by a sufficient acknowledgement.

(2) Subsection (1) does not authorise the inclusion of more than two excerpts from protected works by the same author in collections published by the same publisher over any period of five years.

(3) In relation to any given passage, the reference in subsection (2) to excerpts from works by the same author- (a) shall be taken to include excerpts from works by him in collaboration with another; and (b) if the passage in question is from such a work, shall be taken to include excerpts from works by any of the authors, whether alone or in collaboration with another.

62.-(1) The performance of a literary, dramatic or musical work before an audience consisting of teachers and pupils at an educational establishment and other persons directly connected with the activities of the establishment - (a) by a teacher or pupil in the course of the activities of the establishment, or (b) at the establishment by any person for the purposes of instruction, is not a public performance for the purposes of infringement of copyright.



(2) The playing or showing of a sound recording, film, broadcast or cable program before such an audience at an educational establishment for the purposes of instruction is not a playing or showing of the work in public for the purposes of infringement of copyright.

(3) A person is not for this purpose directly connected with the activities of the educational establishment simply because he is the parent of the pupil at the establishment.

63.-(1) Subject to subsection (2), a recording of a broadcast or cable program or a copy of such a recording may be made by or on behalf of an educational establishment for the educational purposes of that establishment without thereby infringing the copyright in the broadcast or cable program or in any work included in it.

(2) Subsection (1) shall not apply if or to the extent that, there is a licensing scheme under which licences are available authorising the making of such recordings or copies, and the person making the recordings knows or ought to have been aware of that fact.

64.-(1) Subject to the provisions of this section, reprographic copies of passages from published literary, dramatic or musical works may be made by or on behalf of an educational establishment for the purposes of instruction without infringing any copyright in the work or in the typographical arrangement.

(2) Not more than five per cent of any work may be copied by or on behalf of an educational establishment by virtue of this section in any quarter, that is to say, in any period 1st January to 31st March, 1st April to 30th June, 1st July to 30th September or 1st October to 31st December.

(3) Copying is not authorised by this section if, or to the extent that, there is a licensing scheme under which licences are available authorising the copying in question and the person making the copies knows or ought to have been aware of that fact.

(4) Where a licence is granted to an educational institution authorising the reprographic copying of passages from any published literary, dramatic or musical work, for use by the institution, then, any term of that licence which purports to restrict the proportion of work which may be copied (whether on payment or free of charge) to less than that permitted under this section shall be of no effect.

65.-(1) Where a copy of a work would be an infringing copy if the making thereof were not authorised under sections 60, 63 and 64 and such copy is subsequently dealt with, it shall be treated as an infringing copy for the purposes of that dealing, and if that dealing infringes copyright, for all subsequent purposes.

(2) In subsection (1), 'dealt with' means sold, or let for hire or offered or exposed for sale or hire.

## **Bolivia**

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

<https://wipolex.wipo.int/en/text/225957>

24. An author may be quoted, whereby quotation shall be understood to mean the inclusion within one's own work of short excerpts from works by others, provided that the works have already been disclosed, that the source and the name of the author of the work used are stated, that the inclusion is by way of quotation or for analysis, comment or critical assessment, for educational or research purposes, in accordance with proper practice and to the extent justified by the purpose being pursued, and that no infringement of the law occurs.

## **Brazil**

Law No. 9.610 of February 19, 1998 (Law on Copyright and Neighboring Rights, as amended by Law No. 12.853 of August 14, 2013)

<https://wipolex.wipo.int/en/text/505104>

Art. 46. Does not constitute copyright infringement:

IV - collection of lessons in educational establishments by those to whom they are addressed, forbidden its publication, in whole or in part, without prior and express authorization of the person who gave them;

VI - theatrical performance and musical performance, when carried out in the family recess or, for exclusively didactic purposes, in educational establishments, and in no case profit intention;

## **Chile**

Law No. 17.336 on Intellectual Property, as revised by Law No. 20.435 (Apr. 23, 2010), w.e.f. May 24, 2010

<https://wipolex.wipo.int/en/text/511569>

Article 71 D. The lessons taught in colleges, colleges and schools may be recorded or collected in any form by those to whom they are addressed, but may not be published, fully or partially, without permission of the authors. Conferences, political speeches, judicial pleadings and other works of the same nature that have been pronounced in public, may be used freely and without payment of remuneration, for information, should be reserved to the author the right to publish them separately collection.

Article 71 M. It is lawful, unpaid or obtain authorization from the author, reproduced and translated for educational purposes within the framework of formal or authorized education by the Ministry of Education, small fragments of works or isolated works of plastic character, photographic or figurative, excluding textbooks and university textbooks, when such acts are made solely for illustration of educational activities in the justified measure and non-profit, provided that the works have already been disclosed and include the name of the author and source, except in cases where this is impossible.

Article 71 F. The reproduction of works of architecture through photography, film, television and any other similar procedure and the publication of any photographs in newspapers, magazines and books and texts for education is free and is not subject to compensation, if not in separate collection, complete or partial, without authorization from the author.

Article 71 Q. Is it lawful incidental and exceptional use of a copyrighted work for the purpose of criticism, comment, caricature, teaching, research or academic interest, provided that such use does not constitute a disguised exploitation of the protected work. The exception established in this article does not apply to documentary film works.

Article 71 N. No communication or considered public performance of the work, including the case of phonograms use within the family, in educational establishments, charitable, libraries, archives and museums, provided such use is made without profit. In such cases no authorization of the author or owner is required or payment of any remuneration.

## **Colombia**

Law No. 23 of 1982 (January 28) - On Copyright, as amended by Law No. 44 of 1993 (February 5), Law No. 719 of 2001 (December 24) and Law No. 1403 of 2010 (July 19).

<https://wipolex.wipo.int/en/text/506452>

Article 32.- It is allowed to use literary or artistic works or parts thereof, by way of illustration in works intended for teaching, through publications, broadcasts or sound or visual recordings, within the limits justified by the intended purpose or teaching purposes communicate the work broadcast for school purposes, educational, university and vocational training non-profit, with the obligation to mention the name of the author and title of the works thus used.

Article 36.- Publication of the portrait is free when it relates to scientific, educational or cultural purposes in general or to facts or events of public interest or that have occurred in public.

Article 40.- Lectures or lessons given in establishment of higher, secondary or primary education may be freely noted and collected by students who are targeted, but is prohibited publication or complete or partial reproduction without the written permission of whom uttered.

Article 149°.- not be considered public performance of the works to the present chapter is made for educational purposes within the premises or buildings of educational, public or private institutions concerned, provided that no charge whatever the right of entry.

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;

## **Costa Rica**

Law No. 6683 of October 14, 1982 on Copyright and Related Rights (as last amended by Law No. 8834 of May 3, 2010)

<https://wipolex.wipo.int/en/text/247913>

Article 73 °.- are free performances of theatrical or musical works that have been made available to the public legitimately, when made at home for the exclusive benefit of the family circle. Also be free such performances when they are used as illustrations for exclusively educational activities in the extent justified by the educational purpose, provided that performance does not conflict with a normal exploitation of the work or cause harm as unjustified the legitimate interests of the rightholder. Additionally, it should include source and the name of the author, if this name appears in the source.

It is also lawful use and reproduction, the extent justified by the purpose, of works by way of illustration for teaching through publications such as anthologies, radio broadcasts or sound or visual recordings, provided that such use is in accordance with fair practice and the source and the name of the author are mentioned if this name appears in the source.

Article 73 ° bis.-

1. The following exceptions to the protection provided by this Act are permitted, for the exclusive rights of performers, phonogram producers and broadcasting organizations, provided they do not conflict with a normal exploitation of the performance or execution of the phonogram or broadcast, or cause unjustified harm the legitimate interests of the holder of the right:

- a) In the case of private use.
- b) When short excerpts used in connection with the reporting of current events.
- c) In the case of an ephemeral fixation by a broadcasting organization by its own means and for its own broadcasts.
- d) In the case of a use exclusively for purposes of teaching or scientific research.

Law No. 8039 of October 12, 2000 on Procedures for Enforcement of Intellectual Property Rights (as last amended by Law No. 8834 of May 3, 2010)

Article 54.- Unauthorized reproduction of literary or artistic works or phonograms. Who set and reproduce literary or artistic works or phonograms protected without permission from the author, the owner or the representative of the law shall be punished as follows:

- a) A fine of five to twenty wage base, when the amount of the damage does not exceed five wage base.
- b) With six months to two years imprisonment or a fine of twenty to eighty wage base, when the amount of the damage exceeds five base salaries and wages not exceeding twenty base.
- c) With one to four years in prison or a fine of two hundred eighty wage base, when the amount of the damage exceeds twenty basic wages and salaries not exceeding fifty basis.
- d) With three to five years in prison or a fine of two hundred to five hundred basic wages, when the amount of the damage exceeds fifty wage base.

It is not punishable reproduction, nonprofit, literary or artistic works or phonograms to the extent required to meet illustrative purposes for teaching, provided that such reproduction is in conformity with the uses due and mention the source and name of the author, if this name appears in the source.

## **Cuba**

Law No. 14 of December 28, 1977, on Copyright

<https://wipolex.wipo.int/en/text/406064>

Article 37.- For social reasons, the competent authority may grant a license to reproduce and publish in print form or another analogous a work published in the same way, or to translate and edit it, or to disseminate it through radio, television or other audio or visual media in its original language or in translation, or to reproduce in audiovisual form the fixation of the same nature, without reasonable authorization and remuneration provided in subsections c), ch) and d) of Article 4 of this Law, provided that the following conditions are met:

- a) that the work is necessary for the development of science, technology, education and professional development;
- b) distribution or dissemination is free or, in case of sale of printed materials, it will make no profit;

c) distribution or dissemination is made exclusively on the territory of the Cuban State.

Article 38.- It is permissible, without the consent of the author and without remuneration to the same, but with obligatory reference to his name and source, provided the work is public knowledge, and respecting their specific values:

a) reproduce quotations or fragments in written, audio or visual form for teaching, information, criticism, illustration or explanation, all in the extent justified by the purpose which it pursues;

b) use a work, even if his brief full extent and nature justify it by way of illustration of teaching, publishing, radio or television, films or sound or visual recordings;

...

ch) represent or perform a work, provided that the representation or execution not for profit;

d) reproduce a work by a photographic procedure or analogous, when reproduction is made by a library, a documentation center, a scientific institution or an educational institution, provided that it is done with non-profit and the number of copies it is strictly limited to the needs of a specific activity;

## **Dominican Republic**

Law No. 65-00 on August 21, 2000, on Copyright

<https://wipolex.wipo.int/en/text/275676>

Art. 32. - The following may be reproduced 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 carried out 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.

Art. 40. - Lectures or talks delivered at establishments of higher, secondary or primary education may be freely noted down and collected by the students to whom they are addressed, but the full or partial reproduction, distribution or communication thereof shall be prohibited without the written authorization of the person that delivered them.

Art. 44. - The following shall be considered the sole exceptions to the right of public communication for the purposes of this Law:

(1) communications that are made for strictly educational purposes, without being reproduced, within the grounds or buildings of educational institutions, provided that no charge whatsoever is made for admission;

## **Ecuador**

Intellectual Property Law (Consolidated version of February 10, 2014)

<https://wipolex.wipo.int/en/text/281172>

Article 211. Use shall not constitute a violation of economic rights to use or exploitation of a protected work or service, in cases provided in the following article, provided they do not conflict with a normal exploitation of the work or protected and not jeopardize the interests unjustified legitimate owner or rights holders. To determine whether use of the work or fits with the provisions of this article shall take into

account the provisions of this Code and the international treaties of which Ecuador is a party. In addition, consideration should be given to the least the following factors:

1. The objectives and nature of use;
2. The nature of the work;
3. The amount and importance of the part used in relation to the work as a whole, if applicable;
4. The effect of the use on the value of current and potential market of the work; and,
5. The enjoyment and effective exercise of other fundamental rights

Article 212. Acts which do not require authorization for use.- Without prejudice to the provisions of the preceding article, in accordance with the nature of the work, the international instruments to which Ecuador is a party and the principles of this Code, no constitute a violation of the property rights of the rights holder, those individual cases in this Article, provided they do not conflict with a normal exploitation of works and avoid harmful unjustified legitimate interests of the holder or holders of rights. In this regard, the following acts do not require the authorization of the right holder are not subject to any remuneration:

1. The inclusion in a given work of short fragments of other people's works in written, audio or audiovisual, plastic nature, photographic, figurative or similar, provided that the works have already been disclosed that their inclusion is by way of quotation or for analysis, comment or critical assessment, teaching or research purposes to the extent justified by the aim pursued and if the source and the name of the author indicated, and in no case constitute a disguised exploitation of the work.

Periodical compilations made in the form of reviews, or press appointments will be considered;

...

3. The exhibition, performance, presentation and public communication of works at official events organized by the institutions of the state, commemorative, cultural, scientific or educational purposes , provided that attendance is free and participants do not receive specific remuneration for their Speaking at the ceremony. It shall mean those official acts organized with the presence of several authorities (civil, ecclesiastical or military) and have a certain protocol for development;

4. The reproduction, translation, distribution and public communication for informational purposes articles, comments, photographs, illustrations and the like works of current events and collective interest, provided the source and the name of the author is mentioned, if the original so indicates, and has not appeared on the original reservation of rights;

5. Reproduction, translation and public communication for informational purposes conferences, speeches and similar works disclosed at assemblies, public meetings and public debates on matters of general interest;

...

7. The reproduction, adaptation, distribution or public communication for scientific or educational purposes and to ensure access for people with disabilities architectural works, photographic, fine art, applied art or the like, which are permanently located in places open to the public, through photography, painting, drawing, filming or any other technique or the like, provided that the name of the author of the original work indicated, if this is known, and the place is located;

## **El Salvador**

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

<https://www.wipo.int/edocs/lexdocs/laws/en/sv/sv001en.pdf>

Art. 44.- lawful communications without authorization from the author or payment of remuneration:

c) those shown to be for exclusively educational purposes in teaching activities personalized, in a classroom or similar place devoted to instruction always mentioned your source, title and author;

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

c) reproduction by reprographic means for teaching or examinations in educational institutions provided that no profit and the extent justified by the objective pursued, articles, brief extracts or short works lawfully published, provided such use is made in accordance with fair practice;

Art. 49-C.- it is lawful to reproduce brief fragments of works literary, scientific or artistic works, in publications or anthologies or for educational, scientific research or literary criticism, whenever so indicate unmistakable, source origin; that are not altered texts reproduced and that such reproduction does not conflict normal exploitation of the work, or prejudice genuine interest the author. For the same effects and the same restrictions may be published fragments in brief translations.

## **Guatemala**

Law on Copyright and Related Rights (Decree No. 33-98, as amended up to Decree No. 11-2006 of the Congress of the Republic )

<https://wipolex.wipo.int/en/text/408729>

ARTICLE 63. The works protected by this Law may be lawfully communicated, without need authorization from the author or payment of any remuneration when communication:

...

b) is effected exclusively educational purposes in the course of the activities of an institution of teaching staff and students of that institution, provided that communication not for profit, direct or indirect, and that the audience consists solely of the staff and students of the school or parents or teachers of students and others directly linked to the activities of the institution.

ARTICLE 64. With regard to works already disclosed is also permitted without authorization author, in addition to the provisions of Article 32:

a) reproduction by reprographic means of articles or brief excerpts from works lawfully published, for teaching or conducting examinations in educational institutions, provided there is no profit and that such use does not interfere with the normal exploitation of the work or prejudice the legitimate interests of the author;

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

...

d) Include in one's own work fragments of other nature written, audio or audiovisual and works of plastic character, photographic or similar, always concerned works have already been disclosed and that their inclusion is by way of quotation or for analysis purposes teaching or research.

## **Honduras**

Law on Copyright and Related Rights (approved by Decree No. 4-99-E, as amended by Decree No. 16-2006)

<https://wipolex.wipo.int/en/text/234858>

ARTICLE 50. Reproduction by reprographic means is permitted for teaching or conducting examinations in educational institutions, provided there is no profit and to the extent justified by the objective pursued of articles, conferences, lessons, brief excerpts or works. briefly lawfully published, provided that such use is made in accordance with honest uses.

ARTICLE 56. Theatrical representation and musical performance are free, when they are performed at home for the exclusive benefit of the family circle or its guests, in celebration of parties or meetings. It will also be when they are held in educational establishments for educational purposes, civic celebrations or activities of social, cultural and sports benefit, provided there is no profit or any kind of financial compensation.

ARTICLE 121.32 They constitute limitations to the rights contained in articles 113,118 and 119 of this Law, when the acts referred to in these articles are intended to:

...

3. The use made for teaching or scientific research purposes;

ARTICLE 123. Domestic reproduction will be lawful in a copy made by the user solely for private use, or for educational, non-profit purposes, directly from another medium containing a phonogram or audiovisual work published or from broadcasting or Another form of communication.

## **Mexico**

Federal Law on Copyright (consolidated text published in the Official Journal of the Federation on June 15, 2018)

<https://wipolex.wipo.int/en/text/477186>

147. It is considered a public utility publication or translation of literary or artistic works necessary for the advancement of science, culture and national education. When it is not possible to obtain the consent of the holder of the economic rights, and by paying compensatory remuneration, the Federal Executive, through the Ministry of Culture, ex officio or upon request, may authorize the publication or mentioned translation . This is without prejudice to the international treaties on copyright and neighboring rights signed and ratified by Mexico.

Article 148.- Literary and Artistic Works already disclosed may be used, provided that the normal exploitation of the work is not affected, without permission from the owner of the economic rights without compensation, invariably citing the source and without altering the work, just in the following cases:

...

III. Reproduce portions of the work, for critical and scientific, literary or artistic research;



IV. Playing only once, in a single copy, of a literary or artistic work, for personal and private use and makes profit.

Legal entities may not avail itself of the provisions of this section, except that it is an educational institution, research, or who is not engaged in commercial activities;

Article 151.- Does not constitute violations of the rights of performers, producers of phonograms, videograms or broadcasting organizations the use of performances, phonograms, videograms or broadcasts when:

...

III. Either for teaching or scientific research, or...

## **Nicaragua**

Law No. 312 of 1999 on Copyright and Neighboring Rights (consolidated version as of February 2001)

<https://wipolex.wipo.int/en/legislation/details/3160>

33. It is permitted, without authorization of the author, the reproduction, by means of reprography and for teaching purposes, of isolated articles published in the press of short excerpts from a work, provided that both have been published, provided That such reproduction is carried out in educational establishments and that a direct or indirect commercial purpose is not pursued and is carried out to the extent justified for the objective that is intended to be achieved, in accordance with honest uses and citing the source and name of the author, if figure in it.

36. Lectures or lessons taught in educational establishments may be freely recorded and collected but their publication or integral or partial reproduction is prohibited, without the author's authorization.

## **Panama**

Law No. 64 of October 10, 2012, on Copyright and Neighboring Rights

<https://wipolex.wipo.int/en/text/505829>

Article 69. Also in relation to works already legally disclosed, it is allowed without the author's authorization:

1. The reproduction by reprographic means of articles or brief excerpts of shortly published works, exclusively for teaching or conducting examinations within educational institutions, provided there are no direct or indirect profit, as soon as the objective pursued and on condition that such use be made in accordance with honest uses.

Article 67. These are legal communications, without authorization of the author or payment of remuneration:

...

3. Those verified in the course of the activities of a teaching institution for exclusively didactic purposes, by the staff and students of the institution, provided that it is not charged for the entrance or has any direct or indirect lucrative purpose, and the public It consists exclusively of the staff and students of the

institutions or parents, representatives or guardians of the students or other persons directly linked to the activities of the institution.

4. those that are carried out within a research institution, only for research purposes and without any lucrative nature, when they are carried out through a closed or internal network through specialized terminals installed for this purpose at the headquarters of the institute, provided that such works appear in the permanent collection of the establishment itself and without prejudice to the licenses to be acquired on the computer programs used in the computer system.

## **Paraguay**

Law No. 1328/1998 on Copyright and Related

<https://wipolex.wipo.int/en/text/129427>

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:

3. in the case of single, personal copies that are used solely for teaching purposes by teaching staff at educational establishments;

39. The following is permitted without authorization by the author or payment of remuneration in relation to works already disclosed:

1. reproduction by reprographic means, for the purposes of teaching or the holding of examinations at educational establishments, provided that there is no gainful intent and only to the extent justified by the objective pursued, of articles or short extracts from lawfully published works, on condition that the use is in keeping with proper practice;

...

78. The portrait or bust of a person may not be placed on the market without the consent of the person portrayed, or that of his successors in title after his death. However, publication of the portrait shall be free when it relates to scientific, educational or general cultural concerns, or to circumstances or events that are in the public interest or have taken place in public.

## **Peru**

Copyright Law (Legislative Decree No. 822, as amended up to Legislative Decree No. 1391)

<https://wipolex.wipo.int/en/text/506917>

Law No. 30276 on Amendments to the Copyright Law (Legislative Decree No. 822)

<https://wipolex.wipo.int/en/text/355131>

Article 41.- The works of wit protected by this Law may be lawfully communicated, without the authorization of the author or payment of any remuneration, in the following cases:

C. The exclusively educational purposes in the course of the activities of a teaching institution by the staff and students of that institution, provided they do not pursue communication for profit, direct or indirect, and the audience is composed exclusively by staff and students of the institution or parents or guardians of students and other persons directly connected with the activities of the institution. if communication, including the provision, seen in works reproduced under the provisions of the paragraph a of Article 43 of this law, the public should be limited to staff and students of the educational institution. (Paragraph amended by the single article of Law No. 30276, published on 03 December 2014)

Article 42. Lectures given either in public or in private, by professors of universities, colleges and schools may be annotated and collected in any form by those to whom they are addressed, but no one may disclose them or play them in full collection or in part without prior written permission from the authors.

Article 43.- With regard to works already been lawfully disclosed, is permitted without authorization from the author:

A. The reproduction by reprographic, digital or other similar teaching or examinations in educational institutions, provided that no profit and the extent justified by the original aim pursued, articles, speeches, quotes, poems unit, or extracts short works or the full works isolated plastic and photographic character lawfully published and on condition that the use is in accordance with fair practice (obligatory quote from the author) and that it is not subject sale or other transaction for consideration, are directly or indirectly profit. (Subsection amended by Article 3 of Legislative Decree No. 1391, published on 05 September 2018)

## **Uruguay**

Law No. 9.739 of December 17, 1937, on Literary and Artistic Property (as amended up to Law No. 18.046 of October 24, 2006)

<https://wipolex.wipo.int/en/text/403199>

Art. 45. Reproduction is not unlawful:

1. The publication or broadcast by radio or the press, of works intended for the teaching of extracts, fragments of poetry and separate articles, provided that the author's name is mentioned therein, excluding the provisions of article 22.
2. The publication or broadcast by radio or the press, of oral lessons given by teachers, speeches, reports or statements given in deliberating assemblies, in Courts or in public meetings;

...

## **Venezuela (Bolivarian Republic of)**

Law on Copyright (of August 13, 1993)

<https://wipolex.wipo.int/en/text/130135>

43. The following shall be considered lawful communications:

1. those occurring in a domestic environment, provided that there is no profit-making purpose;
2. those made in the general interest in the course of official events and religious ceremonies, provided that the public is allowed to attend them free of charge and that none of the participants in the communication receives specific remuneration for participation in the act;
3. those made for strictly scientific and teaching purposes in educational establishments, provided that there is no gainful intent.

44. The following shall be considered lawful reproductions:

1. the reproduction in one copy of a printed, sound or audiovisual work, except in the case of a computer program, which shall be governed by subparagraph 5 of this Article, provided that the copy is made for the exclusive personal use of the user, and is made by the person concerned with his own facilities;
2. photomechanical reproduction for exclusive personal use, as by photocopying and microfilm, provided that it is confined to small parts of a protected work or works that are out of print, and without prejudice to the equitable remuneration that the companies, institutions and other organizations offering the service to the public have to pay to the owners of the right of reproduction; any use of the reproduced material for other than personal purposes that is made in competition with the author's exclusive right to exploit his work shall be deemed equivalent to unlawful reproduction;
3. reproduction by reprographic means, for the purpose of teaching or the holding of examinations in educational institutions, provided that there are no profit-making purposes and to the extent justified by the purpose, of articles, brief extracts from works or lawfully published short works, on condition that the use is in keeping with proper practice;
4. the making of single copies of works by noncommercial libraries or archives where the originals are in their permanent stocks, for the purpose of preserving the said originals and replacing them in case of need, or to replace, in the permanent stocks of other libraries or archives, copies that have been mislaid, destroyed or rendered unusable, insofar as it is not possible to acquire such a copy in due time and on reasonable terms;

(...)