



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I **U.K.**

#### COPYRIGHT

### CHAPTER III **U.K.**

#### ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

##### *Education*

#### **[<sup>F1</sup>36 Copying and use of extracts of works by educational establishments **U.K.****

- (1) The copying of extracts of a relevant work by or on behalf of an educational establishment does not infringe copyright in the work, provided that—
  - (a) the copy is made for the purposes of instruction for a non-commercial purpose, and
  - (b) the copy is accompanied by a sufficient acknowledgement (unless this would be impossible for reasons of practicality or otherwise).
- (2) Copyright is not infringed where a copy of an extract made under subsection (1) is communicated by or on behalf of the educational establishment to its pupils or staff for the purposes of instruction for a non-commercial purpose.
- (3) Subsection (2) only applies to a communication received outside the premises of the establishment if that communication is made by means of a secure electronic network accessible only by the establishment's pupils and staff.
- (4) In this section “relevant work” means a copyright work other than—
  - (a) a broadcast, or
  - (b) an artistic work which is not incorporated into another work.

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*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 36. (See end of Document for details)*

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- (5) Not more than 5% of a work may be copied under this section by or on behalf of an educational establishment in any period of 12 months, and for these purposes a work which incorporates another work is to be treated as a single work.
- (6) Acts which would otherwise be permitted by this section are not permitted if, or to the extent that, licences are available authorising the acts in question and the educational establishment responsible for those acts knew or ought to have been aware of that fact.
- (7) The terms of a licence granted to an educational establishment authorising acts permitted by this section are of no effect so far as they purport to restrict the proportion of a work which may be copied (whether on payment or free of charge) to less than that which would be permitted by this section.
- (8) If a copy made under this section is subsequently dealt with—
  - (a) it is to be treated as an infringing copy for the purposes of that dealing, and
  - (b) if that dealing infringes copyright, it is to be treated as an infringing copy for all subsequent purposes.
- (9) In this section “dealt with” means—
  - (a) sold or let for hire,
  - (b) offered or exposed for sale or hire, or
  - (c) communicated otherwise than as permitted by subsection (2).]

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#### **Textual Amendments**

- F1** S. 36 substituted (1.6.2014) by [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\)](#), regs. 1, **4(3)**

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 36.