

FINAL QUESTIONNAIRE ON LIMITATIONS AND EXCEPTIONS

prepared by the World Intellectual Property Organization (WIPO) Secretariat

INTRODUCTION

The WIPO Standing Committee on Copyright and Related Rights (SCCR) has agreed to address the issue of exceptions and limitations to copyright and related rights for the purposes of education, libraries and persons with disabilities, by exploring existing and proposed national laws on the subject, with a view to strengthening international understanding on exceptions and limitations.

During the 17th session of the SCCR held in November 2008, the WIPO Secretariat was requested to prepare a draft questionnaire regarding exceptions and limitations, with particular emphasis on the issues regarding education, libraries and persons with disabilities, for the consideration of Member States of the SCCR in the 18th session.

At the 18th session of the SCCR held in May 2009, it was agreed that delegations would send comments on the draft questionnaire (document SCCR/18/3) to the Secretariat. Based on those comments, the Secretariat would present a revised questionnaire.

In the conclusions of the 19th session of the SCCR held in December 2009, delegations were invited to send comments on the revised version of the questionnaire, or second draft questionnaire (document SCCR/19/2), to the Secretariat by January 8, 2010. On the basis of the comments and the discussions of the Committee, the Secretariat would finalize the questionnaire without any substantial changes in the content of the questions, and while retaining its seven chapters, and submit it to the Member States and the European Union by February 10, 2010 for replies.

Instructions

The Secretariat presents this final questionnaire on limitations and exceptions and Member States are now invited to respond accordingly, via on-line or in paper form:

– On-line (preferred option): Replies may be provided by completion of the electronic form available on the WIPO website at <http://www.wipo.int/copyright/en/>. In order to access and complete the electronic form online, a general password has been created for all respondents: “LE2010”.

– Paper form: This copy is available in printable form from the aforementioned website and may be completed and sent to the International Bureau, c/o Copyright Law Division, WIPO, by post: 34, chemin des Colombettes, 1211 Geneva 20, Switzerland; by facsimile: +41 22 338 907010; or by e-mail: copyright.mail@wipo.int.

Member States are invited to submit their replies by May 10, 2010. After that date, the questionnaire will no longer be available on the WIPO website.

The Secretariat shall prepare a consolidated paper for the Twentieth Session of the SCCR based on the information gathered from the replies to this questionnaire.

This final questionnaire comprises 103 questions distributed in seven parts:

- Part I on general questions on limitations and exceptions;
- Part II on limitations and exceptions for educational activities;
- Part III on limitations and exceptions for libraries and archives;
- Part IV on limitations and exceptions for persons with disabilities;
- Part V on questions relating to religious, social and cultural exceptions;
- Part VI on other questions regarding digital technology; and
- Part VII on general questions to cover areas left out in Parts I to VI.

This questionnaire is only intended as a tool for data collection to facilitate an analysis of the status of copyright limitations and exceptions in WIPO Member States. It is acceptable for respondents not to answer all questions, particularly when the available data does not allow giving an unequivocal answer to the questions.

When questions include the phrase “please describe,” respondents are encouraged to provide a citation for the statutory provision and/or governing court decision (if applicable) and any other additional description that supports their answer.

The answers to this questionnaire have been provided on behalf of:

Country: **United Kingdom**

by

Name and contact information (including telephone and e-mail): **Matthew Larreta, Policy Advisor, Copyright & Enforcement Directorate, Intellectual Property Office, Concept House, Cardiff Road, Newport, NP10 8QQ, UK. Tel : +44 (0)1633 813814. Email : matthew.larreta@ipo.gov.uk**

Part I: General

1. Does your national statute provide for a limited number of specific statutory limitations and exceptions, an open system of limitations and exceptions (such as fair use or fair dealing) or a mix of both systems?

Specific

Open

Mixed

Others, please describe: _____

2. Does your national statute include the three-step test as a general provision on copyright limitations and exceptions?

Yes

No

Partially, please describe: _____

3. Does your national statute provide limitations and exceptions as free uses (there is no need for authorization or for payment of remuneration)?

Yes

No

If yes, please describe: **The Copyright, Designs and Patents Act 1988 (CDPA) (<http://www.ipo.gov.uk/cdpact1988.pdf>) contains exceptions that are ‘free’ to use i.e. they do not require authorization from, or payment of remuneration to, the rights holder. Examples pertinent to this questionnaire include educational exceptions (Sections 32-26A), libraries and archives exceptions (Sections 37-44A), visual impairment exceptions (Sections 31A-F) as well as the criticism, review and news reporting exception (Section 30). It is worth noting that some of the exceptions e.g. visual impairment (Sections 31A-F) and education (Sections 35 and 36) only apply if a licensing scheme is not already in place.**

4. Does your national statute include limitations and exceptions based on statutory licenses (direct permission granted by the law against remuneration)?

Yes

No

If yes, please describe: **There are some limited instances where use is granted directly by the law in return for remuneration. Please see CDPA Section 73(4) – ‘Reception and re-transmission of wireless broadcast by cable’ and Section 190 – ‘Power of tribunal to give consent on behalf of performer in certain cases’.**

5. Does your national statute include limitations and exceptions based on compulsory licenses (obligation of the rights owners under the law to grant licenses against remuneration)?

- Yes
 No

6. Does your national statute include specific limitations or exceptions permitting the use of copyrighted works for private or personal purposes, without previous authorization of the copyright or related rights owner?

- Yes
 No

Please describe: **Please see CDPA Section 29 – ‘Research and private study’, Section 70 – ‘Recording for purposes of time-shifting’ and Section 71 – ‘Photographs of broadcasts’.**

7. Does your national statute provide remuneration for private or personal uses (for instance, copyright levies)?

- Yes
 No

If yes, please describe: _____

8. Does your national statute allow parties to agree in licensing agreements or other binding contracts not to engage in conduct that would otherwise be permitted under the national statute’s exceptions and limitations?

- Yes
 No

If yes, please describe: **There are situations in the CDPA where licensing agreements or other non-binding contracts can override fair dealing e.g. Section 28(1): Exceptions may be subject to other rights and obligations; Section 36(3) Permission for the reprographic copying by educational establishments of passages of published works, does not apply if licences are available authorising the copying in question; Section 50C: Temporary copying exception can be overridden by contract.**

9. Does your national statute subject the exercise of limitations and exceptions to the condition of a lawful or authorized source requirement (for instance, that copies are made from a lawful source)?

- Yes
 No

If yes, please describe: **There are no specific requirements in the CDPA regarding lawful or authorized copies of works. However, some exceptions do specify that the copy must be a lawful copy – please see CDPA Section 31B(1).**

10. Does your national statute protect technological measures?

- Yes
 No

11. Does your national statute protect rights management information?

- Yes
 No

12. Does your national statute provide specific mechanisms to ensure that limitations or exceptions continue to apply despite the existence of any technological measures implemented by the copyright or related rights owners?

- Yes
 No

If yes, please describe: **Please see CDPA Section 296ZE – ‘Remedy where effective technological measures prevent permitted acts’.**

13. If recourse to legal proceedings is needed, what is the average time to ensure the exercise of limitations and exceptions if some type of technological measures of protection is applied by copyright and related rights owners?

Please describe: **The procedure does not involve legal proceedings, although if the rights owner fails to comply with a direction from the Secretary of State that would be a breach of statutory duty, which would be actionable.**

14. Does your national statute provide that certain limitations or exceptions prevail over the prohibitions on the act of circumventing technological protection measures or rights management information?

- Yes
 No

If yes, please describe:

15. If recourse to legal proceedings is needed regarding limitations and exceptions, what is the average time needed to resolve a dispute regarding the prohibition of circumventing the technological measures of protection and digital rights management?

Please describe: _____

16. Does your national statute include limitations and exceptions especially for the use of computer programs?

- Yes
 No

Please describe: **Please see CDPA Sections 50A-D which relates to computer programs.**

17. Does your national statute provide limitations and exceptions for the temporary use of digital works?

- Yes
 No

Please describe: **Please see CDPA Section 28A– ‘Making of temporary copies’.**

18. Does your national statute include limitations and exceptions, or statutory safe harbors (statutory safe harbor refers to any statutory enactment which provides that a person will not be liable upon taking certain measures), for the activities of the service providers of digital transmission of works?

- Yes
 No

Please describe: **This is not contained in UK copyright legislation but is provided in other legislation, particularly the Electronic Commerce (EC Directive) Regulations 2002, SI 2002/2013 and the Digital Economy Act 2010.**

19. Does your national statute provide that certain limitations or exceptions prevail over the prohibition on the acts of trafficking with devices or providing services that allow the circumvention of technological protection measures or rights management information?

- Yes
 No

If yes, please describe:

20. If recourse to legal proceedings is needed regarding exceptions and limitations, what is the average time needed to resolve a dispute regarding the prohibition of dealing with devices or providing services to circumvent the technological protection measures and rights management information?

Please describe: **N/A**

Part II: Limitations and Exceptions related to Educational Activities

21. If your national statute is included in the analysis of specific exceptions contained in any of the studies on limitations and exceptions for educational or research activities (documents SCCR/19/4, SCCR/19/5, SCCR/19/6, SCCR/19/7, SCCR/19/8)¹, do you consider that the analysis is correct?

- Yes
 No
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

22. Does your national statute provide specific limitations and exceptions for educational purposes?

- Yes
 No

Please list them: **Please see CDPA Sections 32-36A.**

23. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

- Face-to-face activities**
 Distance education
 Both

Please list them: **Please see CDPA Section 32 – ‘Things done for purposes of instruction or examination’; Section 33 – ‘Anthologies for educational use’; Section 34 – ‘Performing, playing or showing work in course of activities of educational**

¹ For Latin American and the Caribbean countries, document SCCR/19/4. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130303

For African countries, document SCCR/19/5. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130241

For Arab countries, document SCCR/19/6. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130302

For Asian and the Pacific countries, document SCCR/19/7. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130249

For countries in North America, Europe, Caucasus, Central Asia and Israel, document SCCR/19/8. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130393

establishment’; Section 35 – ‘Recording by an educational establishment of broadcasts’; Section 36 – ‘Reprographic copying by educational establishment of passages from published works’; Section 36A – ‘Lending of copies by educational establishments’. Please note that the UK are examining proposals to expand Sections 35 and 36 to include distance learning as part of the Gowers Review of Intellectual Property (<http://www.ipo.gov.uk/pro-types/pro-copy/c-policy/c-policy-copyexceptions.htm>).

On performances²

24. Does your national statute provide specific limitations and exceptions allowing performances for educational purposes, such as performances by teachers in classrooms or school concerts?

- Yes**
 No

If yes, please describe: **Please see CDPA Section 34 – ‘Performing, playing or showing work in course of activities of educational establishment’.**

25. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions that permit performances for educational purposes?

- Yes
 No

If yes, please describe: _____

26. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing performances for educational purposes?

- Yes**
 No

If yes, please describe: **Please see CDPA Section 34(1)(a) and (b).**

² Performance is used here *lato sensu*. It is a broadly applied practice in national legislation to use terms other than those appearing in the international norms on copyright and related rights; that is, to characterize the acts and rights concerned in a way different from the way they are characterized legally in the said international norms. As in the current case, for example, several countries may grant a “right of public performance” in a way that it covers more or less all non-copy-related rights (not only the performance *stricto sensu*, but also and in particular, the right of broadcasting and the right of communication to the public by cable (wire), which, in the Berne Convention are construed as separate rights), or it is also frequent in national laws that a broader right of broadcasting is provided which also covers the right of communication to the public by cable (wire), a separate right under the Berne Convention.

27. Who is eligible to engage in activity covered by the specific limitations and exceptions allowing performances for educational purposes? (more than one option can be selected)

Teachers

Students

Educational institutions

Others. Please describe: _____

28. In case educational institutions are eligible to engage in activities covered by specific limitations and exceptions allowing performances for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

For-profit

Not-for-profit

Public

Private

Others. Please describe: Please see definitions of educational establishments contained in CDPA Section 174.

On reproduction

29. Does your national statute provide targeted limitations and exceptions allowing reproduction for educational purposes?

- Yes
 No

If yes, please describe: **Please see CDPA Section 32 – ‘Things done for purposes of instruction or examination’; Section 33 – ‘Anthologies for educational use’; Section 35 – ‘Recording by an educational establishment of broadcasts’; Section 36 – ‘Reprographic copying by educational establishment of passages from published works’.**

30. What kind of reproduction is covered by those limitations and exceptions? (more than one option can be selected)

- Reprography
 Digital copying
 Others. Please describe: **As well as reprography and digital copying the CDPA provides for “manual copying” through Section 32(1).**

31. Do the limitations or exceptions allowing reproduction include the preparation of course packs, compilations or anthologies?

- Yes
 No

If yes, please describe: **Please see CDPA Section 33 – ‘Anthologies for educational use’.**

32. Does your national statute provide remuneration for the exercise of the specific limitations and exceptions allowing reproduction for educational purposes?

- Yes
 No

If yes, please describe: **The copyright exceptions in the CDPA are complimented by commercial licenses that allow reproduction for educational purposes. Please see the Educational Recording Agency Ltd (<http://www.era.org.uk/>) and the Copyright Licensing Agency (<http://www.cla.co.uk/>).**

33. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing reproduction for educational purposes?

- Yes
 No

If yes, please describe: **Please see CDPA Section 36(2) for limits placed on the reprographic copying of works for educational purposes.**

34. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing reproduction for educational purposes? (more than one option can be selected)

Teachers

Students

Educational institutions

Others. Please describe: _____

35. In case educational institutions are eligible to engage in activities covered by the enumerated limitations and exceptions allowing reproduction for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

For-profit

Not-for-profit

Public

Private

Others. Please describe: Please see definitions of educational establishments contained in CDPA Section 174.

36. Does your national statute subject the limitations and exceptions on reproduction for educational purposes to the use of technological measures?

Yes

No

If yes, please describe: **Please see CDPA Section 296ZE – ‘Remedy where effective technological measures prevent permitted acts’.**

On translations

37. Does your national statute provide specific limitations and exceptions allowing translations for educational purposes?

- Yes
- No**

38. Does your national statute provide remuneration against the exercise of specific limitations and exceptions allowing translations for educational purposes?

- Yes
- No

If yes, please describe:

39. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the enumerated limitations and exceptions allowing translations for educational purposes?

- Yes
- No

If yes, please describe: _____

40. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing translations for educational purposes? (more than one option can be selected)

- Teachers
- Students
- Educational institutions
- Others. Please describe: _____

41. In case educational institutions are eligible to engage in activities covered by any of the enumerated limitations and exceptions allowing translations for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
- Not-for-profit
- Public
- Private
- Others. Please describe: _____

On making available in digital networks

42. Does your national statute provide specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes
 No

43. Do the specific limitations or exceptions for making available in digital networks include coursepacks, compilations or anthologies?

- Yes
 No

If yes, please describe: _____

44. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes
 No

If yes, please describe: _____

45. Does your national statute include any specific requirement regarding the qualitative or quantitative limits extent and nature of the works or objects of related rights covered by the specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes
 No

If yes, please describe: _____

46. Who is eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes? (more than one option can be selected)

- Teachers
 Students
 Educational institutions
 Others. Please describe: _____

47. In case educational institutions are eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
- Not-for-profit
- Public
- Private
- Others. Please describe: _____

48. Does your national statute subject the limitations and exceptions on making available in digital networks for educational purposes to the use of technological measures?

- Yes
- No

If yes, please describe: _____

49. Does your national statute include any other specific limitations or exceptions related to educational purposes that have not been covered above?

- Yes
- No

50. If not, what other limitations and exceptions for educational purposes would be necessary?

Please describe: **The Section 35 and 36 educational exceptions are currently being examined as part of the Gowers Review of Intellectual Property (<http://www.ipso.gov.uk/pro-types/pro-copy/c-policy/c-policy-copyexceptions.htm>) with a view to expanding them to allow certain classes of works to be communicated over digital networks.**

51. Are there impediments to the use of limitations and exceptions for educational purposes (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes
- No

If yes, please describe:

Part III: Limitations and Exceptions related to Libraries and Archives

52. If your national statute is included in the analysis of specific exceptions contained in the Annex of the WIPO Study on Copyright Limitations and Exceptions for Libraries and Archives (document SCCR/17/2)³, do you consider that the analysis is correct?

- Yes
 No
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

53. Does your national statute contain any limitations or exceptions that permit copying by libraries and/or archives for purposes of preservation or replacement?

- Yes
 No

Please describe: **Please see CDPA Section 42 – ‘Copying by librarians or archivists: replacement copies of works’.** Please note that this exception is currently under review as part of the Gowers Review of Intellectual Property (<http://www.ipo.gov.uk/pro-types/pro-copy/c-policy/c-policy-copyexceptions.htm>).

54. What types of works may be reproduced for these purposes?

Please describe: **Literary, dramatic and musical works.**

55. Does your national statute establish qualitative or quantitative limits for these purposes?

- Yes
 No

Please describe:

56. What other conditions must be met in order for such reproduction to be authorized?

Please describe: **Please see conditions contained in CDPA Section 42. Additional conditions regarding supplying to other libraries and archives are included within The Copyright (Librarians and Archivists) (Copying of Copyright Material) Regulations 1989 No. 1212.**

³ Document SCCR/17/2, page 72. Available at:
http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=109192

57. Does your national statute contain any limitations or exceptions that permit copying by libraries or archives for patron use?

- Yes
 No

Please describe: **Please see CDPA Sections 38 – ‘Copying by librarians: articles and periodicals’; Section 39 – ‘Copying by librarians: parts of published works’, Section 40 – ‘Restriction on production of multiple copies of the same material’ and Section 43- ‘Copying by librarians: certain unpublished works’. Please note that libraries and archives exceptions are currently under review as part of the Gowers Review of Intellectual Property (<http://www.ipo.gov.uk/pro-types/pro-copy/c-policy/c-policy-copyexceptions.htm>).**

58. What types of works may be reproduced for these purposes?

Please describe: **Literary, dramatic and musical works.**

59. Does your national statute include specific provisions regarding orphan works?

- Yes
 No

If yes, please describe: **The UK does not have any legislation specifically described as permitting the use of orphan works, however there are some provisions which allow limited use which are described below:**

- 1. Section 57 of the CDPA provides that copyright in a literary, dramatic, musical or artistic work is not infringed by an act done at a time when, or in pursuance of arrangements made at a time when:**
 - a) it is not possible by reasonable enquiry to ascertain the identity of the author and**
 - b) it is reasonable to assume**
 - (i) the copyright has expired or**
 - (ii) that the author died 70 years or more before the beginning of the year in which the act is done or the arrangements are made.**

There are limitations to this exception in Section 57 of the CDPA.

- 2. There are a number of other exceptions in Chapter III of Part 1 of the CDPA which may allow the use of orphan works, although they are not designed specifically for this purpose. There are similar exceptions for the use of performers’ rights in Schedule 2 to the CDPA.**

- 3. Paragraph 16 of Schedule 1 to the CDPA allows a literary, dramatic or musical work and some artistic works to be reproduced for the purposes of research or private study or with a view to publication if the following conditions are met:**
 - (i) the work was made before 1st August 1989;**

- (ii) more than 50 years have elapsed from the end of the calendar year in which the author died and
- (iii) more than 100 years have elapsed after the making of the work.

4. The Copyright Tribunal has jurisdiction to give consent to an application to make a copy of a recording of a performance if the whereabouts of the person entitled to the reproduction right of the recording cannot be ascertained by reasonable inquiry. If granted, this consent has effect as if given by the person entitled to the reproduction right so that there is no civil or criminal liability for use of the recording within the terms of the consent. The consent can only be granted if certain conditions are satisfied. These can be found in Section 190 of the CDPA.

60. Does your country have plans to include or modify the specific exceptions and limitations related to the activities of libraries and archives?

- Yes
- No

If yes, please describe: **The UK is currently reviewing the Section 42 libraries and archives exception as part of the Gowers Review of Intellectual Property (<http://www.ipo.gov.uk/pro-types/pro-copy/c-policy/c-policy-copyexceptions.htm>). The Gowers Review recommended extending the exception to cover all works, to allow for format shifting, and to allow more than one copy to be made.**

61. If not, what other limitations and exceptions for libraries and archives would be necessary?

Please describe:

62. Are there impediments to the use of limitations and exceptions related to the activities of libraries and archives (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes
- No

If yes, please describe: _____

63. Does your national statute establish qualitative or quantitative limits for these purposes?

- Yes
 No

Please describe: **The provisions relating to libraries alone (published works) and to libraries and archives (unpublished works) differ as to how much may be copied. Under CDPA Section 38 a library may copy only a single article or part of a copyright work within a published edition under CDPA Section 39, without any detail as to what constitutes an article or how big a part may be. However, under CDPA Section 43 a library or archive may copy an entire unpublished work. There are no qualitative limits.**

64. What other conditions must be met in order for such reproduction to be authorized?

Please describe: _____

65. Does your national statute contain any limitations or exceptions that permit libraries to reproduce and/or distribute works (either reprographic and/or digital) for the purposes of interlibrary lending?

- Yes
 No

Please describe: **Please see CDPA Section 41 – ‘Copying by librarians: supply of copies to other libraries’.**

66. Does your national statute contain any limitations or exceptions that permit any other organizations (such as museums or educational institutions) to reproduce or distribute works for archival, preservation, or replacement purposes?

- Yes
 No

Please describe: **Please see CDPA Section 75 – ‘Recording for archival purposes’. Please note that a broadcast may be recorded but only for the purposes of being placed in an archive maintained by a designated body.**

Part IV: Limitations and Exceptions for Persons with Disabilities

67. If your national statute is included in the analysis of specific exceptions contained in Annexes 2 and 3 of the Study on Limitations and Exceptions for the Visually Impaired (document SCCR/15/7)⁴, do you consider that the analysis is correct?

- Yes
 No
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

68. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with print disabilities⁵ or visually impaired persons, including the reading impaired?

- Yes
 No

Please describe: **Please refer to CDPA Sections 31A-31F. Section 31F(9) states that a "Visually impaired person" means a person -**

(a) who is blind;

(b) who has an impairment of visual function which cannot be improved, by the use of corrective lenses, to a level that would normally be acceptable for reading without a special level or kind of light; who is unable, through physical disability, to hold or manipulate a book; or

(c) who is unable, through physical disability, to focus or move his eyes to the extent that would normally be acceptable for reading."

69. Does your national statute specify the formats (for instance, Braille or large print) that fall under this exception?

- Yes
 No

Please describe: _____

70. What other conditions must be met in order for such uses to be authorized?

Please describe: **Please see conditions in CDPA Section 31A-31F.**

⁴ Document SCCR/15/7, page 138. Available at:
http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=75696

⁵ A person with print disability is a person who cannot effectively read print because of a visual, physical, perceptual, developmental, cognitive, or learning disability.

71. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with print disabilities or visually impaired persons, including the reading impaired?

- Yes
 No

Please describe:

72. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for deaf persons?

- Yes
 No

Please describe: **Please see CDPA Section 74 – ‘Provision of subtitled copies of broadcast’.**

73. Does your national statute specify the formats that fall under this exception?

- Yes
 No

Please describe: **CDPA Section 74 restricts the format to a “broadcast” which is in itself defined within CDPA Section 6.**

74. What other conditions must be met in order for such uses to be authorized?

Please describe: **Please see CDPA Section 74.**

75. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to the deaf persons?

- Yes
 No

Please describe: _____

76. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with any other disabilities?

- Yes
 No

Please describe: **Please see CDPA Section 74 – ‘Provision of sub-titled copies of broadcast’.**

77. Does your national statute specify the formats that fall under this exception?

- Yes
 No

Please describe **CDPA Section 74 restricts the format to a “broadcast” which is in itself defined within CDPA Section 6.**

78. What other conditions must be met in order for such uses to be authorized?

Please describe: **Please see CDPA Section 74.**

79. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with any other disabilities?

- Yes
 No

Please describe: _____

80. Does your country have plans to include or modify the specific exceptions related to persons with print disabilities, visually impaired persons or other persons with disabilities?

- Yes
 No

If yes, please describe: _____

81. If not, what other the limitations and exceptions for persons with disabilities would be required?

Please describe: _____

82. Are there impediments to the use of the limitations and exceptions for persons with disabilities (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

Yes

No

Please describe: _____

Part V: Religious, social and cultural exceptions

83. Does your national statute provide limitations and exceptions for religious, social and cultural purposes?

- Yes
- No

84. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

- Religious activities
- Cultural Activities
- Social Activities

85. Does your national statute subject the exercise of limitations and exceptions for religious purposes to the condition of the nature of the religious activities?

- Yes
- No

If yes, please describe: _____

86. Does your national statute provide remuneration for the exercise of limitations and exceptions for religious purposes?

- Yes
- No

87. Does your national statute subject the exercise of limitations and exceptions for religious purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

- Yes
- No

If yes, please describe: _____

88. Does your national statute subject the exercise of limitations and exceptions for cultural purposes to the condition of the nature of the cultural activities?

- Yes
 No

If yes, please describe: _____

89. Does your national statute provide remuneration for the exercise of limitations and exceptions for cultural purposes?

- Yes
 No

90. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the limitations and exceptions for cultural purposes?

- Yes
 No

If yes, please describe: _____

91. Does your national statute subject the exercise of limitations and exceptions for social purposes to the condition of the nature of social activities?

- Yes
 No

If yes, please describe: _____

92. Does your national statute provide remuneration for the exercise of limitations and exceptions for social purposes?

- Yes
 No

93. Does your national statute subject the exercise of limitations and exceptions for social purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

- Yes
 No

If yes, please describe: _____

Part VI: Other questions on digital technology

94. Does your national statute provide any limitations or exceptions for reverse engineering?

- Yes
 No

If yes, please describe: **Please see CDPA Section 50B – ‘Decompilation’.**

95. Does your national statute impose any kind of liability (direct, indirect, or secondary) according to which a party can be held liable for the copyright infringement of third parties under certain circumstances (such as when that party has the ability to control an infringer’s actions or contributes to a third party’s infringing actions)?

- Yes
 No

If yes, please describe: **Section 16(2) of the CDPA states that it is a primary infringement to authorise someone else to infringe. As a result, staff in a public service institution need to be careful, when telling users that the institution has no objection to use, not to appear to give a copyright licence for the use of works in third party copyright. Please also see secondary infringement aspects of Section 25 – ‘Secondary infringement: permitting use of premises for infringing performance’ and Section 26 – ‘Secondary infringement: provision of apparatus for infringing performance’.**

96. With respect to liability that arises from the infringing activities of third parties, does your national statute, for purposes such as to encourage online service providers to cooperate with rightsholders in deterring infringement, provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers in any way?

- Yes
 No

If yes, please describe: **Provisions in the Digital Economy Act 2010 require ISPs to send notification letters to those of their subscribers whose accounts are identified by copyright owners in connection with instances of alleged online copyright infringement. The Act does not make ISPs liable for the actions of their customers, nor does it affect the safe harbour provisions as outlined in the E-Commerce Regulations.**

97. With respect to liability that arises from the infringing activity of a third party, for which of the following activities, if any, does your national statute provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers?

- Acting as a conduit for infringing material (e.g., transmitting, routing, or supplying connections for material)**
 Caching infringing material
 Storing infringing material at the direction of a user

- Providing access by means of information search tools such as indices, references, hyperlinks and directories to infringing materials that users post
- Others. Please specify: _____

98. What conditions, if any, must be met in order for an online service provider to qualify for the limitation of liability, exception to liability, or statutory safe harbor?

Please specify: **The conditions vary depending on the activity (please see Regulations 17, 18 and 19 of the Electronic Commerce (EC Directive) Regulations 2002 Statutory Instrument 2002 No. 2013 (<http://www.opsi.gov.uk/si/si2002/20022013.htm>)).**

Part VII: General questions to cover areas left out in Part I to VI

99. Are the following limitations or exceptions included in your national statute? (more than one option can be selected)

- right of quotation**
- news reporting**
- ephemeral copies
- incidental uses**
- government uses**
- non-voluntary license for broadcasting**
- non-voluntary license for mechanical reproduction of musical works

Please describe: **Please see CDPA Section 29 – ‘Research and private study’, Section 30 – ‘Criticism, review and news reporting’, Section 31 – ‘Incidental inclusion of copyright material’, Public administration provisions in Sections 45-50, Section 59 – ‘Public reading or recitation’ and Section 73 ‘Reception and re-transmission of wireless broadcast by cable’.**

100. Does your national statute include limitations and exceptions for any other activities that are not covered in the questionnaire so far?

- Yes**
- No

If yes, please describe: **Please see CDPA Section 54 - Use of typeface in ordinary course of printing; Section 56 - Transfers of copies of works in electronic form; Section 60 - Abstracts of scientific or technical articles; Section 62 Representation of certain artistic works on public display; Section 63 - Advertisement of sale of artistic work.**

101. Has your country signed, or is in the process of negotiating, a Free Trade Agreement (FTA) containing clauses on copyright and related rights exceptions and limitations?

- Yes
- No

Please describe: **We negotiate as a Member State of the EU. To that end please contact the Commission for a consolidated response to this question.**

102. If so, with which country or group of countries?

Please describe: **The UK, as a Member State of the EU, is negotiating bilateral trade agreements with Singapore, Canada, India, Ukraine, Mercosur and China among others. Negotiations with South Korea, Peru and Colombia, and Central America have also concluded.**

103. Please add any further comments and information you deem interesting for this questionnaire.

[End of questionnaire]